

Friday  
September 10, 1982

# Registered Federal Trademark

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## Selected Subjects

### **Administrative Practice and Procedure**

Patent and Trademark Office

### **Air Pollution Control**

Environmental Protection Agency

### **Animal Drugs**

Food and Drug Administration

### **Child Welfare**

Indian Affairs Bureau

### **Coal Mining**

Surface Mining Reclamation and Enforcement Office

### **Customs Duties and Inspection**

Customs Service

### **Electric Utilities**

Federal Energy Regulatory Commission

### **Endangered and Threatened Wildlife**

Fish and Wildlife Service

### **Food Stamps**

Food and Nutrition Service

### **Government Property Management**

Energy Department

### **Grazing Lands**

Indian Affairs Bureau

### **Holding Companies**

Federal Home Loan Bank Board

### **Marketing Agreements**

Agricultural Marketing Service

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Questions and requests for specific information may be directed to the telephone numbers listed under **INFORMATION AND ASSISTANCE** in the **READER AIDS** section of this issue.

## Selected Subjects

### **Medical Devices**

Food and Drug Administration

### **Natural Gas**

Federal Energy Regulatory Commission

### **Reporting and Recordkeeping Requirements**

Securities and Exchange Commission

### **Savings and Loan Associations**

Federal Home Loan Bank Board

### **Securities**

Securities and Exchange Commission

### **Water Resources**

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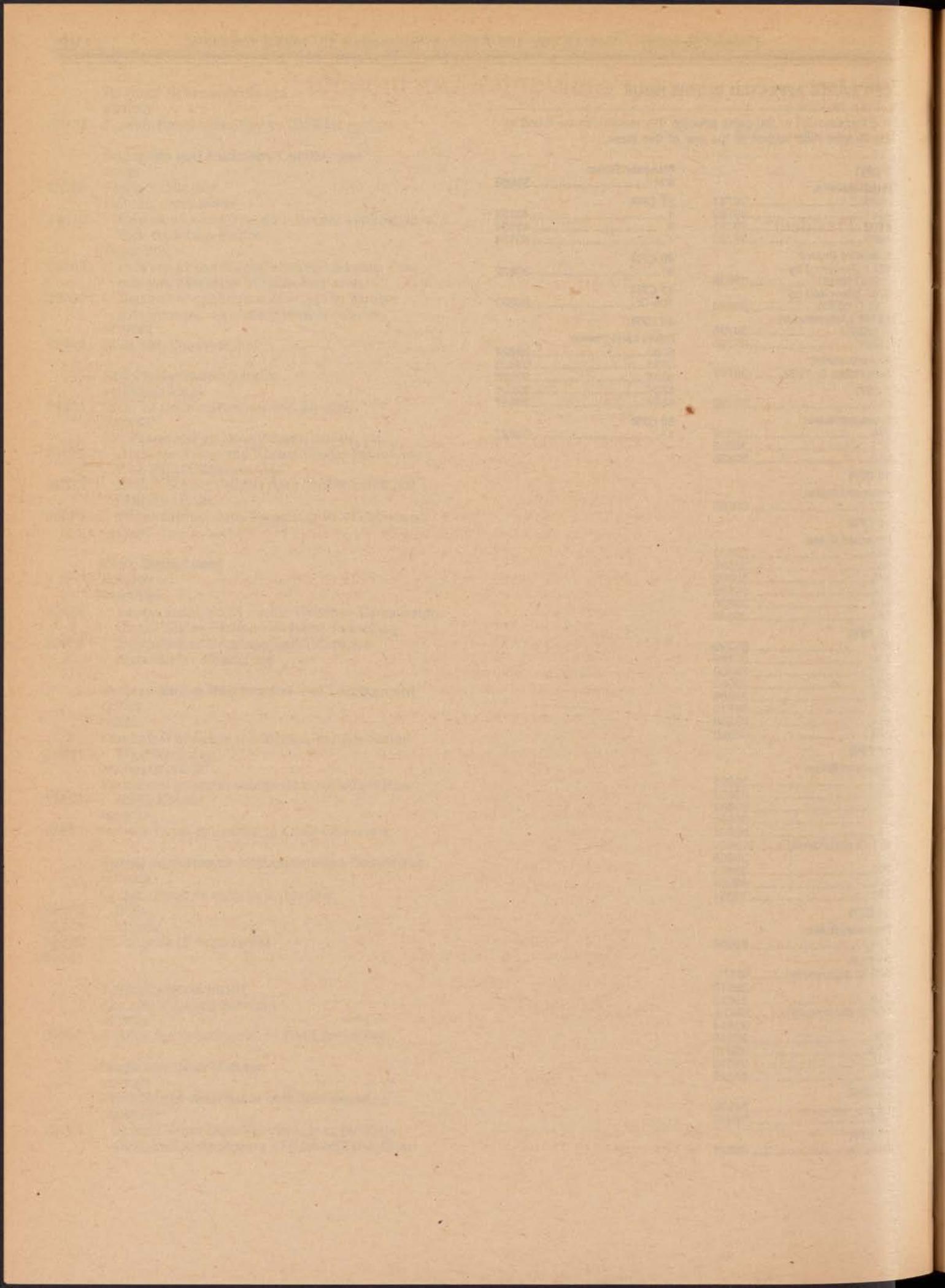
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# Presidential Documents

Title 3—

Proclamation 4960 of September 8, 1982

The President

Fire Prevention Week, 1982

By the President of the United States of America

## A Proclamation

Last year seventy-five hundred Americans lost their lives in fires in homes, hotels, and other structures. In addition, the combined annual cost of property destruction and fire protection amounted to twenty-one billion dollars. This tragic loss of life and property which our Nation experiences each year due to the ravages of fire diminishes our precious resources and must be minimized.

Each year since 1920, we have observed Fire Prevention Week. My proclamation of last year stressed the value of smoke detectors and home escape plans. While smoke detector usage has increased substantially over last year, thirty-seven percent of the homes in the United States still do not have this life-saving protection. Studies demonstrate, that, tragically, homes without smoke detectors suffer a disproportionate number of reported fires and deaths. Moreover, many smoke detectors are not properly maintained.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do designate the week of October 3 through October 9, 1982, as Fire Prevention Week.

I urge citizens, industry, and State and local government to continue their successful efforts to safeguard lives and property from the dangers of fire by installing and maintaining smoke detectors along with proper and adequate escape plans.

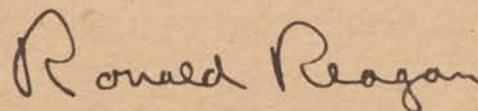
I urge citizens, industry, and State and local government to take advantage of fast-response sprinklers to save lives and property in residences, hotels, motels, and nursing homes. The cost is small when compared with the human suffering and loss of property which can be prevented.

I urge State and local governments to conduct anti-arson campaigns directed at reducing our Nation's fastest growing crime.

I urge citizens to support and to practice fire safety at all times.

I commend individual fire chiefs and firefighters as well as the following organizations for their work to reduce fire losses; the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, the National Fire Protection Association, the Fire Marshals Association of North America, the Joint Council of Fire Service Organizations, the National Safety Council, and others.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th. day of Sept., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.



President's Report

Presented to the Board of Directors

for the year ending 1900

Statement of the Affairs of the Company

1900

The year ending 1900 has been a year of unusual activity for the Company. The Board of Directors has been pleased to see the progress made in the various departments of the business. The financial statement shows a net profit of \$100,000, which is a record for the Company. This is due to the increased sales and the efficient management of the business. The Board of Directors has also been pleased to see the growth of the Company in the various branches of the business. The Company has opened new branches in several cities, and the business has increased in all of them. The Board of Directors has also been pleased to see the progress made in the various departments of the business. The financial statement shows a net profit of \$100,000, which is a record for the Company. This is due to the increased sales and the efficient management of the business.

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Respectfully,  
J. B. [Name]

## Presidential Documents

Proclamation 4961 of September 8, 1982

### Leif Erikson Day, 1982

By the President of the United States of America

#### A Proclamation

Leif Erikson was the son of Greenland's first colonizer, and he continued the tradition of the Nordic seafarers. Charged by King Olaf I to spread religion among the Greenland settlers, he helped expand mankind's knowledge of previously uncharted territory. In carrying European culture to the new world, he enhanced that culture when his adventures gave rise to the great medieval sagas, some of the finest literature of their period.

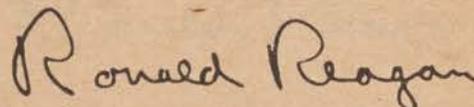
Americans will have the rare privilege of seeing the original saga manuscripts this year as part of an extraordinary program of Nordic culture. With the opening of *Scandinavia Today* on September 8, our country will pay special tribute to the people and accomplishments of the Nordic countries, and the legacy of Leif Erikson will be shared by our countrymen in exhibits and programs throughout the United States.

As a mark of respect to the courage of Leif Erikson and his Norse followers, the Congress of the United States, by joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), authorized the President to proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Saturday, October 9, 1982, as Leif Erikson Day and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th. day of Sept. in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.



[FR Doc. 82-25111

Filed 9-9-82; 10:53 am]

Billing code 3195-01-M

Memorandum for the President

Reference is made to the report of the

Joint Committee on the

Organization of the Executive Branch

dated

The report of the Joint Committee on the Organization of the Executive Branch, dated July 1, 1947, contains a number of recommendations which are being considered by the President. It is suggested that the following recommendations be adopted:

1. The Department of the Interior should be reorganized to include the Bureau of Reclamation and the Bureau of Land Management.

2. The Department of the Interior should be reorganized to include the Bureau of Reclamation and the Bureau of Land Management.

3. The Department of the Interior should be reorganized to include the Bureau of Reclamation and the Bureau of Land Management.

4. The Department of the Interior should be reorganized to include the Bureau of Reclamation and the Bureau of Land Management.

Very truly yours,  
Franklin D. Roosevelt

## Presidential Documents

Proclamation 4962 of September 8, 1982

### Columbus Day, 1982

By the President of the United States of America

#### A Proclamation

Nearly five centuries ago, an Italian navigator in the service of Spain opened the way to the founding of these United States. In this historic feat, Christopher Columbus embodied for us the qualities which we Americans hold dear and which are representative of us as a people: daring, determination, vision, and the courage to pursue a dream.

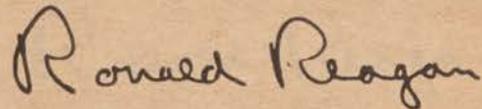
Although Columbus undertook his epic voyage long ago, his adventurous spirit continues to inspire us. As we reflect on the elements which made this journey one of the finest moments in history, it is fitting that we rededicate ourselves to our search for new horizons, ever mindful of Christopher Columbus and those brave seafarers on the Nina, the Pinta, and the Santa Maria.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), asked the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Monday, October 11, 1982, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of Sept. in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.



[FR Doc. 82-25112

Filed 9-9-82; 11:02 am]

Billing code 3195-01-M

Washington, D.C. 20540

October 17, 1961

The President of the United States of America

Washington

Dear Mr. President: I have the honor to acknowledge the receipt of your letter of October 10, 1961, regarding the proposed amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act.

I have also the honor to acknowledge the receipt of your letter of October 10, 1961, regarding the proposed amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act.

I have also the honor to acknowledge the receipt of your letter of October 10, 1961, regarding the proposed amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act.

I have also the honor to acknowledge the receipt of your letter of October 10, 1961, regarding the proposed amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act.

I have also the honor to acknowledge the receipt of your letter of October 10, 1961, regarding the proposed amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act, and the amendments to the Federal Food, Drug, and Cosmetic Act.

Respectfully,  
Dwight D. Eisenhower

## Presidential Documents

Proclamation 4963 of September 8, 1982

### White Cane Safety Day, 1982

By the President of the United States of America

#### A Proclamation

The white cane symbolizes safety and independence to many thousands of blind and other severely visually handicapped individuals.

It enables them to engage in normal activities of daily living as well as to manage businesses or perform tasks involved in employment with confidence and efficiency.

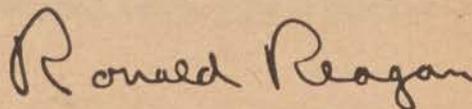
The white cane serves notice to the nation's drivers to be cautious and to the pedestrians to be courteous and considerate of the special needs of the severely visually handicapped. It may also in a special way be considered an extension of their bodily functions, providing courage, strength, confidence, hope and independence as well as mobility.

To make all Americans more fully aware of the special significance of the white cane and the need for extra care and courtesy when approaching its user, the Congress, by a joint resolution approved October 6, 1964, has authorized the President to proclaim October 15 each year as White Cane Safety Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 15, 1982, as White Cane Safety Day.

I ask all Americans to mark this day with concern and respect for the special needs of the severely visually handicapped and, especially, to note the white cane, in order that our busy streets will be safer for all.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of Sept. in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.



[FR Doc. 82-25113

Filed 9-9-82; 11:03 am]

Billing code 3195-01-M



## Presidential Documents

Executive Order 12381 of September 8, 1982

### Delegation of Emergency Management Functions

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 *et seq.*), and the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*), and in order to conform delegations of authority to recent legislative changes, it is hereby ordered as follows:

**Section 1.** Section 4-203 of Executive Order No. 12148 is amended to read as follows:

"The functions vested in the President by the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*), except those functions vested in the President by Sections 301 (relating to the declaration of emergencies and major disasters), 401 (relating to the repair, reconstruction, restoration, or replacement of Federal facilities), and 409 (relating to food coupons and surplus commodities), are delegated to the Director of the Federal Emergency Management Agency."

**Sec. 2.** Section 4-204 of Executive Order No. 12148 is amended to read as follows:

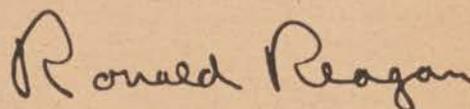
"The functions vested in the President by the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 *et seq.*), are delegated to the Director of the Federal Emergency Management Agency."

**Sec. 3.** A new Section 4-207 is added to Executive Order No. 12148 as follows:

"Sec. 4-207. The functions vested in the President by Section 502 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2302), are delegated to the Director of the Federal Emergency Management Agency."

**Sec. 4.** Section 5-202(b) of Executive Order No. 12148 is amended by deleting "Section 610" and substituting therefor "Sections 305, 501, and 610".

**Sec. 5.** In accord with the termination of certain river basin commissions by Section 5 of Executive Order No. 12319, Section 5-213 of Executive Order No. 12148 is revoked.



THE WHITE HOUSE,  
September 8, 1982.

THE UNIVERSITY OF CHICAGO

Library of The University of Chicago

Department of Chemistry

The following is a list of the books in the library of the Department of Chemistry, University of Chicago, which are available for the use of the students and faculty.

The books are arranged in alphabetical order of the author's name, and are listed in the following order: General Chemistry, Organic Chemistry, Inorganic Chemistry, Physical Chemistry, and Analytical Chemistry.

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Robert Rabin

THE UNIVERSITY OF CHICAGO  
Department of Chemistry

## Presidential Documents

Memorandum of September 8, 1982

### Extension of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State, the Secretary of the Treasury

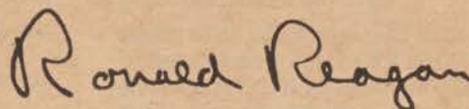
Under section 101(b) of Public Law 95-223 (91 Stat. 1625; 50 U.S.C. App. 5 note), and a previous determination made by the President on September 10, 1981 (46 *Fed. Reg.* 45321 (1981)), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 1982.

I hereby determine that the extension for one year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95-223, I extend for one year, until September 14, 1983, the exercise of those authorities with respect to countries affected by:

- (1) the Foreign Assets Control Regulations, 31 CFR Part 500;
- (2) the Transaction Control Regulations, 31 CFR Part 505;
- (3) the Cuban Assets Control Regulations, 31 CFR Part 515; and
- (4) the Foreign Funds Control Regulations, 31 CFR Part 520.

This memorandum shall be published in the **Federal Register**.



THE WHITE HOUSE,  
*Washington, September 8, 1982.*

[FR Doc. 82-25115

Filed 9-9-82; 11:09 am]

Billing code 3195-01-M

PROCEEDINGS OF THE BOARD OF DIRECTORS

Resolved, that the Board of Directors do hereby

authorize the President of the Company to execute and deliver

any and all instruments, contracts, agreements, and documents

which may be necessary or proper in connection with the business

of the Company, and to do all such things as may be required

- (1) to execute and deliver any and all instruments, contracts, agreements, and documents
- (2) to execute and deliver any and all instruments, contracts, agreements, and documents
- (3) to execute and deliver any and all instruments, contracts, agreements, and documents
- (4) to execute and deliver any and all instruments, contracts, agreements, and documents
- (5) to execute and deliver any and all instruments, contracts, agreements, and documents

*W. W. [Signature]*

THE BOARD OF DIRECTORS

Witness my hand and seal this 1st day of [Month] 19[Year]

Attest:

# Rules and Regulations

Federal Register

Vol. 47, No. 176

Friday, September 10, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 910

[Lemon Reg. 376]

#### Lemons Grown in California and Arizona, Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 12-18, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATE:** September 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-

674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on September 7, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is moderate.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

#### List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

Section 910.676 is added as follows:

#### § 910.676 Lemon Regulation 376.

The quantity of lemons grown in California and Arizona which may be handled during the period September 12, 1982, through September 18, 1982, is established at 225,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 9, 1982.

**D. S. Kuryloski,**

*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 82-25118 Filed 9-9-82; 11:48 am]

**BILLING CODE 3410-02-M**

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Parts 229 and 230

[Release Nos. 33-6423; 34-19031; 1C-12626; File No. S7-925]

### Delayed or Continuous Offering and Sale of Securities

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule and extension of temporary rule.

**SUMMARY:** The Commission today announced (1) the extension until December 31, 1983 of the effective period for Rule 415, which relates to the registration of securities to be offered and sold on a delayed or continuous basis in the future, and (2) the removal of undertaking provisions relating to the filing of post-effective amendments to reflect the addition or deletion of a managing underwriter. Following public hearings and comment concerning Rule 415, the Commission has determined that additional experience is necessary before final action on the Rule or related securities registration provisions and practices should be taken.

**DATES:** The amendments to Item 512(a) of Regulation S-K (17 CFR 229.512) and Rule 405 (17 CFR 230.405) are effective September 10, 1982. Rule 415 will be effective until December 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** William L. Larsen (202-272-2589), Office of Disclosure Policy, David B. H. Martin (202-272-2573), Office of Chief Counsel, Division of Corporation Finance, and John B. Manning, Jr. (202-272-2874), Division of Market Regulation (concerning Rule 10b-6, 17 CFR 240.10b-6, and related market matters), Securities and Exchange Commission, 450 5th Street, N.W. Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** The actions announced today by the Commission with respect to Rule 415 (17 CFR 230.415) under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq.), which governs the registration of securities to be offered and sold on a delayed or continuous basis in the future ("shelf registration"), are part of the ongoing rulemaking proceeding

announced in Release No. 33-6383<sup>1</sup> when the Commission adopted the integrated disclosure system. At that time, the Commission announced that it would take a series of procedural steps to afford the opportunity for continued consideration of shelf registration and Rule 415. Having concluded the public hearings and comment process,<sup>2</sup> which constituted two of the announced procedural steps, the Commission has determined that additional experience beyond December 10, 1982 is necessary in order to assess fully the issues raised by the registration of securities for delayed or continuous offerings. At the same time, the Commission has deleted provisions in Item 512(a) of Regulation S-K (17 CFR 229.512) and Rule 405 of Regulation C (17 CFR 230.405) relating to the requirement to file posteffective amendments to the registration statement to reflect the addition or deletion of a managing underwriter. The managing underwriter posteffective amendment provisions have been deleted in order to provide greater certainty and to avoid problems in the operation of Rule 415 during the course of the additional experimental period.

## I. Background

In connection with the development of the integrated disclosure system, the Commission undertook a comprehensive review of the Guides for the Preparation and Filing of Registration Statements and Reports (the "Guides"). After its reevaluation, the Commission proposed rescinding the Guides, with the exception of the Guides for disclosure by issuers in a particular industry ("Industry Guides"), and moving the retained substantive disclosure provisions to Regulation S-K (17 CFR Part 229) and the retained procedural provisions to Regulation C (17 CFR 230.400 through 230.494) and Regulation 12B (17 CFR 240.12b-1 and 240.12b-36).<sup>3</sup>

<sup>1</sup> March 3, 1982 [47 FR 11380] (the "Integration Release").

<sup>2</sup> The public hearings were announced in Release No. 33-6391 (March 12, 1982) [47 FR 11701] (the "Hearings Release"), which published the order of hearing and the issues to be considered at the hearings. Since announcing the hearings and requesting public comment on Rule 415, the Commission has received written submissions from over 120 commentators, forty of whom were witnesses who testified at the public hearings. Written submissions and the transcript of the public hearings are available for inspection and copying at the Commission's Public Reference Room (See File No. S7-925). The Commission has placed in the file a copy of highlights of written submissions and testimony prepared by the Division of Corporation Finance.

<sup>3</sup> Release No. 33-6276 (December 23, 1980) [46 FR 78].

Among the Guides proposed for rescission was Guide 4, which set forth the instances in which shelf registration was contemplated, such as where the issuer proposed to engage in a continuing acquisition program or in the case of securities underlying exercisable options, warrants or rights.

Since the promulgation of Guide 4 in 1968,<sup>4</sup> administrative practice had accommodated shelf offerings beyond those specifically described in the Guide. Thus, the procedural rule which resulted from the reevaluation of Guide 4 reflected administrative practice in addition to including the provisions of Guide 4. The resulting proposal was published for comment (as proposed Rule 462A), in December 1980<sup>5</sup> and again in August 1981<sup>6</sup> before being adopted on a temporary basis.

The adoption of Rule 415 on a temporary basis reflected the Commission's recognition of the importance of the views and concerns expressed by the many commentators on the shelf rule proposal.<sup>7</sup> The views ranged from support for the rule, as proposed or with modifications, to concern that the proposal would have various potential impacts upon the capital raising process and the securities trading markets. In addition to adopting Rule 415 on a temporary basis and monitoring the operation and impact of the Rule, the Commission afforded the opportunity for continued consideration of the Rule through the solicitation of further written comment and oral testimony at the public hearings.<sup>8</sup>

## II. Experience Under Rule 415

Rule 415 governs the registration under the Securities Act of any securities which are to be offered on a delayed or continuous basis in the future. The offerings to which the Rule is applicable include:

(a) Securities which are to be offered and sold solely in secondary offerings (Rule 415(a)(1)(ii));

(b) Securities which are to be offered and sold pursuant to a dividend or interest reinvestment plan or an employee benefit plan (Rule 415(a)(1)(iii));

(c) Securities which are to be issued upon the exercise of outstanding options, warrants or rights (Rule 415(a)(1)(iv));

<sup>4</sup> Release No. 33-4936 (December 9, 1968) [33 FR 18617].

<sup>5</sup> Release No. 33-6276.

<sup>6</sup> Release No. 33-6334 (August 6, 1981) [46 FR 42001].

<sup>7</sup> Comments on proposed Rule 462A are contained in File Nos. S7-869 and S7-896 and are available for public inspection and copying in the Commission's Public Reference Room.

(d) Securities which are to be issued upon conversion of other outstanding securities (Rule 415(a)(1)(v));

(e) Securities which are pledged as collateral (Rule 415(a)(1)(vi));

(f) Securities which are registered on Form S-12 (17 CFR 239.19) or Form C-3 (17 CFR 239.5) (Rule 415(a)(1)(vii)); and

(g) Securities not falling within one of the above categories which may be registered in an amount which, at the time the registration statement becomes effective, is reasonably expected to be offered and sold within two years from the initial effective date of the registration statement, by or on behalf of the registrant (Rule 415(a)(1)(i)).

The Commission staff has monitored the operation of Rule 415 since its effectiveness in March 1982.<sup>9</sup> As of August 25, 1982, 1,150 registration statements subject to Rule 415 have been filed.<sup>9</sup> The 1,150 filings have fallen into all categories of offerings subject to the Rule, with the exception of those for securities pledged as collateral or registered on Form S-12 or C-3.

As the table below demonstrates, 73% of the Rule 415 filings have been for offerings falling within paragraphs (a)(1)(ii) through (a)(1)(vii) of the Rule. Registration statements relating to employee benefit plans and dividend reinvestment plans alone account for 61% of the Rule 415 filings. Of the remaining filings, those under paragraph (a)(1)(i), 162 filings, or 14% of the Rule 415 filings, related to commodity funds, mortgage participations or pass-throughs, tax shelters (e.g., real estate, oil and gas, leasing and cattle feeding programs) and acquisitions. Only 145, or 13% of the Rule 415 filings, have been for other continuous or delayed offerings. Of these, many have related to traditional continuous offerings of equity securities underwritten on a best efforts basis over such an extended period of time that Rule 415 was deemed applicable. There have been only 105 registration statements relating to continuous or delayed offerings of the type to which the commentators directed their attention and these have been primarily for offerings of debt securities.

The specific breakdown of the 1,150 Rule 415 filings as of August 25, 1982 is as follows:

<sup>8</sup> Rule 415 became effective upon publication in the Federal Register on March 16, 1982. Early compliance was permitted, however, from March 5, 1982, when Release No. 33-6383 was made publicly available.

<sup>9</sup> Statistics relating to Rule 415 filings as of June 16, 1982 were published in the *SEC Digest* on June 25, 1982, for the convenience of those who wished to refer to them in connection with the public hearings.

Type of offering	Number of registration statements	Amount of securities
415(a)(1)(i)—Primary Offerings:		
Commodity Funds.....	8	\$118,130,400
Mortgage Participations or Pass Thru's.....	11	895,000,000
Tax Shelters:		
Real Estate.....	70	2,395,122,385
Oil & Gas.....	53	2,824,851,968
Leasing.....	6	133,000,000
Cattle Feeding.....	3	97,224,500
Other.....	6	108,900,000
Acquisitions.....	5	116,644,170
Continuous:		
Debt.....	30	3,864,985,653
Equity.....	*40	1,083,490,467
Combined-debt & equity.....	2	7,700,000
Delayed:		
Debt.....	63	14,665,920,000
Equity.....	*10	937,393,750
	307	27,248,363,313
415(a)(1)(ii)—Secondary Offerings.....	93	757,442,508
415(a)(1)(iii)—Securities offered pursuant to employee plans, dividend reinvestment plans:		
Employee benefit plans.....	632	15,600,609,028
Dividend reinvestment plans.....	70	1,993,563,493
415(a)(1)(iv)—Securities issuable upon exercise of options, warrants or rights.....	42	440,565,336
415(a)(1)(v)—Securities issuable upon conversions.....	6	193,480,000
415(a)(1)(vi)—Securities pledged as collateral.....		
415(a)(1)(vii)—Securities registered on Forms S-12/C-3.....		
	1,150	46,234,023,678

\* Primarily traditional "best efforts" underwritten offerings.  
 † Three of these registration statements include an "at the market" distribution, as defined in paragraph (a)(3) of Rule 415, as one of the many potential distribution methods described.

### III. Concerns Expressed

Commentators who participated in the current phase of the Rule 415 rulemaking proceeding, both through written submissions and through testimony at the hearings, expressed a wide diversity of views and recommendations. Approximately fifty percent of the commentators, including the issuer commentators and certain members of the securities industry, expressed support for the Rule. The remaining commentators in these proceedings expressed concerns about Rule 415. Many of their concerns, however, did not relate to the Rule, or to major portions thereof, and they varied in their recommendations as to what course of action the Commission should take. In addition, a substantial number of both the commentators supporting the Rule and those concerned about or opposed to the Rule indicated that there has not yet been sufficient experience under Rule 415 upon which to make judgments or assess impact.

The commentators who expressed support for Rule 415 either urged permanent adoption of the Rule or advocated extension of the temporary Rule. A number of these commentators

also suggested changes in the Rule or in related areas. The issues they raised primarily related to: the determination of statutory underwriter status; the use of shelf registration by foreign governmental issuers;<sup>10</sup> and the requirement to file a post-effective amendment to reflect the addition or deletion of a managing underwriter. Of these issues, the requirement in Item 512(a) of Regulation S-K to file a post-effective amendment to reflect the addition or deletion of a managing underwriter generated the most comment. The commentators asserted that the delay caused by the requirement serves no useful purpose and expressed concerns about the possible anticompetitive impact of the requirement. Other commentators urged that, if the Item 512(a) requirement is not eliminated, the Commission should clarify the term "managing underwriter" because it has been the source of significant confusion and uncertainty.

Among the commentators who expressed concerns about shelf registration, opinion was divided. Some commentators either explicitly or implicitly urged rescission of Rule 415. During their testimony at the hearings, however, commentators indicated that they do not object to shelf registration for employee benefit plans, secondary offerings, or any of the other categories of shelf registration governed by paragraphs (a)(1)(ii) through (a)(1)(vii) of Rule 415. Several other commentators called for rescission of only paragraph (a)(1)(i) of the Rule.<sup>11</sup> The testimony of these commentators at the hearings confirmed, however, that they do not object to shelf registration for such purposes as acquisitions, real estate partnerships and other tax shelters, and commodity funds and, thus, that their concerns are not addressed to a majority of the shelf offerings falling within paragraph (a)(1)(i). In addition, a number of commentators stated that they have no concerns with shelf offerings of debt securities pursuant to paragraph (a)(1)(i).

The commentators who expressed concerns about shelf registration, but did not call for rescission of Rule 415, acknowledged that their concerns were not with Rule 415 itself. A few commentators specifically stated that withdrawal of the Rule would not alleviate their concerns. Thus, while

<sup>10</sup> See Release No. 33-6424 (September 2, 1982) publishing a staff interpretation regarding shelf registration procedures applicable to foreign governmental issuers.

<sup>11</sup> This position would allow shelf registration for those primary shelf offerings, such as dividend or interest reinvestment plans, which are specified in paragraphs (iii)-(vii) of the Rule.

Rule 415 was the focal point of the proceeding, commentary addressed issues broader in scope. Commentators questioned such aspects of the Commission's integrated disclosure system as short form registration and incorporation by reference and also noted that the Rule is an extension of a number of developments which have taken place over the past few years and have led to rapid financings. Developments commentators cited apart from the Commission's regulations included the changing economics of the securities business, the impact of interest rate and market volatility, and the internationalization of securities markets.

The areas of concern addressed by commentators included the following: (1) The institutionalization of the securities market; (2) the impact on retail distribution, particularly as it affects regional broker-dealers and individual investors; (3) the impact on capital raising for local, new issuers; (4) the adequacy of the amount, content and timing of disclosure, particularly respecting due diligence; (5) the impact on competition in the securities industry; and (6) the impact on the secondary market.

Just as the concerns these commentators raised in the current rulemaking proceeding were broader than Rule 415, the variety of recommendations made to address those concerns also went beyond the Rule itself. The most frequently suggested proposal was the imposition of some form of "cooling off" period between the announcement and the sale of all registered offerings. Supporters of a cooling off period asserted that it would permit the dissemination of adequate information, the performance of more complete due diligence and the formation of a selling group. In recommending the cooling off period approach, those commentators acknowledged that their concerns were with all rapid financings and agreed that imposing a waiting period would be a change not only for Rule 415 but for the integrated disclosure system recently adopted.<sup>12</sup> The length of the period suggested varied from 48 hours to 15 business days.

Recommendations also related to improving the quality and amount of information regarding issuers that is available to underwriters, retailers and investors. In this regard, several commentators supported the addition of disclosure requirements to Form S-3.

<sup>12</sup> Release No. 33-6383, which became effective May 24, 1982.

Specifically, they suggested that the information called for by Items 301 (Selected Financial Data) and 303 (Management's Discussion and Analysis) of Regulation S-K (17 CFR 229.301 and 229.303) be presented in the prospectus delivered to investors. Other commentators advocated the development of a more meaningful and readable prospectus than that required by Form S-3 and suggested a concise, ten page document.

In addition, several other suggestions were made. First, commentators urged clarification or lessening of underwriter responsibility, particularly with respect to documents incorporated by reference. Second, certain commentators stated that they would support a requirement mandating the offering of securities on a fixed price basis or a syndicated fixed price basis.

Other recommendations for Commission action related to restricting eligibility for use of the Rule. Suggestions as to the specific restriction varied, however. As noted above, certain commentators objected to the use of the Rule for equity securities, but not for debt securities. Others suggested that consideration be given to restricting the type of issuer who could make use of Rule 415(a)(1)(i) to companies who are qualified to use Form S-3 (17 CFR 239.13), to companies who are frequent issuers of securities, or to companies who meet a float test higher than that imposed for Form S-3.<sup>13</sup>

A substantial number of both the commentators who expressed support for the Rule and those who voiced various concerns asserted that the nine month period of effectiveness of Rule 415 is too short. Many believed that the temporary period has been too brief to obtain comprehensive data and experience with respect to the operation and impact of the Rule and specifically urged the Commission to extend Rule 415. The issuers who suggested extending Rule 415 expressed general support for the Rule and its underlying rationale and recommended the extension in order to provide sufficient time to test all aspects of the Rule. Several commentators from the securities industry urged extension of the temporary period in order to allow operation of the Rule 415 experiment during a representative market cycle.

<sup>13</sup> General Instruction I(B)(1) of Form S-3 provides that securities may be registered on that Form if the registrant Requirements are met and the aggregate market value of the voting stock held by non-affiliates of the registrant is \$150 million or more or, alternatively, the aggregate market value of the voting stock of the requirement is \$100 million or more and the registrant has had an annual trading volume of such stock or 3 million shares or more.

These commentators noted the aberrant market conditions which have prevailed since the adoption of the Rule and suggested that, if more experience is gained and the operation of Rule 415 is able to be observed under favorable as well as unfavorable market conditions, there will be a greater commentator consensus as to what changes, if any, are appropriate. Further, they believed that the Commission will be better able to make a final determination as to Rule 415 and to evaluate the need for changes in the regulation of Securities Act registration outside of Rule 415.

#### IV. Discussion of Actions Taken at this Time

In view of the number of commentators who believe that insufficient time has elapsed since the Rule became effective to assess its full impact and in light of the market conditions which have prevailed during this period, the Commission has concluded that it is necessary to extend the period during which Rule 415 is effective to December 31, 1983 in order to obtain sufficient experience upon which to base its final determination on the Rule. The Commission believes that an additional twelve month period is appropriate, because it would provide a greater opportunity to study the operation and impact of Rule 415 through what may be a full financial cycle. Prior to the expiration of the extended period of effectiveness, the Commission anticipates that further rulemaking proceedings will have been concluded and a determination will have been made whether to adopt Rule 415 on a permanent basis, adopt modifications to the Rule or related provisions, or allow the Rule to expire.

With the exception of the managing underwriter deletions discussed below, the Commission has determined not to implement other recommended changes at this time. The Commission recognizes the importance of the concerns expressed by the commentators. While the recommendations made to address these concerns could have merit,<sup>14</sup> the

<sup>14</sup> In this regard, see Release No. 33-6235 (September 2, 1980) (45 FR 63693) proposing Forms A, B and C and seeking comment, *inter alia*, on mandatory summary financial and other company-oriented disclosure in the short form prospectus; on a mandatory prospectus description of subsequent material developments described in reports incorporated by reference; and on a minimum time period before effectiveness of the short form registration statement. Commentator reaction to these provisions at that time was generally unfavorable. Public comments on that proposal are contained in File No. S7-849 and are available for public inspection and copying in the Commission's Public Reference Room.

Commission believes that there has been an insufficient period of experience to evaluate the need for most of the recommended changes. The cooling off period and prospectus augmentation recommendations, in particular, are directed to the integrated disclosure system as a whole, not just to shelf registration under Rule 415. Because the integrated disclosure system adopted in Release No. 33-6383 did not go into effect until May 24, 1982, the Commission has limited experience with the operation of the system upon which to base a judgment with respect to changes in the system.<sup>15</sup>

The Commission also believes that, were it to make some of the significant suggested changes at this time, the value to be gained from the additional period of experimentation under Rule 415 would be greatly diminished because the imposition of such changes during the course of the experiment under Rule 415 would produce inconsistent data. Subsequent evaluation of the experience under the Rule thus would be rendered not only difficult but of questionable value.

Accordingly, the only change being made at this time relates to the deletion of the provisions requiring the filing of a post-effective amendment to the registration statement to reflect the addition or deletion of a managing underwriter. The Commission is making this change because it believes it has had sufficient experience with this requirement, which has been part of Rule 415 since its adoption and as to which comment was specifically requested in the Hearings Release. In addition, the Commission believes this change will benefit experimentation under Rule 415 by eliminating an area of uncertainty which has presented interpretive difficulties for issuers, investment bankers and the Commission staff in the operation of the Rule to date.

Item 512(a) of Regulation S-K, as initially adopted, required Rule 415 offerings to include an undertaking to file a post-effective amendment, during periods in which offers or sales are being made, in three circumstances: to include any prospectus required by Section 10(a)(3) of the Securities Act; to reflect fundamental changes in the information set forth in the registration statement; and to include any material information as to the plan of distribution

<sup>15</sup> A number of recent non-traditional public offerings were brought to the Commission's attention during this proceeding. For 60% of these filings, a period of longer than 7 days elapsed between filing and effectiveness. 80% of these offerings and prospectuses which were at least 10 pages in length.

not previously disclosed or any material change in such information, including (but not limited to) any addition or deletion of a managing underwriter. In order to provide guidance as to when a post-effective amendment would be required for a managing underwriter change, the Commission also included two clarifying instructions to Item 512(a) and adopted a definition of the term "managing underwriter" in Rule 405.<sup>16</sup>

In the course of administering Rule 415, questions have arisen as to whether potential types of distributions may be effectuated by means of a prospectus supplement pursuant to Rule 424 rather than by a post-effective amendment to the registration statement. Such questions, to a great extent, turn on the determination of those circumstances in which a party may be deemed to be a managing underwriter. Experience to date, as well as written and oral commentary on this point, has indicated that (1) determinations of managing underwriter status have presented the principal area of interpretive questions under Rule 415 and (2) the requirement for a post-effective amendment may have adverse consequences. The Commission believes that the lack of clarity in this area and the difficulty of interpretation and operation of the managing underwriter concept make it appropriate to address these matters at this time. Interested persons have had the opportunity to communicate their views to the Commission, by letters,<sup>17</sup> written submissions received in response to Release No. 33-6391,<sup>18</sup> and oral testimony presented at the hearings on the shelf rule which were held the week of June 28, 1982.

Upon consideration of the views received, the Commission has determined to delete the requirement to undertake to file a post-effective amendment to reflect the addition or deletion of a managing underwriter. The Commission also has deleted the Instructions to Item 512(a) and the definition of "managing underwriter" in Rule 405. These provisions were adopted together with the managing underwriter post-effective amendment requirement in an effort to provide guidance as to the operation of that

<sup>16</sup> For a discussion of the Instructions and definition, see Release No. 33-6383, 47 FR at 11396.

<sup>17</sup> See letter to Mr. Jack F. Bennett, Exxon Corporation (May 14, 1982) and letter to Mr. Lee B. Spencer, Jr., Director, Division of Corporation Finance, from Mr. Bennett (May 5, 1982).

<sup>18</sup> Among the issues which the Commission published for consideration in Release No. 33-6391 was the extent to which the conditions and limitations contained in Rule 415, including the requirement to file a post-effective amendment in the circumstances set forth in Item 512(a), are necessary or appropriate.

requirement. In view of the deletion of the express requirement, the Commission believes the instructions and definition are no longer necessary.

#### IV. Statutory Authority and Findings

This rulemaking action is being taken pursuant to Sections 6, 7, 10 and 19(a) of the Securities Act of 1933 (15 U.S.C. 77f, 77g, 77j and 77s(a)).

The Commission for good cause finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)), that the effective date of the amendments to Item 512(a) of Regulation S-K and Rule 405 shall be immediately upon publication in the *Federal Register* in light of the temporary basis upon which Rule 415 has been adopted and the interpretive uncertainty which has arisen concerning the managing underwriter post-effective amendment requirement.

#### List of Subjects in 17 CFR Parts 229 and 230

Reporting requirements, securities.

#### V. Text of Rules

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

#### PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER THE SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S-K

##### § 229.512 [Amended]

1. By removing the words "including (but not limited to) any addition or deletion of a managing underwriter" from Paragraph (a)(1)(iii) and removing Instructions 1 and 2 to Paragraph (a)(1) of § 229.512.

#### PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

##### § 230.405 [Amended]

2. By removing the paragraph defining "Managing underwriter" from § 230.405.

3. By revising paragraph (c) of § 230.415 to read as follows:

##### § 230.415 Delayed or continuous offering and sale of securities.

\* \* \* \* \*

(c) This section shall be effective until December 31, 1983.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; 15 U.S.C. 77f, 77g, 77j, 77s(a))

By the Commission, Commissioner Thomas dissenting.<sup>19</sup>

George A. Fitzsimmons,  
Secretary.

September 2, 1982.

#### Commissioner Thomas, Dissenting

I respectfully dissent from the decision today of the majority of the participating members of the Commission to extend, without substantial change, Rule 415 (the "Rule") [17 CFR 230.415] on a temporary basis. I am convinced that the Rule, in its present form, encourages changes in our capital market system substantially in excess of those necessary to facilitate the financings for which it was fashioned. In so doing the majority risks, for little or no reward, injuring our capital market system, widely regarded as one of the nation's greatest assets. I favor, however, a continuation of the praiseworthy provisions of the Rule that permit major companies rapid access to the market for the sale of their debt securities.<sup>1</sup>

#### Introduction

1. *Weighing Risks Against Benefits.* As discussed more fully below, I share the views of many commentators that the Rule in its present form, particularly when applied to equity offerings: (1) Jeopardizes the liquidity and stability of our primary and secondary securities markets by encouraging greater concentration of underwriters, market-makers, and other financial intermediaries and by discouraging individual investor participation in the capital markets thereby furthering the trend toward institutionalization of securities holders, and (2) reduces the quality and timeliness of disclosure available to investors when making their investment decisions. Incurring these risks is antithetical to the statutory duty of the Commission to protect investors and to maintain the integrity of our capital markets.

Although I do not believe that it is possible at this time to quantify the various elements of these risks, I am convinced that many of them are real. In my judgment, we ought not, therefore, to run the risks which I believe are inherent in a broad application of the Rule, without strong evidence of need—none of which has been forthcoming. Accordingly, I would at this time make certain mid-course modifications in the Rule to target it more

<sup>19</sup> Dissenting Opinion of Commissioner Thomas follows.

<sup>1</sup> For the reasons stated in today's Release, I concur with the Commission's decision to eliminate the requirement in Item 512(a) of Regulation S-K, 17 CFR 229.512(a), to file a post-effective amendment when adding to or deleting from a registration statement a managing underwriter and to eliminate the definition of a managing underwriter in Rule 405 of Regulation C, 17 CFR 230.405. Securities Act Release No. 6423 (September 2, 1982). In addition, I concur with the Commission's decision to permit foreign governments to use shelf registration procedures similar to Rule 415. Securities Act Release No. 6424 (September 2, 1982). I also agree with the Commission's decision today to modify on a temporary basis Rule 50(b) under the Public Utility Holding Company Act of 1935, 17 CFR 250.50. Holding Company Act Release No. 22623 (September 2, 1982).

precisely at the recognized need for speed by major companies in effecting their debt offerings, while minimizing unnecessary risks during the experimental period.

2. *Proposal; Need For Monitoring.* In order to strike an appropriate balance between the perceived needs of issuers and the potential risks to investors and our capital markets, in extending temporary Rule 415 I would make the following modifications:

(1) I would limit its principal application to debt offerings and not permit its general use for primary equity offerings.<sup>2</sup>

(2) I would endorse the Rule as extended today with respect to debt issuances registered pursuant to Form S-3, but I would impose a "notice period" of two business days<sup>3</sup> with respect to debt issuances that are not registered on Form S-3.

In suggesting these modifications to the Rule, I realize that respectable arguments can be made either to modify or rebut my proposal. Indeed, I understand that my proposal will not avoid all of the risks outlined below, and that not all of those risks, or the others described by the commentators, are likely to be substantial or applicable to each element of the Rule in the form extended today. I believe, however, that the mid-course modifications which I am suggesting would run fewer risks than extending the Rule in its present form, while permitting the experiment to continue where necessary and desirable. Prudence dictates that, when tinkering with a system that on the whole has been quite successful, we would be wise to change only what is necessary to correct specific problems. Experiments for the sake of the experimentation are to be avoided.

The extension of the Rule in its present broad form makes it imperative that the Commission and the staff be diligent in the monitoring process during the so-called "experimental" period, so that as problems develop, modifications along the lines

<sup>2</sup> I would, however, permit Rule 415 to be used for the many other primary offerings of equity securities at present included under subsection (a)(1)(i) of the Rule, because these offerings generally were permitted to be registered on the shelf prior to Rule 415 and no significant risks have yet been linked to them. In addition, commentators generally have not expressed concern with these offerings off the shelf. Thus, I would extend Rule 415 on a temporary basis to subsection (a)(1)(i) offerings such as non-convertible preferred stock, commodity funds, mortgage participations, tax shelters, and securities sold pursuant to acquisitions.

In addition, for these same reasons, I would support the continued use of Rule 415 for the other types of equity offerings that the Commission permitted to be registered on the shelf prior to the temporary adoption of Rule 415. Thus, I would extend Rule 415 on a temporary basis to secondary offerings of equity securities (Rule 415(a)(1)(ii)); equity securities offered or sold pursuant to a dividend or interest reinvestment plan or an employee benefit plan (Rule 415(a)(1)(iii)); equity securities to be issued upon the exercise of outstanding options, warrants or rights (Rule 415(a)(1)(iv)); equity securities to be issued upon conversion of outstanding securities (Rule 415(a)(1)(v)); and equity securities pledged as collateral (Rule 415(a)(1)(vi)).

<sup>3</sup> See *infra* note 28 for a fuller discussion of this notice period.

suggested above can be adopted, it is to be hoped, in a timely fashion.<sup>4</sup>

3. *Majority's Rationale.* The participating majority's rationale in deciding not to make further changes to the Rule at this time is somewhat disturbing. They seem to find comfort in the fact that approximately 50% of the commentators—a slim majority at best—stated that the Rule has been working effectively for issuers and has increased the economy, efficiency and flexibility in the capital-raising process. Yet a vast majority of the Rule 415 offerings filed to date could have been made under my proposal. For example 56 out of 70, or 80%, of these filings for offerings on a delayed basis under subsection (a)(1)(i) of the Rule involved S-3 issuers of debt. These offerings could have been made under Rule 415, even with all of my suggested modifications. In addition, the proponents of a general extension of the Rule have cited precious little need for continuation of the broad experiment.

The Release states that, although the concerns expressed by commentators opposed to broad application of the Rule may be important and their recommendations may have some merit, "there has been an insufficient period of experience to evaluate the need for most of the recommended changes." Even if this is correct, it misses the point. After studying the comment letters and attending the Commission's public hearings, I am convinced that the widespread apprehension voiced with respect to the Rule's potential adverse impact on investor protection and the structure of the securities industry and the capital markets has raised serious questions that the Commission should address *before* the temporary Rule is extended without modification. We should not wait for the actual casualties to mount before recognizing and retreating from danger.

The Release also states "were [the Commission] to make some of the [commentator's] significant suggested changes at this time, the value to be gained from the additional period of experimentation under Rule 415 would be greatly diminished because the imposition of such changes during the course of the experiment would produce inconsistent data." According to the Release, "subsequent evaluation of the experiment under the Rule thus would be rendered not only difficult but of questionable value."

In response to this argument, three points come easily to mind: First, to run even insubstantial risks, let alone substantial ones, for the mere consistency or purity of data seems bad public policy. Second, the extension period adopted today gives adequate time to gather data, more than half again as long as the original experimental period. Third, my proposed modifications would not affect at all data with respect to S-3 debt offerings which account for the preponderance of the data received to date

<sup>4</sup> The Commission's role as a quasi-legislative body and its authority to set standards in an industry without Congressional approval underscores the importance of seriously evaluating any potential repercussions of proposed regulatory or deregulatory initiatives whenever such problems might be brought to the fore.

and which is the principal purpose of the experiment.

Finally, I believe that the "trial period" endorsed today is a misnomer. It is our usual experience that temporary or proposed rules that have been in place over a period of time develop a life of their own. If the Commission does not act now to make the modifications that have been suggested, it will become progressively more difficult to do so in a timely fashion if and when adverse changes in the selling and investment patterns in the securities markets develop. Therefore, I suggest we err on the side of caution when dealing with the sensitive mechanism of the market system and make changes step by step rather than attempting later to backtrack when actual injuries to the market become apparent.

4. *Developments Prior to Rule 415.* It is important to emphasize at the outset that, although I have grave reservations about Rule 415 in the form extended today, I recognize that the Rule merely intensifies problems that began with developments initiated over the past few years. Perhaps of greatest significance in this regard was the extension to primary offerings by the Commission in 1978, under the Securities Act of 1933 ("the Act") (15 U.S.C. 77a et seq.), of the S-16 short form registration statement, and more recently the adoption of its successor, the Form S-3. These forms streamlined the registration process and provided issuers with more rapid access to the increasingly volatile capital markets by permitting certain issuers to incorporate by reference into an abbreviated prospectus information contained in periodic reports already filed with the Commission pursuant to the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq.). In addition, the Commission's selective review process, whereby certain registration statements are not reviewed at all, has reduced the time between filing a short form registration statement and its effective date to as little as 48 hours, further expediting the registration and offering process for issuers. The implications of those changes and their effect on America's capital markets is not, however, the question before us today.<sup>5</sup> The only issue before us is Rule 415 and the avoidance of any increased risk to the capital markets and to investors.

#### Risks to the Capital Markets

1. *General.* I share the judgment expressed by many commentators that the most serious risk posed by Rule 415 is its tendency to jeopardize the liquidity and stability of our primary and secondary securities markets by encouraging greater concentration of

<sup>5</sup> As today's Release points out, many commentators have expressed the view that rescission of Rule 415 would not alleviate their concerns, which encompass the Commission's integrated disclosure system and its short form registration statement and incorporation by reference technique. Some commentators also have asserted that Rule 415 is a mere extension of other developments over the past few years that have led to rapid financings, such as the changing economics of the securities industry and the impact of interest rate and market volatility. Securities Act Release No. 6423 (September 2, 1982).

financial intermediaries, and by discouraging individual investor participation in the capital markets thereby furthering the institutionalization of securities holders. The resulting acceleration of changes already underway in the securities industry would be inimical to the interests of investors and the vitality of our capital markets.

I am most apprehensive that, as a result of an issuer's ability under the Rule to gain rapid access to the capital markets, and to sell large amounts of securities on short notice, the instantaneous transaction, or the "bought deal" common in the Euromarket today, will soon become the norm in our markets. Issuers will more frequently demand that investment bankers bid on little if any notice to purchase off the shelf large blocks of securities. Because of the short time frame, investment bankers will not have the opportunity to form traditional underwriting syndicates. As a consequence, only the largest players—those that have the capital for, and can afford to bear the risks of, huge purchases—will inevitably come to be the exclusive underwriters and selling dealers for major new issues. In addition, to reduce their market risks, these investment bankers will be compelled immediately to resell their securities. Only a few well-capitalized institutions will be ready or willing to make such large purchases rapidly.

Thus, the Rule without modification would have the undesirable effect of contributing to the concentration and institutionalization of the major new issues market, with the biggest investment bankers and the largest institutional investors dominating most major transactions, squeezing out regional underwriters, small broker-dealers, individual investors and even small institutional investors. At a time when America needs greater breadth and depth in its capital markets, the Rule would have the opposite tendency; and it is this breadth and depth of our markets that has provided the liquidity and stability that has distinguished our capital markets from the foreign markets.

**2. Impact on Regional Broker-Dealers.** One of the most troubling elements of the risks outlined above, as many commentators have stated, is that small and regional broker-dealers will likely be all but eliminated from major underwritings, and may, therefore, drop out of the underwriting and market-making business completely.

As stated above, the compressed offering period for new issues under the Rule is likely to make it impracticable for investment bankers to form traditional broad-based selling syndicates and therefore, these firms will tend to form smaller syndicates comprising only a fraction of those broker-dealers who formerly participated in their deals;<sup>6</sup> and only the largest investment

bankers—those that have the resources to bear largely unsyndicated risks—will be able to bid for offerings sold quickly off the shelf. This offering pattern will be most characteristic of new issues by S-3 companies, because these issuers are widely recognized in the marketplace and their securities can be sold quickly.<sup>7</sup>

These developments, as many commentators have pointed out, could seriously threaten the existence of many regional broker-dealers and their ability to provide valuable services to small issuers and individual investors. In the past, the regional firms that have maintained active investment banking divisions have heavily depended upon underwriting commissions generated by participation in the traditional syndication process as an important source of revenues.<sup>8</sup> Regional firms have testified that, without underwriting revenues from major issues, they will be forced to retrench on valuable services such as providing research on,<sup>9</sup> and underwriting and market-making support for,<sup>10</sup> many small and emerging companies which are a traditional source of growth for the nation's economy.

Furthermore, in the aggregate, these developments may also convince small and regional broker-dealers that acquisition by larger firms is the only alternative for survival, thereby hastening the current trend towards concentration in the securities industry. Such concentration has obvious anticompetitive tendencies.<sup>11</sup>

Most of the excluded broker-dealers were small and regional firms. Letter from Gordon Macklin, President, NASD, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission (June 14, 1982), File No. S7-925, at 8.

<sup>7</sup> Because issuers that are not eligible to use Form S-3 are generally not as well recognized in the market as S-3 issuers, the securities of these smaller issuers will not sell as quickly. Consequently, underwriting syndicates composed of regional broker-dealers may be more common for offerings of S-2 and S-1 issuers under Rule 415 because managing underwriters may need to use the regional distribution network to sell the securities of these issuers.

<sup>8</sup> In 1981, underwriting revenues accounted for approximately 12% of the gross revenues of regional firms, compared with less than 8% for New York Stock Exchange firms dealing with the public. Letter from Securities Industry Association to George A. Fitzsimmons (June 7, 1982), File No. S7-925, at 10.

<sup>9</sup> Last year regional broker-dealers authorized over 69% of the research reports on high technology firms. Letter from F. Barton Harvey Jr., Managing Partner, Alex. Brown & Sons, to William L. Larsen (June 4, 1982), File No. S7-925, at 7.

<sup>10</sup> A joint report recently prepared by the Commission and the Small Business Administration recently stated: "Regional firms, as market-makers in initial public offering stocks, are also the leading providers of secondary market liquidity to initial public offering issuers. This is particularly true for smaller issuers which generally have fewer market-makers." U.S. Securities and Exchange Commission and U.S. Small Business Administration, *The Role of Regional Broker-Dealers in the Capital Formation: Underwriting, Market-Making and Securities Research Activities*, Phase II Report (August 1981) ("SEC-SBA Report").

<sup>11</sup> Congress has recognized the importance of the Commission's sensitivity to the anti-competitive impacts of its regulations. See Section 23(a)(2) of the Exchange Act, 15 U.S.C. 78w(a)(2), which provides:

"The Commission, in making rules and regulations pursuant to any provisions of this title,

3. *Impact on Capital Formation.* The attrition of small and regional broker-dealers from the underwriting process could also have a major adverse impact on our nation's capital-raising system as a whole. The crucial role that regional broker-dealers play in the capital formation of all types of companies is well documented. A recent report indicated that from 1972 to 1980, regional firms managed almost 80% of all initial public offerings (56% of the dollar value), and from 1979 to 1980, managed 85% of all initial public offerings (57% to 61% of the dollar value).<sup>12</sup>

Small and emerging companies in particular have historically relied upon regional broker-dealers to provide them with seed capital by selling their early public offerings to a local network of retail investors and thereafter to continue to make a market in such securities. If, however, underwriting divisions of regional broker-dealers are no longer viable as a result of Rule 415, many small and emerging companies would be deprived of their primary vehicle for raising capital, and there is no reason to believe that large investment bankers will begin to take these smaller companies to market.<sup>13</sup> Because start-up and small companies are vital to our nation's economic growth, I believe it is imperative that we facilitate, rather than frustrate, the capital-raising process for such issuers. It is indeed ironic that Rule 415, which was designed to encourage capital formation, will in fact undermine the ability of the vast majority of small issuers to raise capital.

**4. Institutionalization of the Capital Markets.** Another risk of the Rule identified by many commentators is that it will continue the current trend towards institutionalization of our securities investor group; institutions will become the dominant purchasers of new issues and the small investors will be denied equal access to these offerings. One of the hallmarks of our nation's capital markets has been the broad participation of individual investors in the purchase of newly-issued securities. As time constraints fostered by the Rule, however, erode the syndication process, underwriters will need to place large blocks of securities quickly in order to reduce their market risks.

shall consider among other matters the impact any such rule or regulation would have on competition. The Commission shall not adopt any such rule or regulation which would impose a burden on competition not necessary or appropriate in furtherance of the purposes of this title. The Commission shall include in the statement of basis and purpose incorporated in any rule or regulation adopted under this title, the reasons for the Commission's determination that any burden on competition imposed by such rule or regulation is necessary or appropriate in furtherance of the purposes of this title."

<sup>12</sup> SEC-SBA Report, *supra* note 10, at 13. The report defines initial public offering "as an offering for cash involving the registration of common stock \* \* \* with the Securities and Exchange Commission pursuant to the Securities Act of 1933 \* \* \* by a corporation not subject to the Commission's disclosure requirements pursuant to the Securities Exchange Act of 1934 \* \* \*". *Id.* at 1.

<sup>13</sup> A recent report found that from 1972 to 1980, regional firms managed the initial public offerings for 88% of issuers with less than \$10 million in annual revenue. *Id.* at 17.

<sup>6</sup> This impact on small and regional broker-dealers has been documented in a recent study by the National Association of Securities Dealers ("NASD"). After identifying firms which participated in certain offerings of securities prior to adoption of Rule 415, the NASD determined which of these firms also participated in the offerings of similar securities registered under Rule 415. It was determined that 88% of the firms participating in the pre-415 offerings (other than as manager) failed to participate in any capacity in the Rule 415 offerings.

This will inevitably result in the individual investor being bypassed.

Even when new issues sold under Rule 415 are not completely bought by institutions, the Rule is likely to disadvantage individual investors by facilitating a two-tiered pricing system whereby investment bankers will sell to institutions at lower prices than to individuals because of the leverage resulting from the ability of institutions to make block purchases.<sup>14</sup>

This risk of a multiple pricing system, I believe, underscores a major consequence of the Rule. The Rule seems to be premised in part upon the free market theory that competition among investment bankers will have a salutary effect on the entire distribution system by lowering underwriting spreads and reducing costs. Although increased competition among investment bankers seeking to manage a company's new issue of securities will inevitably narrow underwriting spreads, the cost savings will primarily benefit the issuer, which is in the position to select the lowest of numerous bids, and some institutional investors, who can demand lower prices for underwriters when buying securities in bulk. Quite conspicuously, however, the individual investor is not one of the beneficiaries of this system. On the contrary, as stated above, these investors will often be excluded totally from new issues, or will pay more for the privilege of purchasing them.

Further institutionalization of the new issues market may also impact all investors by reducing the depth and liquidity of our secondary markets. Because Rule 415 markedly favors the institutional purchaser, commentators have stated that the institutions may divert larger portions of their capital to the new issues market and, accordingly, they may have less capital to commit to trading in the secondary markets, thereby reducing depth and liquidity in these markets.

In addition, as many attractive new issues are sold to institutions either at lower prices than those obtained by, or to the entire exclusion of, the retail investor, such individual investors may lose confidence in the fairness of our markets or otherwise lose interest in investing in the stock market generally. In either case, they may ultimately channel their funds into non-securities investments. This would decrease depth in both the primary and secondary markets and undoubtedly have a detrimental impact on the capital formation process of all issuers. Because the strength and liquidity of our capital markets historically has been a function of the confidence and continued presence of the individual investors in these

<sup>14</sup> I recognize that in the absence of an agreement between an issuer and an underwriter to engage in a fixed-price offering, the Papiłsky Rules are inapplicable and there is no general proscription with respect to the offering of securities at different prices to various purchasers. See Rules of Fair Practice, Article III, Section 24, NASD Manual (CCH) ¶ 2174. Although I am not suggesting that we should mandate a fixed price system for all offerings, I do not believe we should encourage and facilitate the erosion of the fixed price underwriting system that has worked effectively for many years in maintaining the confidence of individual investors in the integrity of our markets.

markets, we must be circumspect in developing a regulatory system that could discourage the participation of these investors and threaten to erode the foundation of our markets.

#### Risks to the Disclosure System

1. *General.* My second category of reservations with respect to Rule 415 as extended today is that in further accelerating the registration process for issuers it, inadvertently or intentionally, reduces the quality and timeliness of disclosure available to investors. In this respect it alters the traditional disclosure scheme set forth in the Act and runs counter to the Act's statutory objective of protecting investors.

At its heart, the Act seeks to ensure that investors are adequately informed before purchasing newly-issued securities. Thus, each issuer offering securities to the public is required to provide investors with a disclosure document containing complete and accurate material information about the issuer and the proposed securities transaction.<sup>15</sup> In addition, to ensure that such information is adequately disseminated to investors before they are called upon to make investment decisions, the Act provides for a 20-day waiting period between the time a registration statement is filed and its effectiveness, unless the Commission authorizes acceleration.<sup>16</sup> The Act also

<sup>15</sup> Section 5 of the Act, 15 U.S.C. 77e, provides in pertinent part:

"(b) It shall be unlawful for any person, directly or indirectly—

(2) to carry or cause to be carried through the mails or in interstate commerce any . . . security for the purpose of sale, or for delivery after sale, unless accompanied or preceded by a prospectus that meets the requirements of subsection (a) of Section 10."

<sup>16</sup> The legislative history of the Act indicates that Congress contemplated a waiting period between the filing and effective date of a registration statement to inhibit high-pressure sales tactics and to ensure that investors received full disclosure about an issuer before being called upon to make an investment decision. The House Report to the Act states:

"The compulsory 30-day [now 20-day] inspection period before securities can be sold is deliberately intended to interfere with the reckless traditions of the last few years of the securities business. It contemplates a change from methods of distribution lately in vogue which attempted complete sale of an issue sometimes within 1 day or at most a few days. Such methods practically compelled minor distributors, dealers, and even salesmen, as the price of participation in future issues of the underwriting house involved, to make commitments blindly . . . This high-pressure technique has assumed an undue importance in the eyes of the present generation of securities distributors, with its reliance upon delicate calculations of day-to-day fluctuations in market opportunities and its implicit temptations to market manipulation, and must be discarded because the resulting injury to an underinformed public demonstrably hurts the Nation . . ."

H.R. Rep. No. 85, 73d Cong., 1st Sess. 7-8 (1933).

Section 8(a) of the Act, 15 U.S.C. 77h(a), supports this policy by requiring a 20-day period between the filing of a registration statement and its effectiveness, unless the Commission authorizes acceleration. Section 8(a) also provides that a decision by the Commission to accelerate must be

imposed upon issuers and underwriters the duty to investigate the accuracy of information contained in their prospectuses to ensure the reliability of such disclosure.<sup>17</sup> Traditionally, this investigation has been performed by the underwriter and its counsel, as well as by the issuer's outside counsel, and the Act provides a defense to the underwriter's liability under Section 11 if the underwriter has exercised "due diligence" in performing its investigation.<sup>18</sup>

2. *Impact on Underwriter's Due Diligence.* In marked contrast to the statutory scheme, Rule 415 does not provide time for underwriters to discharge adequately their due diligence responsibilities. Before adoption of the Rule, due diligence was undertaken by the underwriters and their counsel and by the issuer's outside counsel prior to the initial filing, and anything that remained to be done or double-checked was accomplished between the filing and the

based in part upon the "adequacy of the information respecting the issuer theretofore available to the public."

The Commission, in administering Section 8 and in recognizing the importance to investors of timely information about an issuer, has traditionally conditioned acceleration of a registration statement upon a showing that a preliminary prospectus has been adequately distributed. Rule 460(a), 17 CFR 230.460(a) provides:

"Pursuant to the statutory requirement that the Commission in ruling upon requests for acceleration of the effective date of a registration statement shall have due regard to the adequacy of the information respecting the issuer theretofore available to the public, the Commission may consider whether the persons making the offering have taken reasonable steps to make the information contained in the registration statement conveniently available to underwriters and dealers who it is reasonably anticipated will be invited to participate in the distribution of the security to be offered or sold."

<sup>17</sup> Section 11(a) of the Act, 15 U.S.C. 77k(a), provides in pertinent part:

"(a) In case any part of the registration statement when such part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein not misleading, any person acquiring such security \* \* \* may, either at law or in equity \* \* \* sue—

(1) Every person who signed the registration statement;

(2) Every person who was a director of \* \* \* the issuer at the time of the filing of the part of the registration statement with respect to which his liability is asserted;

(5) Every underwriter with respect to such security."

<sup>18</sup> Section 11(b) of the Act, 15 U.S.C. 77k(b), provides in pertinent part:

"(b) Notwithstanding the provisions of subsection (a) no person, other than the issuer, shall be liable as provided therein who shall sustain the burden of proof—

"(3) that \* \* \* as regards any part of the registration statement not purporting to be made on the authority of an expert \* \* \* he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements made therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading;"

effective date. Under the Rule, not only is due diligence not practical prior to the filing, because the ultimate underwriters have not then been selected, but because there is little if any time between selection of the underwriters and the sale, no due diligence is practical at any time during the pre-sale process. Until they have actually been selected, prospective underwriters will have little incentive to begin what may turn out to be a useless and costly investigation. The competitive bidding environment will also surely create pressures for underwriters to complete deals rapidly, irrespective of the adequacy of their due diligence investigation. The result will be to undercut the investors' ability to rely upon the underwriters' obligation to interpose itself between the issuer and investor and to investigate the disclosures contained in the prospectus.<sup>19</sup>

All of these problems will be exacerbated in shelf offerings utilizing Form S-3, because most underwriters and their counsel (and, most likely, issuer's outside counsel) will not have participated in the preparation of the issuer's Exchange Act reports that are incorporated by reference into the S-3 prospectus, and, therefore, they will need more, rather than less, time to perform a due diligence investigation with respect to these unfamiliar documents. Furthermore, the underwriter's weakened relationship with the issuer and the perceived need for haste will make it extremely difficult for the underwriter or its counsel to suggest, let alone require, any changes in previously filed Exchange Act reports whether by amendment or by inclusion of additional information in the bare-bones prospectus permitted by Form S-3.<sup>20</sup>

<sup>19</sup> See *Escott v. BarChris Construction Corp.*, 283 F. Supp. 643, 697 (S.D.N.Y. 1968), where the district court stated:

"The purpose of Section 11 is to protect investors. To that end the underwriters are made responsible for the truth of the prospectus. If they may escape that responsibility by taking at face value representations made to them by the company's management, then the inclusion of underwriters among those liable under Section 11 affords the investors no additional protection \* \* \* In order to make the underwriters' participation in this enterprise of any value to investors, the underwriters must make some reasonable attempt to verify the data submitted to them. They may not rely solely on the company's officers or on the company's counsel. A prudent man in the management of his own property would not rely on them.

<sup>20</sup> It is significant that with respect to the short Form S-16, which also allowed incorporation by reference of information from Exchange Act reports, a firm commitment underwriting in which the underwriters were committed to take at least 90% of the offered securities was a condition to using the form for primary offerings made for cash. Securities Act Release No. 5923 (April 11, 1978) [43 FR 16677]. As a result, the managing underwriter was traditionally called upon for advice in the planning stages of an offering, was provided the opportunity to perform due diligence before the S-16 registration statement was filed, and only had to update its investigation just prior to the effective date of a registration statement. This is in contrast to the use of Form S-3 under Rule 415, where there is no requirement for a firm commitment underwriting.

Although many of these observations may sound theoretical to some, in my experience as a securities lawyer representing both issuers and underwriters, I viewed first hand the importance of an underwriter's counsel in the disclosure process. The give and take among the underwriters and their counsel, and the issuer and its counsel, increased the likelihood of complete and accurate disclosure, and many times during the process discoveries were made which kept troubled companies from coming to market, or at least fully informed the public as to the risks inherent in a proposed transaction. This give and take or shared responsibility, which acted as a system of checks and balances, is lost in an instantaneous offering system. The risk to the quality of disclosure is, in my judgment, substantial.

As a result of these developments, the very foundation of the disclosure process that has for many years worked so well to protect investors cannot help but be severely undermined.

3. *Impact on Dissemination of Information to Investors.* The absence of a notice period under the Rule also fails to insure that potential investors will have an opportunity to receive adequate information about an impending offering prior to being called upon to make an investment decision. In fact, issuers can file registration statements pursuant to the Rule and ultimately sell securities thereunder without distributing any preliminary disclosure materials to investors. As the Rule operates, when issuers are ready to sell their securities off the shelf, they are permitted to "sticker" pricing and other last minute information to the prospectus and sell their securities, without waiting for Commission action or making any preliminary distributions of the prospectus. A final prospectus is simply delivered to the investor with the confirmation. This is permitted irrespective of whether adequate information about the offering is available in the marketplace.

Although post-effective amendments are generally required to disclose certain changes in the information contained in the registration statement,<sup>21</sup> such amendments

<sup>21</sup> In filing a registration statement under Rule 415, an issuer must undertake to file a post-effective amendment during any period in which offers or sales are being made.

- (1) To include any prospectus required by Section 10(a)(3) of the Securities Act of 1933;
- (ii) To reflect in the prospectus any facts or events arising after the effective date of the registration statement \* \* \* which, individually or in the aggregate, represent a fundamental change in the information set forth in the registration statement;
- (iii) To include any material information with respect to the plan of distribution not previously disclosed in the registration statement or any material change to such information in the registration statement \* \* \*

Item 512(a)(1) of Regulation S-K, 17 CFR 229.512(a)(1). In today's Release, the Commission has decided to rescind the requirement under Item 512(a)(1)(iii) that requires the filing of a post-effective amendment if there is an addition or deletion of a managing underwriter in the registration statement.

with respect to a Form S-3 are often unnecessary if such information has been reported in Exchange Act filings that are incorporated by reference into the final prospectus sent to investors.<sup>22</sup>

This registration procedure is extremely troubling. Because of the accelerated time schedules common under Rule 415 and the absence of a requirement for issuers to distribute preliminary disclosure materials before offering new securities to the public, investors will often be rushed in their investment decisions and will not receive the disclosure necessary to make an informed decision until after they have agreed to purchase securities.

I recognize that prior to Rule 415 many investors never read a prospectus, even when it was provided to them well in advance of an investment decision. Significantly, however, the prospectus was available if investors wanted it and many investors who did not read prospectuses relied upon their brokers and advisers, who had received and reviewed the disclosure documents and could therefore assist the investor in making informed judgments. In the instantaneous transaction under Rule 415 the lack of time for adequate dissemination of disclosure documents to salespersons before commencement and confirmation of sales may make it more difficult for brokers to discharge their responsibilities to make "suitable" recommendations to their customers.<sup>23</sup>

Of course, the lack of time to make reasoned investment decisions and the inability to receive disclosure documents in advance of these decisions will be less threatening to institutional investors which often receive and review Exchange Act information as a matter of course and which may use their purchasing power to demand any required additional information about an

<sup>22</sup> Item 512(a)(1)(ii) of Regulation S-K, the undertaking to Rule 415 that requires the filing of a post-effective amendment for fundamental changes in information set forth in the registration statement.

"Do[es] not apply if the registration statement is on Form S-3 \* \* \* and the information required to be included in a post-effective amendment \* \* \* is contained in periodic reports filed by the registrant pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934 that are incorporated by reference in the registration statement."

Item 512 of Regulation S-K, 17 CFR 229.512.

<sup>23</sup> Under the rules of many self-regulatory organizations, brokers must have a basis to believe that recommendations made to a customer are suitable in light of the customer's financial resources and investment objectives. For example, the NASD Rules of Fair Practice provide:

"In recommending to a customer the purchase, sale or exchange of any security, a member shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other security holdings and as to his financial situation and needs."

Rules of Fair Practice, Article III, Section 2, NASD Manual (CCH) ¶ 2152. The Commission's SECO suitability rule prescribes similar responsibilities for SECO brokers. See Rule 15b10-3, 17 CFR 240.15b10-3. See generally R. Mundheim, *Professional Responsibility of Broker-Dealers: The Suitability Doctrine*, 1965 Duke L. J. 445 (1965).

issuer before buying securities in large volume. The individual investors, on the other hand, must rely heavily on an issuer's disclosure documents in evaluating an investment opportunity. Moreover, individual investors may be more vulnerable to high pressure sales tactics than institutional investors and therefore may need more time to receive and read disclosure materials before being called upon to make an investment decision.

I recognize that this lack of disclosure is more significant with respect to offerings under the Rule by issuers that are not eligible to use Form S-3, rather than those who may do so. Form S-3 issuers are large, widely followed companies, and it is reasonable to assume, under the efficient market theory, that financial analysts will study Exchange Act reports of these issuers and disseminate material information contained in these documents to the marketplace. Thus, if prospectuses do not reach investors before an investment decision must be made, important information about an S-3 issuer at least may be reflected in the current market price of the issuer's security. Other companies, however, are generally not as widely followed by financial analysts, and material information about them is not as likely to be available in the marketplace and reflected in the market price of securities when investors are called upon to make investment decisions.<sup>24</sup>

Notwithstanding the distinction, however, between S-3 companies and other issuers, I remain troubled that Rule 415, by not imposing a notice period upon issuers or a requirement to disclose timely information before selling securities, will too often deprive the individual investor of material information necessary to make an adequate investment judgment. In so doing the Rule eviscerates one of the fundamental protections contemplated by the drafters of the Act.

#### Summary

1. *General.* In formulating this dissent, I recognize—at least as clearly as the members of the participating majority—that we do not today write on a clean slate. Rather, our slate is filled not only with the previous experiences under the integrated disclosure system and Rule 415, but also with the nearly 50 years of experience under the Securities Acts and the customs and practices that have been developed and regulated by those Acts, of investors, issuers and intermediaries. This cumulative experience has produced the most effective, efficient and honest capital market system the world has ever known. We would do well to erase from that slate only what is necessary and to do that with extreme care.

As I have noted above, I believe that many of the innovations of Rule 415 and the roots

of the Rule in the integrated disclosure system are sound and useful. I also believe, however, that the traditional practices under the Act prior to the Rule are at least as useful to the American capital market system. Accordingly, I dissent to the extension of the Rule in its present overly broad form, and favor making the mid-course modifications to the Rule referred to herein. Those modifications, if adopted now, or subsequently if the risks identified above prove real, would, in my judgment, mitigate to a great extent many of those risks, while preserving the praiseworthy and useful innovations of the Rule.

2. *Distinction Between Debt and Equity Offerings.* In analyzing the impact of Rule 415 on investors and the capital markets, I believe that a useful distinction can be made between debt and equity offerings. In my judgment, it is likely that the issuance of debt securities off the shelf creates fewer adverse consequences for investors and the capital-raising process than the issuance of equity securities and that the offering of debt securities by widely-followed companies eligible to use Form S-3 produces even less significant problems under the Rule.

In accordance with this distinction, I would limit the Rule's principal application to debt offerings and not permit its general use for primary equity offerings.<sup>25</sup> I would endorse the Rule in the form as extended today with respect to debt issuances registered pursuant to Form S-3, but I would impose a notice period with respect to all other debt issuances under the Rule.

3. *Equity Offerings.* I dissent from the extension of the Rule with respect to general primary equity offerings, because I believe that such offerings have the greatest potential to produce the problems I have discussed above with respect to investor protection, the structure of the securities markets and the capital-raising process. At the same time, these offerings have the least need for the instantaneous offering procedure.

It was clearly stated at the public hearings and in various written comments that equity securities are more frequently sold through broad-based underwriting syndicates to large retail investment networks than are debt securities. Thus, the present breadth and depth of our capital markets are likely to be disproportionately affected by the instantaneous transactions and the absence of traditional selling syndicates that are the hallmarks of Rule 415. The exclusion of general primary equity offerings from the Rule would be likely to encourage small and regional broker-dealers to remain in the underwriting business with the resulting benefits to the liquidity and stability of the capital markets. Small and emerging issuers would be more likely to be served, individual investors would be less likely to be unfairly treated or squeezed out, and the anti-competitive threat of accelerating concentration in the securities industry would be reduced. That the inclusion of general primary equity offerings within the purview of the Rule is not required to solve existing problems in the marketplace is borne out by the hearings and written comments.

<sup>25</sup> Except as referred to at note 2 *supra*.

Even potential frequent users of the Rule for debt offerings said they saw no need to use it for equity offerings.<sup>26</sup>

In addition, because equity securities, unlike debt, are still widely purchased by retail investors, there is a greater need in these offerings to distribute on a timely basis high quality information to individual investors to inform them about issuers and to maintain their confidence and interest in the equity markets. By exclusion of primary equity offerings from Rule 415, investors would be more likely to receive useful information about an offering on a timely basis. Furthermore, because in non-Rule 415 offerings the underwriters are selected before a filing, the underwriters' due diligence can begin early in the process and the resulting give and take among the parties and their counsel should produce a higher quality disclosure document than one prepared unilaterally by the issuer.

4. *Offerings of Debt Securities Generally.* I concur with the participating majority to the extent that they permit the continued use of Rule 415 during the temporary period for all debt offerings. After weighing the risks and benefits, in my judgment, applying Rule 415 to offerings of debt securities appears to be justifiable because debt issuers have been shown to have a more compelling need than equity issuers to meet market "windows" rapidly as a result of the high volatility of interest rates and the sensitivity of these rates to market trends.<sup>27</sup> Furthermore, as referred to above, debt securities, particularly those of large, well-known companies, do not appear to be sold through broad-based syndicates nor purchased by retail investors as often as equity securities, and the traditional broad syndicate members are not, therefore, as dependent upon such offerings for their continued viability.

The offering of debt securities also presents less troublesome disclosure problems than the offering of equity securities under Rule 415, first because fewer unsophisticated individual investors may participate in this market without expert aid, and second because investors receive a certain amount of reliable information about the issuers of debt from nationally recognized statistical rating services. In addition, the institutionalization of the securities markets that may be fueled by Rule 415 will be less significant with respect to debt securities because debt issues, unlike equity, traditionally have been sold principally to institutional investors.

5. *Debt Offerings by Companies Ineligible to Use Form S-3.* Although I believe that debt offerings present fewer problems than equity offerings under Rule 415, I am concerned that even debt issues sold off the shelf, especially

<sup>26</sup> E.g., letter from Donald S. Howard, Executive Vice President, Citicorp, to George A. Fitzsimmons (June 7, 1982), File No. S7-925, at 1; comments of C. R. Minix, Treasurer, E. I. Du Pont de Nemours & Company (presented July 1, 1982 at Public Hearings on Rule 415), File No. S7-925, at 2.

<sup>27</sup> Indeed, the SEC originally authorized shelf registration in the mid 1970's for debt offerings in response to the needs of financing companies that borrowed frequently in the capital markets. See Johnson and Cote, *The New Shelf Registration Rule*, 15 Rev. Sec. Reg. 925 (1982).

<sup>24</sup> To ensure that investors are provided current information about non-S-3 issuers offering their securities off the shelf, it might be desirable to require these issuers to file a post-effective amendment whenever there is a "material" change in the information contained in a Rule 415 registration statement. This would lower the current threshold under the Rule which currently requires filing an amendment when there is a "fundamental" change in the information contained in the registration statement. See Item 512(a)(1)(ii) of Regulation S-K, *supra* note 21.

by smaller companies not eligible to use Form S-3, might have a detrimental impact upon the capital-raising process disproportionate to their benefit, and would deprive investors of much needed information about an issuer. Therefore, I dissent from the extension of the Rule insofar as it does not provide for a notice period for debt offerings that are not registered on Form S-3. To ameliorate many potential problems, I would impose a notice period of two full business days prior to the commencement of sales.<sup>28</sup>

Such a notice period, I believe, would provide underwriters with more time to form traditional underwriting syndicates, and could provide for some retail distribution, with the attendant benefits described elsewhere herein.<sup>29</sup> A notice period would also increase the accuracy of information disseminated to investors by providing underwriters with more time, after being selected for participation in a debt offering, to discharge their statutory due diligence responsibility to investigate the adequacy of information contained in or incorporated by reference into an issuer's prospectus.<sup>30</sup>

6. *Debt Offerings by S-3 Issuers.* Finally, because I believe that the offering of debt securities by issuers eligible to use Form S-3 does not risk many of the problems associated with the offerings of smaller debt issuers, I concur in the extension of Rule 415 on a temporary basis for debt offerings on Form S-3, without imposing a notice period before the commencement of sales. Although not all their arguments are completely convincing, many commentators have urged that no notice period is necessary for S-3 debt offerings, because S-3 companies are widely followed by financial analysts and therefore, under the efficient market theory, it is reasonable to assume that information about these companies is generally available;<sup>31</sup> the debt securities of S-3

companies are frequently highly rated, so that the value of these securities is often determined by prevailing interest rates rather than information in the marketplace; and traditional broad-based underwriting syndicates, selling to retail purchasers are less customary in S-3 debt offerings. The perceived need for rapid access to the market for debt offerings of major companies was the original premise of Rule 415. In this limited context the Rule is, in my judgment, a useful and relatively low risk innovation and I would urge the experiment to proceed.

#### Conclusion

Because the Commission has a long tradition of acting by consensus, I dissent from the decision of my colleagues today with great reluctance. I cannot in good conscience, however, concur with the extension of the Rule 415 experiment in those situations in which the risks engendered by the Rule exceed the benefits that are sought, and that are likely to be realized.

Although I fully endorse the Rule's laudable and timely objective of facilitating access of large issuers to an increasingly volatile debt market, I oppose the chosen route to accomplishing this goal, because it unnecessarily threatens to change dramatically—and perhaps damage irreparably—our capital market system that has worked effectively, efficiently and honestly for many years. Thus, I believe that at this time, we ought to make significant mid-course modifications to the Rule to aim it more directly at the problems it was designed to solve, and to ensure that the risks we take are commensurate with the rewards we seek.

Because the participating majority determined otherwise and extends the Rule in substantially its present form, the Commission and the staff have a responsibility in the coming months to monitor closely the Rule, and to scrutinize its impact on the market system and the quality of disclosure provided to investors. We must be diligent to change the Rule, along the lines I have suggested or otherwise, if the risks that have been outlined prove to be real. Now that we have chosen to run those risks, only by remaining vigilant during the experimental period will we be able to discharge our statutory responsibility to protect investors and to maintain the integrity and stability of our capital markets.

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Thus, one could construct a proposal that Rule 415 should be available only for S-3 companies issuing debt or equity securities because these offerings off the shelf will have a less adverse impact upon investors than the shelf offerings of smaller debt or equity issuers. I recognize that there are many defensible formulas for a shelf registration prototype. I, however, rejected formulating a Rule based solely on the size of an issuer because I believe that S-3 equity issues off the shelf still run significant risks with respect to adversely impacting the capital market system.

#### 17 CFR Part 231

[Release No. 33-6424]

### Interpretative Release Relating to Continuous and Delayed Offerings by Foreign Governments or Political Subdivisions Thereof

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretation.

**SUMMARY:** In conjunction with the extension of the period of effectiveness of Rule 415 concerning delayed and continuous offerings of securities by corporations, the Commission is authorizing the publication of a revised staff interpretation regarding the use of a registration statement for continuous and delayed offerings of securities by foreign governments or political subdivisions thereof to be consistent with Rule 415 to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Carl T. Bodolus or Ronald Adee (202/272-3246), Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

#### SUPPLEMENTARY INFORMATION:

Securities issued by a foreign government<sup>1</sup> are registered under Schedule B of the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq.). Often a foreign government will guarantee the principal and interest of securities issued by another entity, such as a state-owned utility company. The guarantee and the guarantee securities are also registered under Schedule B.

In Release No. 33-6240 (September 10, 1980) (45 FR 61609), the Commission announced an interpretative position of the Division of Corporation Finance (the "Division") permitting seasoned foreign governments<sup>2</sup> to use a shelf procedure for delayed offerings. The procedure has generally worked well and all commentators in the recent hearings on Rule 415 addressing the point concurred and urged extensions of that procedure. The Commission has authorized the Division to announce in this release some revisions to the procedure described in Release No. 33-6240. These

<sup>1</sup> Rule 405 (17 CFR 230.405) defines foreign government as "the government of any foreign country or of any political subdivision of a foreign country."

<sup>2</sup> According to Division practice, foreign governments that have registered their securities (or guarantees of the securities of another issuer) under the Securities Act within five years and have not defaulted on any principal or interest are seasoned. No-action letter to the Republic of Venezuela (Nov. 23, 1980).

<sup>28</sup> The precise duration and formulation of such a notice period should be considered. Although a longer notice period may be appropriate, I believe that to be effective, it should be at least two full business days. I would suggest that such a period begin only upon the commencement of a public distribution of a prospectus with respect to the offering. In this way, my stated objective of ensuring public dissemination of a disclosure document prior to the time investors must make investment decisions would be achieved at the same time as some of the other objectives of a notice period were being fulfilled.

<sup>29</sup> See *supra* notes 8-10, 12-13, and accompanying text.

<sup>30</sup> I do not conclude, however, that a notice period as short as two full business days will necessarily provide underwriters with sufficient time to discharge adequately their due diligence responsibility. Although I believe that more time is probably necessary to investigate properly the information contained in an issuer's prospectus, I think that this problem can only be effectively addressed when, and if, we revisit the entire integrated disclosure system.

<sup>31</sup> Of course, it is also true that under the efficient market theory, S-3 companies that issue equity securities are widely followed by financial analysts, and thus, there is information generally available about these issuers in the marketplace and a less compelling need for investors to receive timely disclosure documents of these issuers before making an investment decision. See *supra* note 24 and accompanying text for a fuller discussion of the efficient market theory.

revisions would permit foreign governments to use shelf registration in a manner substantially similar to that specified in Rule 415 (17 CFR 230.415). The Division intends to reconsider these revisions in conjunction with the final action taken with respect to Rule 415.

The procedure described in Release No. 33-6240 (the "Original Procedure") required the annual filing of a registration statement to register the amount of securities to be offered on a "firm commitment" basis during a period of twelve months from the effective date. The Division believes foreign governments should be permitted to register an amount of securities<sup>3</sup> which, at the effective date, is reasonably expected to be offered and sold within two years from the initial effective date. This is the same amount that can be registered under Rule 415. The Division also believes that the requirement of a "firm commitment" underwriting is no longer necessary.

The Original Procedure specified that the registration statement would contain a basic prospectus disclosing the standard general political, economic, and statistical information with regard to the foreign government as well as the specific information required by Schedule B. In connection with a specific offering, at least two post-effective amendments each containing a prospectus supplement would be filed. These supplements resemble a Form S-3 prospectus and contain the following information: the distribution spread, use of proceeds, plan of distribution, description of securities offered, summary information, and recent material developments. One supplement would function as a preliminary prospectus because it would omit pricing information and the names of underwriters but include a legend similar to the one in Item 501(c)(8) of Regulation S-K (17 CFR 229.501(c)(8)). No sales would be made until a post-effective amendment containing the pricing amendment in the form of a final prospectus supplement had been filed and declared effective. The preliminary prospectus supplement would be circulated publicly before the effective date of the post-effective amendment containing the final prospectus supplement. The basic prospectus would accompany both the preliminary and final prospectus supplements.

The Division believes that delivering the basic prospectus with both the preliminary and final prospectus supplements is expensive and unnecessary. Many foreign governments

distribute their basic prospectus in advance of any offering; the Division has no objection to this practice. Therefore, if a foreign government has previously furnished a person with a copy of its current basic prospectus, then the government need only deliver prospectus supplements to that person. The prospectus supplements should contain a statement that a copy of the basic prospectus will be promptly furnished, without charge, upon request.<sup>4</sup>

The Division will not object to a procedure of including in the basic prospectus all the information included in the prospectus supplements under the Original Procedure except price, maturity, and related information that would be furnished by a Rule 424(c) sticker (17 CFR 230.424(c)) instead of a post-effective amendment. A condition of using this procedure is that the basic prospectus is adequately disseminated to the public a reasonable period before the offering. Foreign governments are required to file annual reports under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a *et seq.* (1976 and Supp. III 1979)) only if their securities are listed on a U.S. exchange. Therefore, the basic prospectus is intended to serve the same function as periodic reports under the Exchange Act filed by U.S. registrants.

Under the Original Procedure, registration statements contain the necessary undertakings to implement the procedure and undertakings similar to those in Item 512(a) of Regulation S-K. The Division believes such undertakings, revised to implement the new procedures, are necessary.

Although this release is an announcement of current Division policy, interested persons are invited to send comments or suggestions to the Commission which may be addressed to the staff members mentioned in the forefront of the release.

Registrants should also designate all registration statements made in conformity with Schedule B as a Schedule B filing and should indicate on the facing page whether the registration statement is a shelf registration statement. This will assist the Commission in its recordkeeping and monitoring. Registrants may rely on this interpretation immediately upon its publication in the Federal Register.

#### List of Subjects in 17 CFR Part 231

Reporting requirements, Securities.

Accordingly, 17 CFR Part 231 is amended by adding a reference to this release (Release No. 33-6242) thereto.

By the Commission.

George A. Fitzsimmons,  
Secretary.

September 2, 1982.

[FR Doc. 82-24767 Filed 9-9-82; 8:45 am]

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#### 17 CFR Part 251

[Release No. 35-22623]

#### Statement of Policy Concerning Application of Rule 50 Under the Public Utility Holding Company Act of 1935 (17 CFR 250.50) as Related to the Distribution of Securities Registered Under Rule 415 Under the Securities Act of 1933 (17 CFR 230.415), as Extended This Date

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Interpretation of rule.

**SUMMARY:** The Securities and Exchange Commission today issued a statement of policy concerning Rule 50 under the Public Utility Holding Company Act of 1935 ("Act"). Rule 50 directs, with exceptions, that offerings of securities by a registered holding company or its subsidiaries shall be made by competitive bidding under procedures specified in the Rule. The Commission determined pursuant to paragraph (a)(5) of Rule 50 that the procedures specified in paragraph (b) of Rule 50 were inconsistent with those concurrently being authorized under Rule 415 under the Securities Act of 1933 and that it was not necessary or appropriate for issuers registering under Rule 415 to comply with paragraph (b) of Rule 50.

**FOR FURTHER INFORMATION CONTACT:** Aaron Levy, Director, Division of Corporate Regulation, (202) 272-7676, Grant G. Guthrie, Associate Director, (202) 272-7677, or William C. Weeden, Assistant Director, (202) 272-7699, Securities and Exchange Commission, 450 5th Street, Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** Rule 50 was adopted by the Commission April 8, 1941 (H.C.A.R. No. 2676), and last amended January 13, 1954 (H.C.A.R. No. 12298). It directs, with exceptions, that offerings of securities by a registered holding company or its subsidiaries shall be made by competitive bidding under procedures specified in the Rule. The 1935 Act, unlike the earlier Federal securities laws, which are concerned with disclosure, prescribes in Sections 6 and 7 that the Commission review the

<sup>3</sup> Securities to be issued upon the exercise of warrants can also be registered.

<sup>4</sup> See, for example, Item 512(f)(1) of Regulation S-K (17 CFR 229.512).

type and quality of the offered securities. In authorizing the offering we are required to consider whether the offered securities are reasonably adapted to the security structure of the issuing company or the holding-company system of which the issuing company is a member, and whether the security is reasonably adapted to the earning capacity of the issuing company. We are also required to consider the offering in terms of economy, meaning the cost of capital and the reasonableness of fees and commissions, including the underwriter's spread; and the competitive bidding requirements of Rule 50 have been designed to perform this statutory obligation.

Competitive bidding is not an inflexible mandate. From time to time and under special circumstances, we have granted individual exceptions, and the price terms of securities sold in a private placement or in a negotiated underwriting were authorized by specific order under the applicable standards of the 1935 Act. Securities offered under competitive bidding require no further order as to price and cost to the issuing company, which would of course complete the sale at the least cost. In 1974, unsettled market conditions in utility stocks because of the rising fuel and gas costs led us to a six-month temporary suspension of competitive bidding for common stocks of registered holding companies (HCAR Nos. 18504 and 18646). After hearings, and the experience during the suspension period with negotiated underwritings, we declined to extend the suspension (HCAR No. 18898, March 28, 1975). Competitive bidding has remained in effect save for particular exceptions granted from time to time.

Paragraph (b) of Rule 50 prescribes time limits and procedures for soliciting competitive bids. It requires the issuing company publicly to invite sealed written proposals for the purchase or underwriting of the securities at least six days prior to the entering into any agreement for the purchase or underwriting. In practice, bids are rarely submitted until just before the time set for the opening of the bids and the selection of the underwriter. Paragraph (b) provides also that bids are not to be opened at any time or place other than as specified in the invitation. It provides further that an authorized representative of a person submitting a bid is entitled to be present at the opening of the bids and to examine each proposal submitted to the offering company.

Mindful that the cost of capital may be affected by delays in the offering, as

later confirmed by Rule 415, we initiated changes affecting paragraph (b) of Rule 50. First, issuers were encouraged to submit for Commission authorization the entire financing program contemplated under their annual budget, the securities to be sold in one or more installments, from time to time during the year as the issuer determines in light of market conditions. Under this procedure the six-day publication served not as an invitation for bids but as a request for expressions of interest in the forthcoming offerings, which might be solicited even prior to the authorizing order under Sections 6 and 7 of the 1935 Act. Thereafter, the issuer, in its discretion and on 48 hours notice, would request from the respondents submissions of bids for the securities the issuer had selected for the competitive offer, subject to change as to amount and deferral of the bidding date. That has given substantial advantages to the issuer and is compatible with the objectives of Rule 415.

The extension of Rule 415 as announced today, suggest as appropriate further changes relative to paragraph (b) of Rule 50. Effective today and until definitive action with respect to Rule 415, issuers are free to adopt alternative procedures other than those prescribed in paragraph (b) to develop and procure two or more competitive offers for securities which have been authorized for sale by the Commission under the standards of Sections 6 and 7. The requirements of at least two independent proposals for an offering, as prescribed by paragraph (c) of Rule 50, retains the essence of competitive bidding and effectively implements the statutory policy of economy in the cost of capital, including the underwriter's fees. The choice of means to secure the competing offers is appropriately left to the issuing company in light of current market conditions and the registration process under Rule 415.

Some utility companies not subject to the 1935 Act have included in their registration under Rule 415 an option for direct sale, without underwriters, of common stock on the exchanges on which their shares are listed. There is no reason for excluding this alternative for registered holding companies. It is a novel procedure but it can be a supplementary source of equity capital for a registered holding company, access to which should be permitted on the same terms as are available to other corporate issuers.

Registered holding companies and subsidiaries proposing to proceed in the manner here announced should so state in their financing applications that are

filed under Sections 6 and 7 of the 1935 Act. Complete transactions remain subject to Rule 24 and the reports specified in Rule 50(d). The details provided in such reports should provide sufficient data in the light of which the procedures herein authorized may be reviewed. They may be modified or rescinded on twenty days prior notice. Paragraph (a)(5) of Rule 50 authorizes procedural modifications described herein.

By the Commission.  
George A. Fitzsimmons,  
Secretary.  
September 2, 1982.  
[FR Doc. 82-24768 Filed 9-9-82; 8:45 am]  
BILLING CODE 8010-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs not Subject to Certification; Oxibendazole Suspension

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) providing for use of oxibendazole suspension for removal of threadworms from horses in addition to the currently approved uses for removal of certain strongyles, roundworms, and pinworms. The supplement was filed by Norden Laboratories.

**DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

**SUPPLEMENTARY INFORMATION:** Norden Laboratories, Lincoln, NE 68501, filed a supplemental NADA (109-722) providing for use of oxibendazole suspension in horses for removal and control of threadworms (*Strongyloides westeri*) in addition to the currently approved uses for removal and control of large strongyles (*Strongylus edentatus*, *S. equinus*, *S. vulgaris*); small strongyles (species of the general *Cylicostephanus*, *Cylicocyclus*, *Cyathostomum*, *Triodontophorus*, *Cylicodontophorus*, and *Gyalocephalus*); large roundworms (*Parascaris equorum*); and pinworms

(*Oxyuris equi*) including various larval stages.

For uses other than for threadworms the dose is 10 milligrams per kilogram of body weight; for threadworms the dose is 15 milligrams per kilogram of body weight. The firm has submitted data from adequate and well-controlled studies demonstrating effectiveness of the drug for the added claim. The supplemental NADA is approved and the regulations are amended to reflect the approval.

Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this application does not require reevaluation of the safety and effectiveness data in the original application.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii) (a) and (g)) may be seen in the Dockets Management Branch (address above).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

#### List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1640 by revising paragraph (c)(1) and (2) to read as follows:

#### § 520.1640 Oxibendazole suspension.

(c) *Conditions of use in horses.*—(1) *Amount.* For use other than threadworms (*Strongyloides westeri*), 10 milligrams of oxibendazole per kilogram of body weight; for threadworms, 15 milligrams per kilogram of body weight.

(2) *Indications for use.* For removal and control of large strongyles (*Strongylus edentatus*, *S. equinus*, *S. vulgaris*); small strongyles (species of the genera *Cylicostephanus*, *Cylicocyclus*, *Cyathostomum*, *Triodontophorus*, *Cylicodontophorus*, and *Gyalocephalus*); large roundworms (*Parascaris equorum*); pinworms (*Oxyuris equi*) including various larval stages; and threadworms (*Strongyloides westeri*).

Effective date. This amendment is effective September 10, 1982.

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

Dated: August 31, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-24537 Filed 9-9-82; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs Not Subject to Certification; Oxibendazole Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Norden Laboratories providing that oxibendazole suspension is no longer "not recommended for use in stallions at stud."

EFFECTIVE DATE: September 10, 1982.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Norden Laboratories, Lincoln, NE 68501, filed a supplemental NADA (109-722) providing that oral use of 10 percent oxibendazole suspension in horses for removal of certain large and small strongyles, large roundworms, threadworms, and pinworms no longer requires the limitation "do not use in stallions at stud." The original approval did not contain information supporting use of the drug in breeding stallions. Based on data and information submitted by the

firm and supporting safe use of oxibendazole suspension in breeding stallions, the supplement is approved and the regulations are amended to reflect the approval.

Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II approval which does not require reevaluation of the safety and effectiveness data supporting the original application.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

#### List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

#### § 520.1640 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.1640 *Oxibendazole suspension* is amended in paragraph (c)(3) by removing the phrase "Do not use in stallions at stud."

Effective date. September 10, 1982.

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

Dated: August 19, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-24538 Filed 9-9-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 540

**Penicillin Antibiotic Drugs for Animal Use; Sterile Amoxicillin Trihydrate for Suspension**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Beecham Laboratories providing for use of sterile amoxicillin trihydrate for suspension for treatment of respiratory tract infections in nonlactating cattle.

**EFFECTIVE DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

**SUPPLEMENTARY INFORMATION:** Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, filed NADA 55-089 providing for use of sterile amoxicillin trihydrate for suspension for treating respiratory tract infections when due to amoxicillin susceptible organisms in nonlactating cattle.

The firm submitted data from adequate and well-controlled clinical field trials demonstrating the drug's effectiveness. Amoxicillin toxicity and residue depletion studies demonstrate animal and human safety when the drug is used in accordance with label directions. Additionally, the agency has validated and approved for regulatory surveillance purposes an analytical method developed by Beecham that is specific for amoxicillin residues in beef tissues. Accordingly, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) [21 CFR 514.11(e)(2)(ii)], a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence

supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(iv)), may be seen in the Dockets Management Branch (address above).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

**List of Subjects in 21 CFR Part 540**

Animal drugs, Antibiotics, Penicillin.

**PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b(i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.203 by redesignating paragraph (c)(1) as (1)(i), (2) as (ii), (3) as (iii), (3)(i) as (a), (ii) as (b), (ii)(a) as (1), (b) as (2), and (iii) as (c), and by adding new paragraph (c)(2) to read as follows:

**§ 540.203 Sterile amoxicillin trihydrate for suspension.**

\* \* \* \* \*

(c) *Conditions of marketing—(1)(i) Specifications.* \* \* \*

\* \* \* \* \*

(2)(i) *Specifications.* Each vial contains 10 grams of amoxicillin activity as the trihydrate. It is reconstituted with sterile water for injection USP to the concentration of 100 or 250 milligrams per milliliter.

(ii) *Sponsor.* See 000029 in § 510.600(c) of this chapter.

(iii) *Related tolerances.* See § 556.510 of this chapter.

(iv) *Conditions of use in nonlactating cattle—(a) Amount.* 3 to 5 milligrams per pound of body weight once a day according to the animal being treated, the severity of infection, and the animal's response.

(b) *Indications for use.* For the treatment of respiratory tract infections (shipping fever, pneumonia) due to *Pasteurella multocida*, *Pasteurella hemolyticus*, *Hemophilus* spp., *Staphylococci* spp., and *Streptococci* spp.

(c) *Limitations.* Administer once daily for up to 5 days by intramuscular or subcutaneous injection. Treatment should be continued for 48 to 72 hours after the animal has become afebrile or asymptomatic. Do not continue treatment beyond 5 days. Treated animals must not be slaughtered for food during treatment and for 25 days

after the last treatment. As with the antibiotics, appropriate in vitro culturing and susceptibility testing of samples taken before treatment should be conducted. For use in nonlactating cattle only. Maximum volume per injection site should not exceed 30 milliliters. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date.* This regulation is effective September 10, 1982.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i), (n)))

Dated: August 31, 1982

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-24535 Filed 9-9-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 558

**New Animal Drugs for Use in Animal Feeds; Chlortetracycline, Procaine Penicillin, and Sulfamethazine**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved supplemental new animal drug application (NADA) sponsored by American Cyanamid Co. providing for safe and effective use of a premix for use in swine feed containing 40 grams of chlortetracycline per pound, 8.8 percent of sulfamethazine, and procaine penicillin equivalent in activity to 20 grams of penicillin per pound.

**EFFECTIVE DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

**SUPPLEMENTARY INFORMATION:** American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, submitted supplemental NADA 35-688 on October 15, 1973, to its existing approval for use in swine feeds of a premix containing 20 grams of chlortetracycline per pound, 4.4 percent of sulfamethazine, and procaine penicillin equivalent in activity to 10 grams of penicillin per pound. The supplement, which sought approval for levels of 40 grams of chlortetracycline per pound, 8.8 percent of sulfamethazine, and procaine penicillin equivalent in activity to 20 grams of penicillin per pound, was approved on January 30, 1974, but the change was not codified.

The sponsor has requested codification of the approval. Therefore,

the Bureau of Veterinary Medicine is amending the existing regulation to list the approval of the supplemental application. However, this newly codified approval, as well as the underlying approval, remain subject to any future actions brought under the provisions of 21 CFR 558.15.

A freedom of information summary has not been prepared because 21 CFR 514.11 does not require such a summary under the circumstances of this codification.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(iii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

#### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.145 is amended by revising paragraph (b) to read as follows:

#### § 558.145 Chlortetracycline, procaine penicillin, and sulfamethazine.

(b) *Approvals.* (1) Premix level of 20 grams of chlortetracycline per pound, 4.4 percent of sulfamethazine, and procaine penicillin equivalent in activity to 10 grams of penicillin per pound has been granted; for sponsor see Nos. 000196 and 010042 in § 510.600(c) of this chapter.

(2) Premix level of 40 grams of chlortetracycline per pound, 8.8 percent of sulfamethazine, and procaine penicillin equivalent in activity to 20 grams of penicillin per pound has been granted; for sponsor see No. 010042 in § 510.600(c) of this chapter.

*Effective date.* September 10, 1982.

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

Dated: September 1, 1982.

**Robert A. Baldwin,**  
*Associate Director for Scientific Evaluation.*  
[FR Doc. 82-24539 Filed 9-9-82; 8:45 am]  
BILLING CODE 4160-01-M

#### 21 CFR Part 558

#### New Animal Drugs for Use in Animal Feeds; Tylosin

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for United Suppliers, Inc., providing for safe and effective use of a 0.4-gram-per-pound tylosin premix for making complete swine feeds.

**EFFECTIVE DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

**SUPPLEMENTARY INFORMATION:** United Suppliers, Inc., P.O. Box 538, Eldora, IA 50627, is the sponsor of supplemental NADA 102-590 submitted on its behalf by Elanco Products Co. This supplement provides for use of premixes containing 0.4 gram of tylosin (as tylosin phosphate) per pound for making complete swine feeds. The firm currently holds approval for use of the 0.8- and 10-gram-per-pound tylosin premixes for making swine feeds. Both feeds are used for increased rate of weight gain and improved feed efficiency.

Approval of this NADA is based on safety and effectiveness data contained in Elanco's approved NADA 12-491. Elanco has authorized use of the data in NADA 12-491 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12-491.

The supplement is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21

CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

#### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(46) to read as follows:

#### § 558.625 Tylosin.

(b) \* \* \*

(46) To 017475: 0.4, 0.8, and 10 grams per pound; paragraph (f)(1)(vi)(a) of this section.

*Effective date.* September 10, 1982.

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

Dated: September 1, 1982.

**Robert A. Baldwin,**  
*Associate Director for Scientific Evaluation.*  
[FR Doc. 82-24536 Filed 9-9-82; 8:45 am]  
BILLING CODE 4160-01-M

#### 21 CFR Part 558

#### New Animal Drugs for Use in Animal Feeds; Lasalocid Sodium, Roxarsone, and Bacitracin Methylene Disalicylate

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoffmann-La Roche, Inc., providing for use of lasalocid sodium combined with roxarsone and bacitracin methylene disalicylate (bacitracin MD) in broiler chicken feeds for prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; as an aid in reduction of lesions due to *E. tenella*; and for increased rate of weight gain.

**EFFECTIVE DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

**SUPPLEMENTARY INFORMATION:** Hoffmann-La Roche, Inc., Nutley, NJ 07110, filed an NADA (131-894) providing for use of broiler chicken feeds containing lasalocid sodium with roxarsone and bacitracin MD for prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; as an aid in reduction of lesions due to *E. tenella*; and for increased rate of weight gain.

This approval is based in part on Hoffmann-La Roche's approved NADA 96-298 which demonstrates the safety and effectiveness of lasalocid sodium when used for prevention of coccidiosis in finished chicken feed. Approval is also based on approved NADA 102-485 which demonstrates that addition of roxarsone at a concentration of 45.4 grams per ton (g/ton) to feeds containing lasalocid sodium (68 to 113 g/ton) aids in reducing lesions due to *Eimeria tenella*. In addition, A. L. Laboratories' NADA 46-592 demonstrates that bacitracin MD is safe and effective for increased rate of weight gain and improved feed efficiency in chickens to 8 weeks of age. NADA 131-894 further

demonstrates that addition of bacitracin MD at 10 to 25 g/ton to the combination of lasalocid sodium and roxarsone does not interfere with their safety or effectiveness, or with animal safety and effectiveness of bacitracin MD, in the 3-way combination, for increasing the rate of weight gain in broiler chickens. Drug residue depletion studies demonstrate that simultaneous presence of the three drugs in tissue samples does not interfere with their individual assays. The residue depletion studies also reveal that after the 5-day withdrawal period of the combination product: (1) Roxarsone residues are well below tolerance levels specified in 21 CFR 556.60 (0.5 part per million (ppm) in uncooked muscle tissue and 2 ppm in uncooked, edible byproducts), (2) lasalocid residues are below the tolerance specified in 21 CFR 556.347 (0.05 ppm for total residues in edible tissues), and (3) no microbiologically active residues of bacitracin MD are detected at zero withdrawal using a method of assay with a detection limit to 0.5 ppm. The NADA is approved and the regulations are amended to reflect the approval.

Approval of this NADA poses no increased human risk from exposure to residues of the animal drugs, nor does it change the conditions of the drugs' safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this NADA has been treated as a Category II supplemental NADA and does not require reevaluation of the human safety data for lasalocid, roxarsone, or bacitracin MD.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug

Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

**List of Subjects in 21 CFR Part 558**

Animal drugs, Animal feeds.

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

1. In § 558.76 by revising paragraph (e)(3)(viii) to read as follows:

**§ 558.76 Bacitracin methylene disalicylate.**

(e) \* \* \*

(3) \* \* \*

(viii) Lasalocid sodium alone or with roxarsone as in § 558.311.

2. In § 558.311 by adding a third 3-way combination consisting of lasalocid sodium, roxarsone, and bacitracin methylene disalicylate to the table in paragraph (e)(2) to read as follows:

**§ 558.311 Lasalocid sodium.**

(e) \* \* \*

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(2) * * *	Roxarsone 45.4 plus bacitracin 10 to 25.	For prevention of coccidiosis caused by <i>Eimeria tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. mivati</i> , and <i>E. maxima</i> ; as an aid in the reduction of lesions due to <i>E. tenella</i> ; and for increased rate of weight gain.	For broiler or fryer chickens only; feed continuously as the sole ration; withdraw 5 days before slaughter; roxarsone provided by Nos. 017210 and 011801 in § 510.600(c) of this chapter, bacitracin methylene disalicylate provided by No. 046573 in § 510.600(c) of this chapter.	000004

3. In § 558.530 by adding new paragraph (f)(4) to read as follows:

§ 558.530 Roxarsone.

(f) \* \* \*

(4) *Additional combinations.*

Roxarsone may be used in combination "as an aid in the reduction of lesions due to *E. tenella*" as follows:

(i) Lasalocid as in § 558.311.

(ii) Lasalocid plus bacitracin methylene disalicylate as in § 558.311.

(iii) Lasalocid plus lincomycin as in § 558.311.

Effective date, September 10, 1982.

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

Dated: September 2, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-24888 Filed 9-9-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 606, 610, and 640

[Docket No. 79N-0316]

Source Plasma (Human); Dating Period and Reduction of Record Retention Requirements

Correction

In FR Doc. 82-19179, appearing at page 30968, in the issue of Friday, July 16, 1982, make the following correction:

On page 30969, in the second column, the List of Subjects, the first entry should read "21 CFR Part 606".

BILLING CODE 1505-01-M

21 CFR Part 880

[Docket No. 78N-1271]

Classification of Neonatal Ventilatory Effort Monitors (Apnea Detectors); Revocation of Final Rule

AGENCY: Food and Drug Administration.

ACTION: Revocation of final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is revoking its final rule of October 21, 1980, that classified neonatal ventilatory effort monitors (apnea detectors) into class II (performance standards). The agency has determined that this device is part of another device, breathing frequency monitors, which the agency has classified into class II as part of the proceeding to classify anesthesiology devices. Because the two regulations concern the same generic type of device, the agency is revoking the final rule of October 21, 1980. The administrative record for the final rule shall be

included with the administrative record for the final regulation classifying breathing frequency monitors into class II.

**DATES:** Effective September 10, 1982; comments by October 12, 1982.

**ADDRESS:** Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** David S. Shindell, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

**SUPPLEMENTARY INFORMATION:** In a final rule in the Federal Register of October 21, 1980 (45 FR 69684), FDA classified neonatal ventilatory effort monitors (apnea detectors) into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical speciality areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the final rule to classify neonatal ventilatory effort monitors (apnea detectors) as part of the general hospital and personal use device classification proceeding, the agency determined that neonatal ventilatory effort monitors (apnea detectors) are essentially the same as another generic type of device, breathing frequency monitors, that had been proposed for classification into class II as part of the classification proceeding for anesthesiology devices. The proposed regulation to classify breathing frequency monitors into class II was published in the Federal Register of November 2, 1979 (44 FR 63340). No comments were received on either

regulation. In a final rule published in the Federal Register of July 16, 1982 (47 FR 31130), FDA classified into class II breathing frequency monitors (21 CFR 868.2375). To avoid unnecessary device classification regulations, the agency is revoking the October 21, 1980 final rule classifying neonatal ventilatory effort monitors (apnea detectors). The administrative record for the October 21, 1980 final rule shall be included in the administrative record (Docket No. 78N-1698) for the proceeding to classify breathing frequency monitors.

The agency has determined for reasons set forth above that notice and public procedure and delayed effective date are unnecessary, impractical, and contrary to public interest. However, interested persons may by October 12, 1982, submit to the Dockets Management Branch (HFA-305) (address above), written comments on this revocation. The comments will determine whether this final rule should be modified.

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

List of Subjects in 21 CFR Part 880

General hospital and personal use devices, Medical devices.

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

§ 880.2440 [Removed]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 880 is amended by removing § 880.2440 *Neonatal ventilatory effort monitor (apnea detector)*.

Effective date: September 10, 1982.

Dated: September 3, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-24887 Filed 9-9-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 168

Grazing Regulations for Former Navajo-Hopi Joint Use Area Lands

AGENCY: Bureau of Indian Affairs, Interior.

**ACTION:** Interim Rule with Public Comment Period.

**SUMMARY:** The Bureau of Indian Affairs is promulgating interim regulations governing grazing and conservation measures for rangeland in the Hopi portion of the former Navajo-Hopi joint use area. (An addition to these regulations for the Navajo portion of the joint use area will be published at a later date.) These regulations are promulgated pursuant to a judgment issued May 4, 1982, in the case of *Hopi Tribe v. Watt*, Civ. No. 81-272 PCT-EHC, U.S.D.C. D. Ariz., and are effective upon publication in the *Federal Register*. In order to continue the consultation process with the Hopi Tribe, and provide for public input pending final rulemaking, interested parties shall have 30 days to submit comments on these regulations.

**DATES:** Effective September 10, 1982. Comments on this interim rule must be submitted on or before October 11, 1982.

**ADDRESSES:** Send comments to Bureau of Indian Affairs, Division of Water and Land Resources, 1951 Constitution Ave., N.W., Washington, D.C. 20245.

**FOR FURTHER INFORMATION CONTACT:** Sam Miller, Bureau of Indian Affairs, Division of Water and Land Resources, 1951 Constitution Ave., N.W., Washington, D.C. 20245, telephone number (202) 343-4004.

**SUPPLEMENTARY INFORMATION:** These regulations are a result of the longstanding dispute between the Hopi and Navajo Tribes over the so-called joint use area created by the Executive Order of December 16, 1982. The court in *Healing v. Jones*, 210 F. Supp. 125 (1962) determined that while the Hopi Tribe held an area within the Executive Order boundaries for their exclusive use and occupancy, the remaining area was shared in common and each tribe had a right to use the land. Although the Navajos were using the joint use area to the almost total exclusion of the Hopis, the court found that it had no authority to take remedial action. In response to this situation, Congress enacted the Navajo-Hopi Settlement Act, Pub. L. 93-531, 88 Stat. 1713, in 1974 which provided, inter alia, for the partition of the joint use area between the two tribes. The Act was amended by Pub. L. 96-305, 94 Stat. 929, in 1980. The amended act is now codified as 25 U.S.C. 640d et seq.

In litigation over the conflicting interpretations of the amended act, *Hopi Tribe v. Watt*, supra, the court determined in a May 4, 1982 judgment that Part 153 of 25 CFR (redesignated Part 168 on March 30, 1982, 47 FR 13326)

was invalid because it did not have the concurrence of the Hopi Tribe. The court ordered the Secretary to prepare new regulations and obtain Hopi tribal concurrence with them, within 60 days. Regulations were prepared but the Secretary was unable to secure the Hopi Tribe's concurrence. On August 31, the court instructed the Secretary to issue regulations within 10 days. In an effort to reconcile the court's August 31 instructions with the May 4 judgment, the Department is issuing these interim regulations while at the same time soliciting public comments and attempting to secure Hopi tribal concurrence prior to issuance of a final rule.

It has been determined that this interim rule is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have a limited economic impact on a small number of people. For the same reason, it has been determined that this final rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354.

The information collection requirement contained in § 168.6 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0027.

This interim rule is being made effective upon publication in the *Federal Register* under the exception in 5 U.S.C. 553(d)(3), which permits rules to become effective in less than 30 days for good cause found and published with the rule. The regulations need to be in effect upon publication in order to meet court ordered deadlines and to allow the Secretary to fulfill his responsibilities under the Navajo-Hopi Settlement Act.

**List of Subjects in 25 CFR Part 168**

Grazing lands, Indian lands, Livestock.

Accordingly, 25 CFR Part 168 is revised as follows:

**PART 168—GRAZING REGULATIONS FOR THE HOPI PARTITIONED LANDS AREA**

- Sec.
- 168.1 Definitions.
  - 168.2 Authority.
  - 168.3 Purpose.
  - 168.4 Establishment of range units.
  - 168.5 Grazing capacity.
  - 168.6 Grazing on range units authorized by permit.
  - 168.7 Kind of livestock.
  - 168.8 Grazing fees.
  - 168.9 Assignment, modification and cancellation of permits.

- Sec.
- 168.10 Conservation and land use provisions.
  - 168.11 Range improvements; ownership; new construction.
  - 168.12 Special permit requirements and provisions.
  - 168.13 Fences.
  - 168.14 Livestock trespass.
  - 168.15 Control of livestock diseases and parasites.
  - 168.16 Impoundment and disposal of unauthorized livestock.
  - 168.17 Concurrence procedures.
  - 168.18 Appeals.
  - 168.19 Information collection.
- Authority: 5 U.S.C. 301; 25 U.S.C. 2, 640d-8, and 640d-18.

**§ 168.1 Definitions**

As used in this Part, terms shall have the meanings set forth in this section.

(a) "Secretary" means the Secretary of Interior or his designee;

(b) "Area Director" means the officer in charge of the Phoenix Bureau of Indian Affairs Area Office (or his successor; and/or his authorized representative) to whom has been delegated the authority of the Assistant Secretary—Indian Affairs to act in all matters pertaining to lands partitioned to the Hopi Tribe under its jurisdiction, within the boundaries of the former Joint Use Area.

(c) "Superintendent" means the Superintendent, Hopi Agency or his designee.

(d) "Tribal Government" means the Hopi Tribal Council, or its duly designated representative.

(e) "Project Officer" means the former Special Project Officer of the Bureau of Indian Affairs, Administrative Office, Flagstaff, Arizona 86001, who had been delegated the authority of the Commissioner of Indian Affairs to act in matters respecting the former Joint Use Area.

(f) "Former Joint Use Area" means the area established by the United States District Court for the District of Arizona in the case entitled *Healing v. Jones*, 210 F. Supp. 125 (1962), which is inside the Executive Order area (Executive Order of December 16, 1882) but outside Land Management District 6 and which was partitioned by the judgment of partition dated April 18, 1979.

(g) "Hopi Partition Area" means that portion of the Former Joint Use Area which has been added to the Hopi Tribe's reservation.

(h) "Range Unit" means a tract of range land designated as a management unit for administration of grazing.

(i) "Range improvements" means fences, stockwater devices, corrals, trails and other similar devices or practices which are applied to the land

to enhance range productivity or usability.

(j) "permit" means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land. The term as used herein shall include written authorizations issued to enable the crossing or trailing of domestic livestock across specified tracts or range units.

(k) "Interim permit" means a permit granted to members of the Navajo tribe residing on Hopi Partitioned Lands who meet the qualifications of § 168.6(b) in accordance with Pub. L. 93-531 as amended.

(l) "Animal unit" (AU) means one adult cow with unweaned calf by her side or equivalent thereof based on comparative forage consumption. Accepted conversion factors are: sheep and goats, one ewe, doe, buck or ram equals 0.25 A.U.; one sheep unit year long (SUYL) equals 0.25 Animal Unit year long; horses and mules, one horse, mule, donkey or burro equals 1.25 A.U.

(m) "Tribe" means the Hopi Tribe including all villages and clans.

(n) "Allocate" means to apportion grazing, including the determination of who may graze livestock, the number and kind of livestock, and the place such livestock will be grazed.

(o) "Person awaiting relocation" means a resident of the Hopi Partitioned Area who meets each of the following criteria: (1) Is listed on the Bureau of Indian Affairs enumeration (as defined in (q) below); (2) has a livestock inventory listed with the project Officer (see (r) below); (3) is awaiting relocation under the Settlement Act; and (4) was grazing livestock on the date of the entry of the Judgment of Partition, April 18, 1979.

(p) "Carrying capacity" means the maximum stocking rate possible without inducing damage to vegetation or related resources.

(q) "BIA enumeration" means the list of persons living on and improvements located within the former Joint Use Area obtained by interviews by the Project Officer's staff.

(r) "Livestock inventory" means the original list as amended (developed by the Project Officer in 1976-77) of livestock owned by persons having customary grazing use in the former Joint Use Area.

(s) "Settlement Act" means the Act of December 22, 1974, 88 Stat. 1712, as amended.

(t) "Life Tenant" means a person who has applied for and been granted a life estate lease pursuant to Section 30 of the Settlement Act, 25 U.S.C. 640d-28.

#### § 168.2 Authority.

It is within the general authority of the Secretary to protect Indian trust lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing. Also, under the Navajo-Hopi Settlement Act as amended, 25 U.S.C. 640d-8 and 18, the Secretary is authorized and directed to: (a) Reduce livestock grazing within the former Joint Use Area to carrying capacity, (b) restore the grazing range potential of the resource to maximum grazing extent feasible, (c) survey, monument and fence the partition boundary, (d) protect the rights and property of individuals awaiting relocation or authorized to reside on life estates, and (e) to administer conservation practices, including grazing control and range restoration activities on the Hopi Partitioned Lands.

#### § 168.3 Purpose.

These regulations are issued to implement the Secretary's responsibilities mandated by the Settlement Act and subsequent U.S. District Court Judgment filed May 4, 1982, in the case, *Hopi Tribe v. Watt*, Civ. No. 81-272 PCT-EHC. This portion of the regulations apply only to lands partitioned to the Hopi Tribe within the former Joint Use Area.

#### § 168.4 Establishment of range units.

The Area Director will use Soil and Range Inventory data to establish range units on the Hopi Partitioned Area to provide for a surface land management program to restore the land to its full grazing potential and maintain that potential to the maximum extent feasible. The establishment of range units on Hopi Partitioned Lands is subject to the concurrence of the Hopi Tribe in accordance with § 168.17 of these regulations.

#### § 168.5 Grazing capacity.

(a) The Area Director shall prescribe the maximum number of each kind of livestock which may be grazed on land under his jurisdiction without inducing damage to vegetation or related resources on each range unit and the season or seasons of use to achieve the objectives of the land recovery program required by the Settlement Act.

(b) The Area Director shall review the stocking rate upon which the grazing permits are issued on a continuing basis and adjust that rate as conditions warrant.

#### § 168.6 Grazing on range units authorized by permit.

Grazing use on range units is authorized only by permits granted under paragraph (a) or (b) below.

(a) Grazing permits to Hopi tribal members on their partitioned lands. The Area Director shall assign grazing privileges to the Hopi Tribe for lands within Hopi Partitioned Lands. The tribal government will then allocate use to their tribal members for permit periods not to exceed five years. Grazing use by Hopi tribal enterprises may be authorized. The Area Director will issue permits based on the determination of the Hopi tribal government.

(b) Interim Grazing Permit for persons awaiting relocation. Navajo Tribal members who have maintained both a permanent residence on Hopi Partitioned lands; a livestock inventory since enumeration; and meet all the criteria listed in § 168.1(o), shall be eligible for an interim grazing allocation on Hopi Partitioned lands under the following terms and conditions:

(1) The Area Director shall first verify that an applicant meets the criteria of the definition in § 168.1(o) and will issue all permits.

(2) The permitted number shall not exceed either (i) 10 SUYL (See § 168.1(1)) for each eligible family member, or (ii) the grazing applicant's livestock inventory reduced by voluntary sales as adjusted by reproduction, in accordance with procedures developed by the Project Officer based upon the study by Stubblefield and Camfield, 1975 page 5. The determination of the person to whom permits will be issued and the number of livestock to be permitted will be based on information provided by the permit applicant and an assessment of the number of dependents residing in the immediate household.

(3) The permit shall authorize grazing for a specific number and kind of animal(s) in a specified range unit. Interim grazing permits will not be issued in excess of one-half the authorized carrying capacity of the Hopi Partition area.

(4) Subject to the provisions of § 168.9(b), permits shall expire when the person awaiting relocation is relocated pursuant to the Settlement Act. No interim permit will be issued for a term greater than one year. Permits may be reissued upon application and redetermination of eligibility. All interim permits will expire at the end of the period provided by the Settlement Act for the completion of relocation, 25 U.S.C. 640d-13(e). When a Navajo permit holder discontinues grazing livestock or reduces the number being grazed whether by reason of his relocating or for any other reason, his grazing permit will be cancelled or

reduced and no permit will be issued in lieu thereof. The total number of authorized animal units grazed by the Navajo permit holders awaiting relocation will be reduced by the number of animal units authorized under the cancelled or reduced permit.

#### § 168.7 Kind of livestock.

Unless determined otherwise by the Area Director for conservation purposes, the Hopi Tribe may determine, subject to the authorized carrying capacity, the kind of livestock that may be grazed by their tribal members on the range units within the Hopi Partitioned Land area.

#### § 168.8 Grazing fees.

(a) The rental value of all uses of Hopi Partitioned lands by persons who are not members of the Hopi Tribe, including eligible holders of interim permits, will be determined, and assessed by the Area Director and paid in accordance with 25 USC 640d-15.

(b) The Hopi Tribe has established an annual grazing fee to be assessed all range users on Hopi Partitioned lands. The annual Hopi grazing fee shall be paid in full in advance of the annual effective date of the permit, prior to the issuance of a grazing permit. Payment shall be made to the Superintendent, Hopi Agency, for disbursement to the Hopi tribal treasurer. Failure of the permittee to make payment in full in advance will be cause to deny issuance of the grazing permit.

#### § 168.9 Assignment, modification and cancellation of permits.

(a) Grazing permits to Hopi tribal members shall not be reassigned, subpermitted or transferred without the approval of the permit issuer(s).

(b) The Area Director may revoke or withdraw all or any part of any grazing permit in Hopi Partitioned lands by cancellation or modification on 30 days written notice of a violation of the permit or special conditions affecting the land or the safety of the livestock thereon, as may result from flood, disaster, drought, contagious diseases, etc. Except in the case of extreme necessity, cancellation or modification shall be effected on the next annual anniversary date of the grazing permit following the date of notice. Revocation or withdrawal of all or any of the grazing permit by cancellation or modification as provided herein is effective on the date the notice of cancellation or modification is received and shall be appealable under 25 CFR Part 2.

#### § 168.10 Conservation and land use provisions.

Grazing operations shall be conducted in accordance with recognized principles of good range management. Conservation management plans necessary to accomplish this will be made a part of the grazing permit by stipulation.

#### § 168.11 Range improvements; ownership; new construction.

Except as provided by the Relocation Act, range improvements placed on the permitted land shall be considered affixed to the land unless specifically excepted therefrom under the permit terms. Written permission to construct or remove improvements must be obtained from the Hopi Tribe.

#### § 168.12 Special permit requirements and provisions.

All grazing permits shall contain the following provisions:

(a) Because the lands covered by the permit are in trust status, all of the permittees' obligations on the permit and the obligations of his sureties are to the United States as well as to the beneficial owners of the lands.

(b) The permittee agrees he will not use, cause, or allow to be used any part of the permitted area for any unlawful conduct or purpose.

(c) The permit authorizes only the grazing of livestock.

#### § 168.13 Fences.

Fencing will be erected by the Federal Government around the perimeter of the 1882 Executive Order Area, Land Management District 6, and on the boundary of the former Joint Use Area partitioned to each tribe by the Judgment of Partition of April 18, 1979. Fencing of other areas in the former Joint Use Area will be required for a range recovery program in accordance with the range units established under § 168.4. Such fencing shall be erected at Government expense and ownership shall be clearly identified by appropriate posting on the fencing. Intentional destruction of Federal property will be treated as a violation of 18 U.S.C. 1164.

#### § 168.14 Livestock trespass.

The owner of any livestock grazing in trespass on the Hopi Partitioned Lands Area is liable to a civil penalty of \$1 per head per day for each animal in trespass, together with the replacement value of the forage consumed and a reasonable value for damages to property injured or destroyed. The Superintendent may take appropriate action to collect all such penalties and damages and seek injunctive relief when appropriate. All payments for such

penalties and damages shall be credited to the Tribe. The following acts are prohibited:

(a) The grazing upon or driving across any of the Hopi Partitioned Lands of any livestock without an approved grazing or crossing permit;

(b) Allowing livestock to drift and graze on lands without an approved permit;

(c) The grazing of livestock upon lands within an area closed to grazing of that class of livestock;

(d) The grazing of livestock by permittees upon any land withdrawn from use for grazing purpose to protect it from damage, after the receipt of notice from the Area Director; and

(e) Grazing livestock in excess of those numbers and kinds authorized on a livestock grazing permit approved by the Area Director.

#### § 168.15 Control of livestock diseases and parasites.

Whenever livestock within the Hopi Partitioned Lands become infected with contagious or infectious diseases or parasites or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable laws.

#### § 168.16 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock within any range unit of the Hopi Partitioned Lands which are not removed therefrom within the periods prescribed by the regulation will be impounded and disposed of by the Superintendent as provided herein.

(a) When the Area Director determines that unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded any time five days after written notice of intent to impound unauthorized livestock is mailed by certified mail or personally delivered to such owners or their agent.

(b) When the Area Director determines that unauthorized livestock use is occurring but does not have complete knowledge of the number and class of livestock or if the name and address of the owner thereof are unknown, such livestock will be impounded anytime 15 days after the date of a General Notice of Intent to Impound unauthorized livestock is first published in the local newspaper, posted at the nearest chapter house, and in one or more local trading posts.

(c) Unauthorized livestock on the Hopi Partitioned Lands which are owned by persons given notice under

paragraph (a) of this section, and any unauthorized livestock in areas for which a notice has been posted and published under paragraph (b) of this section, will be impounded without further notice anytime within the twelve-month period immediately following the effective date of the notice.

(d) Following the impoundment of unauthorized livestock a notice of sale of impounded livestock will be published in the local newspaper, posted at the nearest chapter house, and in one or more local trading posts. The notice will describe the livestock and specify the date, time and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owners or their agent may redeem the livestock anytime before the time set for the sale by submitting proof of ownership and paying for all expenses incurred in gathering, impounding and feeding or pasturing the livestock and any trespass fees and/or damages caused by the animals.

(f) Livestock erroneously impounded shall be returned to the rightful owner and all expenses accruing thereto shall be waived.

(g) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public sale to the highest bidder, provided his bid is at or above the minimum amount set by the Superintendent based upon U.S.D.A.'s current Agricultural Statistic's Report for Arizona. If a bid at or above the minimum is not received the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the superintendent shall furnish the buyer a bill of sale or other written instrument evidencing the sale.

(h) The proceeds of any sale of impounded livestock shall be applied as follows: (1) To the payment of all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock; (2) in payment of any penalties or damages assessed pursuant to § 168.14 of this part which penalties or damages shall be credited to the Hopi tribe as provided in said section; (3) any remaining amount shall be paid over to the owner of said livestock upon his submitting proof of ownership. Any proceeds remaining after payment of the first and second items noted above not claimed with one year from the date of sale, will be credited to the Hopi Tribe.

#### § 168.17 Concurrence procedures.

(a) Definitions: As used in this section, terms shall have the meaning set forth as follows:

(1) "Concurrence" means agreement by the Area Director and the Hopi Tribe, speaking through the Chairman of the Tribe (or his designee).

(2) "Non-concurrence" means disagreement between the Area Director and the Hopi Tribe, speaking through the Chairman of the Hopi Tribe (or his designee), or a failure of the Hopi Tribe to respond to a proposal by the Area Director in a timely manner.

(3) "Timely manner" means a period of thirty days, unless this period is shortened by the existence of an emergency. Upon request by the Tribal Council, the Area Director may extend the 30 day period. In instances where this period applies to the Area Director, he may extend the period by so notifying the Tribe.

(4) "An emergency" is a condition that the Area Director finds threatens the rights and property of life tenants and persons awaiting relocation or one that the Area Director finds is causing the condition of the range land to deteriorate.

(5) "Conservation practice" is a program consisting of a series of acts in conformance with the Bureau's range management policies and procedures which maintains or seeks to achieve the grazing potential of range lands on a continuing basis.

(6) "Range restoration activities" is a program consisting of a series of range management acts, including but not limited to procedures which increase range forage production, reduce erosion, improve range usability and reduce stocking by issuing grazing permits to persons residing on Hopi partitioned lands at rates which maximize the carrying capacity of the range lands on a continuing basis.

(7) "Grazing control" is a program consisting of a series of range management acts, including but not limited to procedures by which grazing permits are issued to persons residing on Hopi partitioned lands, which limit the grazing on range lands to its carrying capacity.

(b) The Area Director will seek the participation of the Hopi Tribe in his investigation, formulation and planning of conservation practices for Hopi partitioned lands. The Area Director will submit, in writing, the proposed plan to the Hopi Tribe.

(c) Upon receipt of the Area Director's proposed conservation practices, the Hopi Tribe will deliver, in writing, to the Area Director its concurrence or non-

concurrence on all of the proposed conservation practices in a timely manner. The Area Director will continue to seek Hopi Tribal participation during the review process.

(d) Concurrence of the Hopi Tribe will be sought on all conservation practices, range restoration activities, and grazing control programs on the Hopi Partitioned Lands.

(1) If the Area Director and the Hopi Tribe concur on all or part of the proposed conservation practices in writing in a timely manner, those practices concurred upon may be immediately implemented.

(2) If the Hopi Tribe does not concur on all or part of the proposed conservation practices in a timely manner, the Area Director will submit in writing to the Hopi Tribe a declaration of non-concurrence. The Area Director will then notify the Hopi Tribe in writing of a formal hearing to be held not sooner than 15 days from the date of the non-concurrence declaration.

(i) The formal hearing on non-concurrence will permit the submission of written evidence and argument concerning the proposal. Minutes of the hearing will be taken. Following the hearing, the Area Director may amend, alter or otherwise change his proposed conservation practices. Except as provided in § 168.17d(1) above, if following the hearing, the Area Director altered or amends portions of his proposed plan of action, he will submit those individual altered or amended portions of the plan to the Tribe in a timely manner for their concurrence.

(ii) In the event The Tribe fails or refuses to give its concurrence to the proposal at the hearing, then the implementation of such proposal may only be undertaken in those situations where the Area Director expressly determines in a written order, based upon findings of fact, that the proposed action is necessary to protect the rights and property of life tenants and/or persons awaiting relocation.

#### § 168.18 Appeals.

Appeals from decisions issued under this part will be in accordance with procedures in 25 CFR Part 2.

#### § 168.19 Information Collection.

The information collection requirement(s) contained in this regulation have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1076-0027. The information is being collected in order to ascertain eligibility for the issuance of a

grazing permit. Response is mandatory in order to obtain a permit.

Kenneth Smith,

*Assistant Secretary, Indian Affairs.*

September 8, 1982.

[FR Doc. 82-25002 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-02-M

## Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 948

#### Removal of One of the Conditions of Approval of the West Virginia Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule.

**SUMMARY:** This document amends 30 CFR Part 948 by removing one of the conditions of approval (condition (a)(8)(iii)) of the West Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). West Virginia has submitted provisions to the Office of Surface Mining (OSM) which satisfy the condition.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Secretary of the Interior has determined that the modification to the West Virginia program satisfies condition (a)(8)(iii) by amending section E.03 a. of its regulations to require that water leaving the permit area will meet all applicable Federal and State water quality standards for the river, stream or drainway into which it is discharged. Accordingly, the Secretary of the Interior has removed condition (a)(8)(iii) from the approval of the West Virginia program.

Part 948 of 30 CFR Chapter VII is being amended to implement this decision.

**EFFECTIVE DATE:** The removal of the condition of the approval is effective September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-5351.

## SUPPLEMENTARY INFORMATION:

### Background

On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the State of West Virginia. On January 21, 1981, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the West Virginia program can be found in the January 21, 1981 *Federal Register* (46 FR 5915-5956).

On April 29, 1981, the State provided a copy of proposed coal refuse disposal regulations to OSM for review (Administrative Record No. WV 400). On June 8, 1981, OSM provided an informal listing of deficiencies found in the proposed regulations (Administrative Record No. WV 401a) and informed the State that the promulgated regulations must be submitted as a program amendment which would be subject to public comment. The regulations were promulgated by West Virginia on October 1, 1981, and submitted as a program amendment on October 29, 1981.

The Director, OSM, determined that the amendment contained minor deficiencies and therefore, conditionally approved the amended regulations on May 11, 1982 (47 FR 20119-20122, Administrative Record No. WV 438). Finding 4 of the Director's approval stated that the State regulations required that water leaving the permit area would not lower the water quality of the river, stream or drainway into which it is discharged. Since this conflicts with the requirements of 30 CFR 816.41 and 817.41, the Director conditioned the approval of the amended regulations upon compliance with the Federal requirements by June 15, 1982 (See Condition (a)(8)(iii)).

On June 17, 1982, the State of West Virginia submitted a copy of an amendment to the Coal Refuse Regulations to satisfy Condition (a)(8)(iii) of the conditional approval (Administrative Record No. WV 442). The amendment was filed on an emergency basis with the West Virginia Secretary of State on June 17, 1982. A *Federal Register* notice announcing receipt and a public comment period on the proposed amendment was published July 9, 1982 (47 FR 29852-29853). The comment period closed on August 9,

1982. Public disclosure of comments by Federal agencies was made on August 17, 1982, in the *Federal Register* (47 FR 35783, 8-17-82).

### Secretary's Findings

Pursuant to 30 CFR 732.17 the Secretary finds the program amendment to section E.03 a. of the West Virginia regulations submitted on June 17, 1982, corrects condition (a)(8)(iii) of the approval of the program. The amended regulation clearly requires that water leaving the permit area will meet all applicable Federal and State water quality standards for the river, stream or drainway into which it is discharged and is therefore no less effective than 30 CFR 816.41 and 817.41.

### Public comments

The West Virginia Surface Mining and Reclamation Association stated that the revised regulation was contradictory to Chapter 20, Article 6, Section 12(f) of the Code of West Virginia. The Association further stated that the original regulation had been written in such a manner as to be in conformance with State law.

Although 20-6-12(f) does contain provisions relating to water quality, the regulation in question is intended to implement the requirements of Section 20-6-13(b)(10)(B) of the West Virginia Surface Coal Mining and Reclamation Act. This section requires compliance set by applicable requirements of the State law. Therefore, the revised regulation is consistent with the State's surface mining act. In addition, the regulation is consistent with Section 10C.03c of the conditionally approved regulations of January 21, 1982. Please refer to finding 13.7 of the Secretary's approval of January 21, 1982, for additional discussion (46 FR 5919, January 21, 1981, Administrative Record Number WV 392).

Utah International had two comments concerning the revised regulation. The first comment concerned differences in the requirements of the Surface Mining Control and Reclamation Act and the Clean Water Act. Since this comment does not relate to the revised regulation, it will not be addressed.

The second comment concerned the use of sediment ponds to comply with the requirements of Section 515(b)(10)(B)(i) of SMCRA (and corresponding Section 20-6-13(b)(10)(B) of the West Virginia Surface Coal Mining and Reclamation Act). Utah International stated that Section 515 of SMCRA required prevention of additional contributions of suspended solids only. The use of sediment ponds would intercept natural sediment as

well as the additional sediment generated by mining.

While Section 515(b)(10)(B)(i) does address additional sediment, it also mandates the use of the best technology currently available, as does the West Virginia law. Since sediment ponds are considered to be the best technology currently available, their use is required by both the Federal and State laws.

#### Additional Determinations

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this action.

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this rule will not have a significant economic impact on a substantial number of small entities.

On September 2, 1982, the Administrator of the Environmental Protection Agency transmitted her written concurrence on the amendment approved in this document as it relates to air or water quality standards under the authority of the Clean Water Act, as amended (33 U.S.C. 1151 *et seq.*), and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*)

#### List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 1, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

Therefore, Part 948 of 30 CFR Chapter VII is amended as set forth herein.

#### PART 948—WEST VIRGINIA

Part 948 of Title 30 is amended as follows:

1. 30 CFR 948.10 is revised to read as follows:

##### § 948.10 State regulatory program approval.

The West Virginia State program, as submitted on March 3, 1980, as amended and clarified on July 16, 1980, and resubmitted December 19, 1980, was conditionally approved, effective January 21, 1981. Beginning on that date, the Department of Natural Resources

was deemed the regulatory authority in West Virginia for all surface coal mining and reclamation operations and for all exploration operations on non-Federal and non-Indian lands. Beginning on May 11, 1982, the program also included the coal refuse regulations conditionally approved as a program amendment on that date. Section 10 of the regulations contained in the conditionally approved program of January 21, 1981, was deleted from the program as of May 11, 1982. Further, beginning on September 10, 1982, the program includes the modification submitted on June 17, 1982. Copies of the conditionally approved program, as amended, are available at:

(a) West Virginia Department of Natural Resources, 1800 Washington Street, East, Room 630, Charleston, West Virginia 25305, telephone: (304) 348-9160.

(b) Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158.

(c) Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1100 "L" Street, NW., Room 5315, Washington, D.C. 20240, Telephone: (202) 343-7896.

2. Section 948.11 is amended by removing and reserving paragraph (a)(8)(iii).

##### § 948.11 Conditions of State regulatory program approval.

(a) \* \* \*

(8) \* \* \*

(iii) [Reserved]

[FR Doc. 82-24942 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-05-M

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 81

[A-5-FRL 2197-6]

##### Designations of Areas for Air Quality Planning Process; Attainment Status Designations: Minnesota

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rulemaking.

**SUMMARY:** This rulemaking revises the total suspended particulate (TSP) designation for the City of Cloquet. EPA is redesignating the City of Cloquet from secondary nonattainment to attainment for TSP. This revision is based on a request from the State of Minnesota to redesignate this area and on the supporting data the State submitted. Under the Clean Air Act, designations

can be changed if sufficient data are available to warrant such change.

**DATE:** This action will be effective November 9, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 S. Dearborn Street, Chicago, Illinois 60604;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20480;

Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minnesota 55113.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Uylaine McMahan, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-0396.

**SUPPLEMENTARY INFORMATION:** Under Section 107(d) of the Act, the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

In general, justification for a change from a nonattainment designation to an attainment designation may include either:

(1) Eight consecutive quarters of recent representative ambient air quality data which show no violations of the appropriate NAAQS, or

(2) Four consecutive quarters of the most recent representative ambient air quality data which show both (a) no violation of the appropriate NAAQS and (b) air quality improvement that results from legally enforceable emission reductions.

On June 24, 1982, the Minnesota Pollution Control Agency (MPCA) submitted a request to EPA to redesignate the City of Cloquet from secondary nonattainment to attainment for TSP. MPCA submitted a dispersion modeling analysis to support their

request. The modeling analysis performed by MPCA and modified by EPA demonstrates that the area is now in attainment of the TSP ambient air quality standards. This analysis is summarized in EPS's Technical Support Document, available at the Region V Office.

Additionally, EPA reviewed all available ambient monitoring data collected in the area. The most recent data were collected by the MPCA for 12 consecutive quarters during the period 1977-1979 at a site in the City of Cloquet. The MPCA monitor measured no violations of the TSP NAAQS during this period. At the end of 1979, this monitor was discontinued. Even though no monitoring data exists for 1980 and 1981, EPA determined that the 1977-1979 quality assured data are representative of actual air quality levels in the City. Therefore, the modeling analysis, in conjunction with the available monitoring data, supports Minnesota's request for redesignation of the City of Cloquet to attainment.

Because EPA considers today's action non-controversial and routine, we are approving it today without prior proposal. The action will become effective on November 9, 1982. However, if we receive notice by 30 days from the date of this notice that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Pursuant to Executive Order 12291 (Order), EPA must judge whether a regulation is "Major" and, therefore, subject to the requirement of preparing a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes in area's air quality designation; it does not impose any new regulatory requirements.

Under 5 U.S.C. section 605(b) of the Regulatory Flexibility Act I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2)).

#### List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: August 31, 1982.

Anne M. Gorsuch,  
Administrator.

#### § 81.324 Minnesota.

Designated area	Does not meet primary standards	Does not meet national standards	Cannot be classified	Better than national standards
Minnesota-TSP				
City of Cloquet.....	.	.	.	X.

[FR Doc. 82-24688 Filed 9-9-82; 8:45 am]

BILLING CODE 6560-50-M

#### DEPARTMENT OF ENERGY

##### Office of the Secretary

#### 41 CFR Part 109-35

#### ADP and Telecommunications; Telecommunications Activities That Implement Federal Property Management Regulations

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

**SUMMARY:** The DOE is amending its regulations governing telecommunications activities (41 CFR Part 109-35) to correct inaccuracies and change nomenclature from "ERDA" to "DOE" throughout. This part, previously published as an Energy Research and Development Administration (ERDA) regulation, was revised as of July 1, 1981, to reflect its new status as a DOE regulation, but failed to make nomenclature changes internally. In addition, DOE is amending changed regulations, directives, and other inaccuracies.

**EFFECTIVE DATE:** October 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben B. Barnett, Chief, Data Communications Engineering Branch, Office of Computer Services and Telecommunications Management, U.S. Department of Energy, Washington, D.C. 20545, 301/353-4636.

#### SUPPLEMENTARY INFORMATION:

1. Change the phrase "FPMR 101-35, Telecommunications," in the undesignated paragraph to read "FPMR 101-37, Telecommunications Management,".

#### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES—MINNESOTA

Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 81.324 is amended by revising the designation for the City of Cloquet in the table for "Minnesota-TSP" as follows:

2. Change the phrase "ERDA Manual Chapter 0270 and appendix handbook is practicable." in paragraph (b) to read "DOE 5300.1, Telecommunications, is practicable."

3. Change the phrase "101-35.202(a)(6)," in paragraph (a) to read "101-37.202(a)," and the phrase "shall not" to read "shall."

4. Change the phrase "101-35.202" in paragraph (b) to read "101-37.202(b)."

5. Change the phrase "Subpart 101-35.202(a)(9)" in paragraph (c) to read "Subpart 101-37(c)."

6. Change the phrase "FPMR 101-35.201" in paragraph (f) to read "FPMR 101-37.201-1."

7. Change nomenclature from "ERDA" to "DOE" throughout.

#### List of Subjects in 41 CFR Part 109-35

Government property management, Telecommunications.

Issued in Washington, D.C., on September 3, 1982.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

Accordingly, Part 109-35 of Title 41 of the CFR is revised as set forth below:

#### PART 109-35—TELECOMMUNICATIONS

Sec.  
109-35.000 Scope of part.  
109-35.000-50 Applicability to contractors.

#### Subpart 109-35.1—General Provisions

109-35.107 Surveys.  
109-35.108 Agency payments to common carriers.

#### Subpart 109-35.2—Major Changes and New Installations

109-35.202 Definition of major changes.

**Subpart 109-35.3—Utilization and Ordering of Telecommunications Services**

Sec.  
109-35.304 Changes in telephone listing.  
109-35.306 Forms for telegraph messages.

**Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services**

109-35.402 Contracting.  
109-35.405 Submission of requests.

Authority: Sec. 161, as amended, 68 Stat. 948, sec. 205, 63 Stat. 390, as amended; 42 U.S.C. 2201, 40 U.S.C. 486.

**§ 109-35.000 Scope of part.**

This part prescribes DOE regulations governing telecommunications activities, which regulations implement Federal Property Management Regulations.

**§ 109-35.000-50 Applicability to contractors.**

FPMR 101-37, Telecommunications Management, and DOE-PMR 109-35, Telecommunications, shall be applied to cost-type contractors' telecommunications activities as follows:

(a) In all respects to cost-type contractors employing telecommunications facilities and services which are wholly owned, leased, or cost reimbursed by the DOE.

(b) To all other cost-type contractors whose telecommunications costs are directly identifiable and chargeable to DOE, when such costs are considered significant and to the extent that application of DOE 5300.1, Telecommunications, is practicable.

**Subpart 109-35.1—General Provisions****§ 109-35.107 Surveys.**

Surveys of DOE communications facilities requested by GSA will be coordinated through DOE headquarters.

**§ 109-35.108 Agency payments to common carriers.**

GSA will advise DOE Headquarters of its requests for common carrier bills rendered to DOE.

**Subpart 109-35.2—Major Changes and New Installations****§ 109-35.202 Definition of major changes.**

For the purpose of this Subpart 109-35.2, the following shall be deemed major changes or new installations of telecommunications facilities:

(a) *Local telephone service.* In connection with § 101-37.202(a), installation or removal of tielines between the gateway PBX and satellite PBX's on the same site shall be deemed major changes or new installations requiring GSA review. Significant increases or decreases in the number of these lines or other information which

could have an effect on the FTS traffic load will be reported to GSA.

(b) *Intercity telephone service.* Applies as written in § 101-37.202(b).

(c) *Data transmission service.* Installation or removal of local data transmission channels or equipment which are used exclusively for onsite transmission (i.e., in the sense that there can be no direct transmission by the channel or equipment off the site) shall not require GSA approval. This, however, does not preclude compliance with the requirement of Subpart 101-37(c).

(d) *Telegraph service.* Installation or removal of exclusively onsite (i.e., in the sense that there can be no direct transmission by the equipment off the site) teletype leased lines and associated equipment shall not be deemed major change or new installation.

(e) *Communications security service.* The GSA/DOE Agreement relating to communications security service provides information for GSA review in this area. No additional information need be provided by DOE with respect to facilities covered by that Agreement.

(f) *Radio service.* Notification to GSA may be made through the GSA member of the Interdepartment Radio Advisory Committee (IRAC). DOE need provide additional information with respect to matters reported to IRAC only if specifically requested by GSA. For purposes of radio service, calculation of the 20 regular working days referred to in FPMR 101-37.201-1 shall begin on the date the GSA member of IRAC is advised of the proposed DOE action. GSA will review applications filed for "Telephone Action" and will informally advise DOE of recommendations, if any, within 5 working days from the date of receipt of the application from IRAC.

(g) *Video and audio service.* The requirements of this paragraph shall not apply to exclusively onsite equipment (i.e., in the sense that there can be no direct transmission by the equipment or channels off the site).

**Subpart 109-35.3—Utilization and Ordering of Telecommunications Services****§ 109-35.304 Changes in telephone listing.**

DOE is required to use Standard Form 146 only in connection with joint use switchboards not operated by DOE or its contractors.

**§ 109-35.306 Forms for telegraph messages.**

DOE is required to use Standard Form 14 only in connection with DOE

contractors' use of GSA-operated teletypewriter centers.

**Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services****§ 109-35.402 Contracting.**

Copies of existing DOE communications common carrier contracts shall be furnished to GSA for information and analysis.

**§ 109-35.405 Submission of requests.**

Field office requests for GSA assistance will be submitted through DOE Headquarters.

[FR Doc. 82-24920 Filed 9-9-82; 8:45 am]

BILLING CODE 6450-01-M

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Public Land Order 6333**

[CA-7027 WR, CA-7203 WR]

**California; Revocation of Executive Order No. 6762 and Public Land Order No. 432**

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

**SUMMARY:** This order revokes two withdrawals affecting a total of 61.63 acres of land withdrawn in connection with Federal and State cooperative forest protection work. This action will restore 34.67 acres of land to the operation of the general land laws and to full operation of mining laws. The balance of the land remains segregated from disposition subject to other withdrawals.

**EFFECTIVE DATE:** October 7, 1982.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Hoefler, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6762 of June 29, 1934, which withdrew land for a lookout station, is hereby revoked in its entirety:

Mount Diablo Meridian

T. 33 N., R. 4 W.,  
Sec. 12, lot 16.

The area described contains 26.96 acres in Shasta County.

2. Public Land Order No. 432 of December 22, 1947, which withdrew

land for a lookout station, is hereby revoked in its entirety:

**Mount Diablo Meridian**

T. 32 N., R. 6 W.,

Sec. 3, Portion of E $\frac{1}{2}$ SE $\frac{1}{4}$ , exclusive of lots 5 and 6.

The area described contains 34.67 acres in Shasta County.

3. The lands described in paragraph one will remain withdrawn from all forms of appropriation under the public land laws, including the mining laws, for the Central Valley Reclamation Project. This parcel is within the Shasta Trinity National Forest.

4. At 10 a.m. on October 7, 1982, the lands described in paragraph two shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 7, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 10 a.m. on October 7, 1982, the lands described in paragraph two will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to metalliferous mineral location under the United States mining laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

[FR Doc. 82-24875 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

**43 CFR Public Land Order 6334**

[M 41622]

**Montana; Revocation of Stock Driveway Withdrawal**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes a Secretarial order, as amended, which withdrew 400 acres for use as a stock driveway. About 140 acres will be restored to operation of the public land laws generally. Two hundred sixty acres, including the aforementioned acreage, have been and continue to be open to operation of the mining laws. An additional 140 acres which have been conveyed to the State of Montana under

the Recreation and Public Purposes Act, will remain closed to operation of the mining laws. All lands affected by this order have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** October 7, 1982.

**FOR FURTHER INFORMATION CONTACT:** Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated November 8, 1930, as amended, by Secretarial Order dated July 24, 1931, which withdrew the following described lands for Stock Driveway Withdrawal No. 217, Montana No. 9, is hereby revoked in its entirety:

**Principal Meridian**

T. 4 S., R. 16 E.,

Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 4 S., R. 17 E.,

Sec. 4, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 5, SE $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 3 S., R. 18 E.,

Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described aggregates 400 acres of public and nonpublic lands in Stillwater County.

2. At 8 a.m. on October 7, 1982, the lands described as SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 21, and N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 28, T. 4 S., R. 16 E.; and NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 7, T. 3 S., R. 18 E., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 7, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. All lands described in Paragraph 1 have been and continue to be open to location under the mining laws, except the following: The surface estate of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 28, T. 4 S., R. 16 E., and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 22, T. 4 S., R. 16 E., has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended, (43 U.S.C. 869, 869-4). Therefore, unless and until appropriate rules and regulations are issued, these lands will not be open to location under the United States mining laws. In addition, the S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 4, and SE $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 5, T. 4 S., T. 17 E., and NE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 22, T. 4 S., R. 16 E., were patented with reserved minerals subject

to Section 24 of the Act of June 10, 1920 (41 Stat. 1083).

4. This action will not restore the S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 4 and SE $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 5, T. 4 S., R. 17 E., to operation of the public land laws as they are in private ownership.

The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

September 1, 1982.

[FR Doc. 82-24884 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

**43 CFR Public Land Order 6335**

[W-71436]

**Wyoming; Partial Revocation of Reclamation Project**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order partially revokes a Secretarial order affecting 3,851.66 acres of public lands which were withdrawn for reclamation purposes. This action will restore the entire acreage to mineral entry and a portion, 1,722.56 acres, to surface entry. Some 2,129.10 acres would remain closed to surface entry for powersite classification purposes. All lands affected by this order have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** October 7, 1982.

**FOR FURTHER INFORMATION CONTACT:** W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of September 21, 1949, which withdrew lands for the Missouri River Basin reclamation project, is hereby revoked insofar as it affects the following described lands:

**Sixth Principal Meridian, Wyoming**

T. 57 N., R. 75 W.,

Sec. 5, lot 10;

Sec. 6, lots 12 and 13;

Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 17, lots 1 and 3.

T. 58 N., R. 75 W.,

Sec. 19, lots 8, 11, and 12;

Sec. 21, lots 6, 7, 8, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 22, lots 5 and 6;

Sec. 23, lot 8 and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

- Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 29, lot 2;  
 Sec. 30, lots 5, 6, 8, 10, and 11;  
 Sec. 32, lots 3 to 6 inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Tracts 45-A, 45-C, and 95-A.
- T. 56 N., R. 76 W.,  
 Sec. 6, lot 8 (formerly SW $\frac{1}{4}$ SE $\frac{1}{4}$ ).
- T. 57 N., R. 76 W.,  
 Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
 Sec. 2, lots 6, 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 9, lot 3;  
 Sec. 11, lots 1 to 4, inclusive, and  
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 12, lots 1, 2, 3, and 8;  
 Sec. 13, lots 1 to 4, inclusive, and  
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, lots 1, 2, 3, 7, and 8;  
 Sec. 20, lots 2 and 3;  
 Sec. 23, lots 2, 3, 5, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 24, lot 2;  
 Sec. 25, lots 1 and 4;  
 Sec. 28, lot 3 and SW $\frac{1}{4}$ ;  
 Sec. 29, lots 1, 2, 5, and E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 30, lots 6, 7, and 10 to 16, inclusive;  
 Sec. 31, lots 5, 6, and 7;  
 Sec. 32, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 33, lots 1 and 2;  
 Tracts 69-C and 69-D.
- T. 58 S., R. 76 W.,  
 Sec. 34, lot 3;  
 Sec. 35, lot 6;  
 Sec. 36, lot 3, 5, and 6.
- T. 56 N., R. 77 W.,  
 Sec. 13, lot 4;  
 Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 57 N., R. 77 W.,  
 Sec. 25, lots 3 and 4.

The area described aggregates 3,851.66 acres in Campbell and Sheridan Counties, Wyoming.

2. At 7:45 a.m. on October 7, 1982, the lands described in paragraph one will be open to location under the United States mining laws. The lands have been and will remain open to applications and offers under the mineral leasing laws.

3. At 7:45 a.m. on October 7, 1982, the following described lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on October 7, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

- T. 58 N., R. 75 W.,  
 Sec. 22, lots 5 and 6;  
 Sec. 23, lot 8 and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Tracts 45-A and 45-C.
- T. 57 N., R. 76 W.,  
 Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 2, lot 7 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 9, lot 3;  
 Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 12, lots 1, 2, and 3;

- Sec. 13, lots 1 to 4, inclusive, and  
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, lots 1 and 8;  
 Sec. 20, lots 2 and 3;  
 Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 24, lot 2;  
 Sec. 25, lot 1;  
 Sec. 28, lot 3;  
 Sec. 29, lots 1, 2, and E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 31, lot 5;  
 Sec. 32, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 33, lots 1 and 2.
- T. 58 N., R. 76 W.,  
 Sec. 36, lot 3.
- T. 56 N., R. 77 W.,  
 Sec. 13, lot 4;  
 Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 57 N., R. 77 W.,  
 Sec. 25, lots 3 and 4.

The area described contains 1,722.56 acres in Campbell and Sheridan Counties, Wyoming.

4. The following described lands remain withdrawn under Secretarial Order of August 26, 1947, for Power Site Classification No. 385, and are not subject to disposition under the public land laws:

- T. 57 N., R. 75 W.,  
 Sec. 5, lot 10;  
 Sec. 6, lots 12 and 13;  
 Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 17, lots 1 and 3.
- T. 58 N., R. 75 W.,  
 Sec. 19, lots 8, 11, and 12;  
 Sec. 21, lots 6, 7, 8, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 29, lot 2;  
 Sec. 30, lots 5, 6, 8, 10, and 11;  
 Sec. 32, lots 3 to 6, inclusive, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Tract 95-A.
- T. 56 N., R. 76 W.,  
 Sec. 6, lot 8 (formerly SW $\frac{1}{4}$ SE $\frac{1}{4}$ ).
- T. 57 N., R. 76 W.,  
 Sec. 1, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 2, lot 6 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 11, lots 1 to 4, inclusive;  
 Sec. 12, lot 8;  
 Sec. 14, lots 2, 3, and 7;  
 Sec. 23, lots 2, 3, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and  
 N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 25, lot 4;  
 Sec. 28, SW $\frac{1}{4}$ ;  
 Sec. 29, lot 5;  
 Sec. 30, lots 6, 7, and 10 to 16, inclusive;  
 Sec. 31, lots 6 and 7;  
 Tracts 69-C and 69-D.
- T. 58 N., R. 76 W.,  
 Sec. 34, lot 3;  
 Sec. 35, lot 6;  
 Sec. 36, lots 5 and 6.

The area described contains 2,129.10 acres in Campbell and Sheridan Counties, Wyoming.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau

of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,  
 Assistant Secretary of the Interior,  
 September 1, 1982.

[FR Doc. 82-24850. Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

### 43 CFR Public Land Order 6336

[CA-7373 WR]

#### California; Revocation of Executive Order No. 5581

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This order revokes an Executive order which withdrew 39.47 acres public land for classification and in aid of legislation. This action will restore the land to location under the mining laws. The land remains withdrawn from appropriation under the public land laws for powersite reserve purposes.

**EFFECTIVE DATE:** October 7, 1982.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Hoefler, California State Office, 916-484-4411.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976; 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5581 of March 17, 1931, which withdrew the following described land for classification and in aid of legislation (for water supply purposes), is hereby revoked in its entirety:

#### Mount Diablo Meridian

T. 46 N., R. 6 W.,  
 Sec. 30, lot 2.

The area described contains 39.47 acres in Siskiyou County.

2. The land remains withdrawn from all forms of appropriation under the public land laws by Executive Order of April 13, 1912, for Powersite Reserve No. 263.

3. At 10 a.m. on October 7, 1982, the land will be open to location under the United States mining laws. The land has been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841, Federal

Building, 2800 Cottage Way,  
Sacramento, California 95825.  
Garrey E. Carruthers,  
Assistant Secretary of the Interior.  
September 1, 1982.

[FR Doc. 82-24851 Filed 9-9-82; 8:45 am]  
BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6337

[W-79484]

#### Wyoming; Partial Revocation of a Stock Driveway

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order partially revokes a Secretarial order affecting 2.5 acres of public land withdrawn for use as Stock Driveway No. 128, Wyoming No. 13. The subject land will not be restored to operation of the public land laws since sale of the land to private interests is planned under the provisions of the Federal Land Policy and Management Act.

**EFFECTIVE DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of March 18, 1920, as amended, which withdrew public land for use as a stock driveway is hereby revoked insofar as it affects the following described land:

Sixth Principal Meridian, Wyoming

T. 40 N., R. 87 W.,  
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 2.5 acres in Natrona County, Wyoming.

2. The land is currently classified under the Small Tract Act and will remain closed to entry under the public land laws, generally, and to location under the United States mining laws. The land has been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,  
Assistant Secretary of the Interior.  
September 1, 1982.

[FR Doc. 82-24852 Filed 9-9-82; 8:45 am]  
BILLING CODE 4310-84-M

#### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Determination of *Isotria medeoloides* (small whorled pogonia) To Be an Endangered Species

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service determines the plant *Isotria medeoloides* (small whorled pogonia) to be an Endangered species under the authority contained in the Endangered Species Act of 1973, as amended. Historically, this species was known to occur in 48 counties in 16 eastern States and Canada. In 1982, it is known to occur in 15 counties in 10 different States and one county in Ontario, Canada, and total less than 500 individuals. The continued existence of this species is endangered by taking of the plants and the past loss of habitat. This rule will implement the protection provided by the Endangered Species Act.

**DATE:** This rule became effective on October 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Dyer, U.S. Fish and Wildlife Service, Department of the Interior, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617/965-5100, extension 316).

**ADDRESS:** The complete file for this rulemaking is available for inspection during normal hours by appointment at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

**SUPPLEMENTARY INFORMATION:** *Isotria medeoloides* (small whorled pogonia) was named in 1814 and is often referred to as one of the rarest U.S. orchids. There are 17 known populations of the orchid in the eastern United States and Canada. Approximately 466 individual plants occur at these 17 sites. The plant can be found in a variety of forest types but is most often associated with relatively open areas in deciduous hardwoods; either beech-birch-maple or oak-hickory. The spectrum of habitats includes dry, rocky, wooded slopes to moist streambanks.

One or two yellowish-green flowers appear from mid-May in the south to mid-June in the north above a whorl of five or six light green, elliptic, somewhat pointed leaves. The short sepals are up to 2.5 cm long and help distinguish this species from the other member of the genus, *Isotria verticillata*, which has longer sepals. At maturity the plants are

9.5-25 cm tall. The continued existence of this plant is being threatened by the past inadvertent loss of populations due to habitat alteration, such as golf courses, housing complexes, etc., and taking by collectors for other than commercial purposes. Today there are nearly as many, if not more dried specimens of *Isotria medeoloides* in herbaria than are known to exist in the wild. This rule determines *Isotria medeoloides* to be Endangered, implementing the protection provided by the Endangered Species Act of 1973, as amended. Critical Habitat is not being determined at this time. The following paragraphs further discuss the actions to date involving this plant, the threats to the plant, and effects of the action.

The U.S. named this species on a provisional list for the Annex to the Convention of Nature Protection and Wildlife Preservation in the Western Hemisphere (CNPWP) during a conference held in Mar del Plata, Argentina, October 18-22, 1965. Sections 2 and 8 of the Endangered Species Act of 1973, as amended, provide the U.S. implementing legislation for this Convention. The President, by Executive Order 11911 (41 FR 15683-15684), designated the Secretary of the Interior to act on behalf of and to represent the U.S. in all regards as required by the CNPWP, and required that he consult with other departments and agencies as required.

This species was included on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the original plenipotentiary conference in Washington, D.C. in February and March 1973.

#### Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the Federal Register (41 FR 24523-24572) to determine approximately 1,700 vascular plant taxa to be Endangered species pursuant to Section 4 of the Act. This list was assembled on the basis of

comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, Federal Register publication. *Isotria medeoloides* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal.

Following the June 16, 1976, proposal, hundreds of comments were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of endangered plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication of a final rule which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1 year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of the withdrawal of the still applicable portions of the June 16, 1976, proposal along with other proposals which had expired (44 FR 70796-70797). In late 1979 through mid-1980, the Service completed intensive studies (through contracted field botanists) on *Isotria medeoloides* in seven northeastern States (Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia), which cover a major portion of the species' range. As a result of these field surveys, the species' precarious status was further confirmed and resubstantiated. No new populations were discovered, some historical populations were confirmed as being extirpated, and existing known populations were found to be continuing to decline in numbers of individuals. Based on the sufficient new information including this 1980 field data, the Service repropoed *Isotria medeoloides* on September 11, 1980 (45 FR 59909-59914).

Critical Habitat has not been determined for *Isotria medeoloides* primarily because of the history of its taking. Bringing further general public attention to existing populations via Critical Habitat designation would in itself be a threat to the plant. Also, enforcement of the limited State and U.S. Forest Service taking restrictions is difficult and costly, and there are no general Federal taking prohibitions for plants in Section 9(a)(2) of the Act, so management of the species would be a

greater burden if knowledge of exact sites were readily available to the public.

#### Summary of Comments and Recommendations

In the September 11, 1980, Federal Register proposed rule (45 FR 59909-59914) and associated notifications and press releases, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. Letters were sent to the Governors of 17 States, the U.S. Forest Service, and to Canadian officials notifying them of the proposed action and soliciting their comments and suggestions. All comments received during the period from September 11, 1980 to January 22, 1981, are discussed below.

A total of 38 comments was received, including letters from the Governors of 15 States. These interested parties and Governors supported the proposal to list *Isotria medeoloides* as Endangered.

The Governor of Georgia, the Georgia Department of Natural Resources, and the U.S. Forest Service, Chattahoochee National Forest, Georgia, all expressed the opinion that they are not opposed to listing, but that Georgia should not be included in the historical range of *Isotria medeoloides*. Recent reports of the species' occurrence in the Chattahoochee National Forest on which the proposal was based have not been verified by the State of Georgia, and site specific information is not available. The Service has not been able to obtain this specific information despite attempts, and agrees that the historical range should be modified in this manner since the reports cannot be verified.

The Governors of the States of Virginia, Connecticut, South Carolina, North Carolina, Pennsylvania, Massachusetts, Illinois, Michigan, New Hampshire, Maine, Maryland, Missouri, New Jersey, New York, and Georgia all wrote in support of the listing of the species as Endangered. Only the State of New Hampshire expressed the opinion that Critical Habitat should be determined in the future to protect the sites from destruction. The Governors of Connecticut, South Carolina, and Michigan, as well as several concerned individuals, felt that Critical Habitat should not be designated due to increased risks of taking by collectors. The Service agrees with the latter position, and has not designated Critical Habitat for *Isotria medeoloides* for reasons stated in the proposed and final rules.

The State of South Carolina recommended the development of a

recovery plan and recovery team for the conservation of *Isotria medeoloides*. The Service agrees that recovery planning should be a high priority. Recovery actions can be initiated only after listing occurs.

The Tennessee Valley Authority commented in favor of listing, and stated that they were aware of no current or planned TVA programs that would be impacted by the listing.

The U.S. Forest Service supported listing of the species throughout its historical range, with the aforementioned exception of Georgia. They cited no significant impact of listing on the 2½ acres of National Forest areas in which the species occurs.

New information on the occurrence of *Isotria medeoloides* was provided by several interested individuals. A biologist in Virginia indicated that the possibly extant population of *Isotria medeoloides* occurs in James City County rather than Gloucester County, as cited in the proposal. In addition, locality information was provided for the former site in Buckingham County.

The Governor of Massachusetts noted that *Isotria medeoloides* was officially listed in the State as of April 17, 1980. Comments received from the Governor of Michigan indicated that the Michigan Nature Association currently owns the land on which *Isotria medeoloides* occurs in the State. The land was purchased several years ago solely for the purpose of protecting this rare orchid population.

The Army Corps of Engineers, Memphis District, pointed out that information cited for the Missouri population was incomplete. The narrative should have noted that the single Missouri site was destroyed by a clear cut, as described by Ayensu and DeFilipps (1978, p. 62).

The Service acknowledges those who wrote regarding the proposal of *Isotria medeoloides*, and appreciates their efforts concerning the conservation of this species.

#### Conclusion

After a thorough review and consideration of all information available, the Secretary has determined that *Isotria medeoloides* (Pursh) Raf. (small whorled pogonia) is an Endangered species (in danger of extinction throughout all or a significant portion of its range) due to one or more of the factors described in Section 4(a) of the Act. These factors and their application to this plant are as follows:

1. Present or threatened destruction, modification or curtailment of its habitat or range.—*Isotria medeoloides*

has historically been known to occur in 48 counties in 16 eastern States and Canada. Today it is known to exist in 15 counties in 10 different States and one county in Ontario, Canada.

Currently, the known extant populations of this orchid are as follows (reported by State or Province, county, and number of individuals):

Illinois (Randolph, 10); Maine (Cumberland, Kennebec, 333); Michigan (Berrien, 2); New Hampshire (Carroll, Merrimack, Rockingham, Strafford, 22); New Jersey (Sussex, 42); North Carolina (Henderson, Macon, 21); Pennsylvania (Centre, 5); Rhode Island (Providence, 8); South Carolina (Oconee, 18); Virginia (James City, 1 in 1980, none in 1981); Canada: Ontario (Elgin, 4).

The status of the historical and these extant individual populations was summarized in detail in the proposed rule (45 FR 59911-59912). For the most part only minor or no changes have taken place since that September 1980 proposal, except as indicated herein. In Maine, in 1981, a population of 143 plants was found in Cumberland County and the Kennebec site had 190 plants. Thus 71 percent of the total known individuals are in Maine. The Service's Newton Corner, Massachusetts Regional Office (address cited above) maintains a current information file on this species.

A summary of the species' status shows that approximately 466 plants at 17 different sites were known to exist in the eastern United States and Canada at the end of the 1981 field season. Two of these sites are located on U.S. Forest Service land. The remainder are on privately-owned land.

Many people feel that the disclosure of specific localities will further endanger the orchid's continued existence. Due to the documented history of taking through the years just for scientific purposes those fears are not unfounded. On the other hand, many former localities, some dating back to the late 1800s, have been inadvertently lost due to habitat alteration. Based on herbaria label data and recent field checks of these sites, shopping malls, housing developments, and golf courses now mark the localities of historical populations. Any conservation program for the species must be concerned with information on specific sites, so that neither inadvertent nor deliberate destruction occurs.

Other reasons for the species' disappearance throughout its range are not so clear. Some populations such as the one in Gloucester, Rhode Island, have been monitored for a period of years, where there has been a gradual decline in the number of individual plants from 28 plants in 1947 to 4 plants

in 1978. However, in 1979, 12 plants were seen, and 8 plants were noted in 1981. Other populations have displayed similar characteristics. One popular source (Correll, 1950) states that the species may remain dormant for up to 20 years; however, this has not yet been scientifically substantiated.

Except for the two populations on U.S. Forest Service land, the remaining extant localities occur on private lands where specific ownership has been determined at all but three sites. In certain instances (Rhode Island and Virginia), lands adjacent to these known localities are being cleared for house lots, but the sites of the orchid are not involved directly in the developments.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.*—Collecting for scientific purposes has contributed to the loss of plants through the years. There are specimens of *Isotria medeoloides* in all major eastern institutional herbaria and many private collections. In several instances, the available literature documents the removal of specimens for "the scientific record." Wildflower garden enthusiasts are known to have taken this species from the wild and attempted transplantation to a more convenient locality. The rarity of this orchid makes it the object of interest by professionals and amateurs alike. Significant commercial trade in the species is not known or expected in the future, nor is any significant import or export of the species.

(3) *Disease or predation (including grazing).*—Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms.*—There is no provision in the Endangered Species Act which would offer the species direct protection from collectors or private actions. Only the States of Michigan, North Carolina, Massachusetts, the Province of Ontario, and the Government of Canada have officially listed *Isotria medeoloides* as an Endangered species. Michigan legislation provides prohibition against taking the orchid. Also under Michigan Public Act No. 203, the Michigan Department of Natural Resources has been given responsibility for conducting "investigations on fish, plants, and wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully." The key in this State program is the identification and protection of habitats using available laws and regulations.

The legislation protecting Endangered plants in North Carolina prohibits their removal from private property without the landowner's permission, and prohibits commerce in the species.

Existing Massachusetts legislation, authorizes the Massachusetts Division of Fisheries and Wildlife to list Endangered plants; *Isotria medeoloides* is so listed. Its legislation does not provide for management or protection authority except on State-owned lands. The species has not been recorded in the State since 1899.

The U.S. Forest Service's regulations prohibit removing, destroying, or damaging any plant that is classified as a Threatened, Endangered, rare, or unique species (42 FR 2956-2962). These regulations already help the 29 plants on 2½ acres of National Forest land, but do not provide all of the provisions furnished by the Endangered Species Act.

Official listing under the Endangered Species Act of 1973, as amended, will provide a means by which various conservation and recovery actions can be implemented to insure the continued existence of this plant throughout its range.

(5) *Other natural or manmade factors affecting its continued existence.*—The species' biology is not well understood but there is evidence of continuing decline in several populations. The limited number, size, and distribution of existing populations are cause for concern as natural factors could lead to the extinction of the species.

Although populations lost by past habitat alteration are obvious, the habitats of some declining populations have not "significantly" changed over the period of observance. Many theories could be advanced in attempts to explain the species' apparent natural decline. What is apparent may be due to no one factor but a number of factors acting interdependently. Natural successional changes, microclimatic parameters, any genetic depletion, and any failure in reproductive mechanisms are but a few of the unknown aspects of or problems with the species' biology and ecology that need to be understood before the full reasons for the decline can be understood and perhaps reversed.

#### Critical Habitat

Critical Habitat is not being determined for *Isotria medeoloides*, due to the extreme rarity of this orchid, the documented history of taking, and the great interest in this species by many botanists and wildflower enthusiasts. It would not be prudent, in accord with

Section 4(a)(1) of the Act, to bring further attention to site specific areas where the species occurs via Critical Habitat designation.

#### References Cited

Ayensu, E.S. and R.A. DeFilipps. 1978. Endangered and Threatened Plants of the United States, Smithsonian Institution and the World Wildlife Fund, Inc., Washington, D.C.

Correll, D.S. 1950. Native orchids of North America north of Mexico. Chronica Botanica Company, Waltham, MA.

#### Effects of the Rule

In addition to the effects discussed above, the effects of this rule include, but are not necessarily limited to, the following:

The Act and implementing regulations published in the June 24, 1977, Federal Register (42 FR 32373-32381) and codified in Title 50 of the Code of Federal Regulations set forth a series of general trade prohibitions and exceptions which apply to all Endangered plant species. The regulations are found at §§ 17.61-17.63 of 50 CFR and are summarized below.

With respect to *Isotria medeoloides* all prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the U.S. to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions could apply to agents of the Service and State conservation agencies. The Act and §§ 17.62 and 17.63 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances, such as trade in specimens of cultivated origin. Significant commercial trade in the species is not known or expected in the future, nor is any significant import or export of the species. It is difficult to propagate, and only two specimens are surviving in cultivation.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered. This protection will accrue to *Isotria medeoloides*. Provisions for Interagency Cooperation which implement section 7 of the Act are codified at 50 CFR Part 402. These require Federal agencies to insure that activities they authorize,

fund, or carry out, are not likely to jeopardize the continued existence of *Isotria medeoloides*.

Since population of *Isotria medeoloides* are known to occur on U.S. Forest Service lands in North Carolina and South Carolina, the U.S. Forest Service will be required to carry out programs for the species' conservation, and to insure that its actions are not likely to jeopardize the species' continued existence. The U.S. Forest Service's present regulations prohibit removing, destroying, or damaging any plant that is classified as a Threatened, Endangered, rare, or unique species (42 FR 2956-2962), and are consistent with the purposes of the Act and current practices of that agency. A population of 27 plants occurs on the Nantahala National Forest in North Carolina. The U.S. Forest Service is aware of the locality and has modified timber management practices within a 2 acre area to protect the plants, by selective cutting during the orchid's dormancy. Thus there is only a very slight economic impact resulting from protecting the area. Field personnel and timber markers have been trained in identification and are aware of the need to protect the species. Eighteen plants were seen in 1981 on ¼ acre of the Sumter National Forest in South Carolina. Compliance with U.S. Forest Service policies as stated in the January 1980 Manual on Wildlife and Fish Management, Amendment No. 136, helps to insure the protection of this population. No involvement with other Federal activities is foreseen.

#### Effect Internationally

In addition to the protection provided by the Act, all orchids are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which requires a permit for export or import of this plant. The Service will review whether it should be considered for Appendix I of that Convention, or for official placement on the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, or other appropriate international agreements.

#### National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this rule. It is on file at the Service's Newton Corner, Massachusetts Regional Office, and Washington, D.C. Office of Endangered Species. This assessment forms the basis for a decision that this is

not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500-1508.

**Note.**—The Department of the Interior has determined that this rule is not a major rule under Executive Order 12291. Significant commercial trade in *Isotria medeoloides* would not be impacted by this rule because none is known to exist at present nor is any anticipated. Known land developments on property adjacent to sites maintaining this species will not be impacted because they are not expected to directly involve the species' habitat. Further, those plants existing on U.S. Forest Service land will be protected by that agency's slight modification of its timber management practices—a very small economic impact to the only Federal activity expected to be impacted by this rule. Since this rule was proposed before January 1, 1981, a Determination of Effects on Small Entities is not required by the Regulatory Flexibility Act (5 U.S.C. 601). This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

#### Authority and Authors

This rule is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; 87 Stat. 884). The primary authors of this rule are Mr. Richard Dyer, U.S. Fish and Wildlife Service, Newton Corner, Massachusetts, and Ms. Irene Storcks, then of the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975). Dr. Bruce MacBryde of the Service's Washington Office served as editor.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Plants (agriculture), Fish, Marine mammals.

#### Regulation Promulgation

### PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as set forth below:

1. Section 17.12(h) is amended by adding, in alphabetical order under Orchidaceae, the following plant:

#### § 17.12 Endangered and threatened plants.

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Orchidaceae—Orchid family: <i>Isotria medeoloides</i> .....	Small whorled pogonia .....	Canada (Ontario) and U.S.A. (CT, IL, MA, MD, ME, MI, MO, NH, NJ, NY, NC, PA, RI, SC, VA, VT).	E	121	NA	NA

Dated: August 20, 1982.

**J. Craig Potter,**

*Acting Assistant Secretary for Fish and  
Wildlife and Parks.*

[FR Doc. 82-24816 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-55-M

# Proposed Rules

Federal Register

Vol. 47, No. 176

Friday, September 10, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 278

[Amdt. No. 224]

#### Food Stamp Program; Providing Notice to the Public on How Persons May Report Abuses They Have Observed in the Operation of the Program

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This amendment proposes that retail food stores that have been approved for participation in the Food Stamp Program by the Secretary of Agriculture shall display a sign providing information on how persons may report abuses they have observed in the operation of the Food Stamp Program. This provision is authorized by section 1314 of Title XIII of Pub. L. 97-98 (The Food Stamp and Commodity Distribution Amendments of 1981). The proposed revision will provide stores participating in the program with guidelines for posting a notice which meets the requirements of the law.

**DATE:** Comments should be received by November 9, 1982.

**ADDRESS:** Comments should be submitted to: Virgil L. Conrad, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) in Room 706, 3101 Park Center Drive, Alexandria, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Herbert A. Scurlock, Director, Federal Operations Division, Family Nutrition Programs, Food and Nutrition Service,

USDA, Alexandria, Virginia 22302; (703) 756-3487.

#### SUPPLEMENTARY INFORMATION:

##### Classification

##### Executive Order 12291

This rule has been reviewed under Executive Order 12291 and the Secretary's Memorandum No. 1512-1. The Department has determined that this rule does not constitute a major rule. Since the rule merely implements technical aspects of parts of Title XIII of Pub. L. 97-98 (the Food Stamp and Commodity Distribution Amendments of 1981), it will not result in: 1) An annual effect on the economy of \$100 million or more; 2) a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographic regions; or 3) 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. This rule will not significantly raise the Food Stamp Program's total benefit and administrative expenses. The rule deals exclusively with the administration of the Food Stamp Program and it will not affect industry and trade.

##### Regulatory Flexibility Act

This proposed action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that the action does not have a significant economic impact on a substantial number of small entities.

This rule does not contain recordkeeping or reporting requirements under the provisions of the Paperwork Reduction Act of 1980.

##### Background

The Food Stamp and Commodity Distribution Amendments of 1981 state that all approved retail food stores shall display a sign providing information on how persons may report abuses they have observed in the operation of the Food Stamp Program. The options considered in implementing this provision included: (1) Having USDA design, print and distribute a new sign specifically to fulfill this requirement; (2)

Requiring authorized retailers to design and print their own signs; (3) Using a poster currently in use, FNS-110, the Official Food List, which includes the following language: "To obtain information about the Food Stamp Program or to report program violations, call or write:". This statement is followed by the address and telephone number of the local Food and Nutrition Service Field Office; or (4) Using the Official Food List with minor design changes to highlight the provision about reporting abuses. The Department has determined that the fourth option, using the Official Food List with minor changes, is the most cost-effective means of satisfying this requirement. However, USDA believes that it is reasonable to allow retailers to use their own signs if they wish to do so, as long as the signs are comparable to the Official Food List in informing the public on how to report abuses. Thus, this technical amendment to the regulations requires that all authorized retail food stores post FNS-110, the Official Food List, which will be provided to them by the Department, or a similar notice which would include information on how persons may report abuses they have observed in the Food Stamp Program.

##### List of Subjects in 7 CFR Part 278

Administrative practice and procedure, Banks, banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

#### PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND FINANCIAL INSTITUTIONS

Accordingly, 7 CFR Part 278 is proposed to be amended as follows:

In § 278.2, paragraphs (a) through (k) are redesignated (b) through (l) and a new paragraph (a) is added to read as follows:

##### § 278.2 Posting Notices on Reporting Violations.

(a) Authorized retail food stores shall publicly post in the store the "Official Food List" issued by FNS or a similar notice which includes information on how persons may report abuses they have observed in the operation of the program.

\* \* \* \* \*

(91 Stat. (7 U.S.C. 2011-2027))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: September 3, 1982.

Robert E. Leard,  
Associate Administrator.

[FR Doc. 82-24918 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-30-M

## Soil Conservation Service

### 7 CFR Part 621

#### River Basin Investigations and Surveys

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Soil Conservation Service (SCS) has reviewed its regulations governing River Basin Investigations and Surveys and proposes to revise them to reflect current planning objectives and make the program more responsive to water resources planning needs. The revision makes editorial changes to improve the general readability of the text.

**DATE:** Comments must be received on or before November 9, 1982.

**ADDRESS:** Interested persons are invited to submit written comments or suggestions to Joseph W. Haas, Deputy Chief for Natural Resource Projects, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013 (202-447-4527). All comments received will be considered during preparation of the final rule.

**FOR FURTHER INFORMATION CONTACT:** Edgar H. Nelson, Director, Basin and Area Planning Staff, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013 (202-447-2847).

**SUPPLEMENTARY INFORMATION:** Public Law 83-566, 68 Stat. 666, was passed in 1954. Section 6 of the Act authorizes the Secretary of Agriculture to investigate and survey watersheds of rivers and other waterways as a basis for developing coordinated programs in cooperation with other Federal agencies and with State and local agencies.

The Secretary of Agriculture delegates to the SCS leadership responsibility within the Department for conservation, development, and productive use of the Nation's soil, water, and related resources, including the Department's activities under River Basin Surveys and Investigations. The SCS activities under this authority include (1) cooperative river basin studies in coordination with Federal, State, or local agencies; (2) floodplain management studies in coordination with the responsible State agency and involved local governments;

(3) salinity studies in the Colorado River Basin in cooperation with the Bureau of Reclamation to identify opportunities to reduce salt loading of the Colorado River through improved irrigation practices; (4) joint investigations and reports with the U.S. Department of the Army under Public Law 87-639, 76 Stat. 438 (16 U.S.C. 1009); and (5) interagency coordination of the water resources activities of the Department. The Forest Service and the Economic Research Service are activities participants in the cooperative river basin studies and interagency coordination.

The proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291. It has been determined that it is not a major rule. It does not meet any of the three criteria for a major rule as set forth in Executive Order 12291. This rule describes the subparts of the program, who may obtain assistance, how to request assistance, conditions for approval, recipient responsibility, and the interagency coordination activities. The proposal is published to provide opportunities for comment on whether the rules are complete and compatible with existing Executive Orders, current USDA policy, and management of the program. It will also provide opportunities to simplify and improve the general readability of the text.

This action does not increase the Federal paperwork burden for individuals, small businesses, and other persons. This determination has been made in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

This action does constitute a review as to the need, currency, clarity and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981).

The title and number of the Federal Assistance Program to which this action applies is: Title—River Basin Surveys and Investigations; Number 10.906. This action will not have a significant impact specifically on area and community development; therefore review as established by the Office of Management and Budget circular A-95 was not used to assure that units of local government are informed of this action.

#### List of Subjects in 7 CFR Part 621

Rivers, Flood prevention, Technical assistance, Water resources.

Accordingly, it is proposed to revise 7 CFR Part 621, Table of Contents and text, to read as follows:

## PART 621—RIVER BASIN INVESTIGATIONS AND SURVEYS

### Subpart A—General

- Sec.  
621.1 Purpose.  
621.2 Scope.

### Subpart B—USDA Cooperative Studies

- 621.10 Description.  
621.11 Who may obtain assistance.  
621.12 How to request assistance.  
621.13 Conditions for approval.  
621.14 Recipient responsibility.

### Subpart C—Floodplain Management Assistance

- 621.20 Description.  
621.21 Who may obtain assistance.  
621.22 How to request assistance.  
621.23 Conditions for approval.  
621.24 SCS responsibility.  
621.25 Recipient responsibility.

### Subpart D—Joint Investigations and Reports With the Department of the Army

- 621.30 Description.  
621.31 Who may obtain assistance.  
621.32 How to request assistance.  
621.33 Conditions for approval.  
621.34 Recipient responsibility.

### Subpart E—Interagency Coordination

- 621.40 Participation in Federal interagency policy activities at the national level.  
621.41 Participation in Federal-State policy and planning activities at the regional level.  
621.42 Federal-State compacts.  
621.43 Interstate compacts and commissions.  
621.44 Special studies.  
621.45 Flood insurance studies.

Authority: Sec. 6 (Pub. L. 83-566) 68 Stat. 666 (16 U.S.C. 1006) unless otherwise noted.

### Subpart A—General

#### § 621.1 Purpose.

This part describes policies, requirements, and procedures governing the U.S. Department of Agriculture's (USDA's) investigations and surveys of watersheds of rivers and other waterways as a basis for developing coordinated programs. These activities are undertaken in cooperation with other Federal, State, and local agencies. Section 2.62 of this title delegates to the Soil Conservation Service (SCS) leadership responsibility within USDA for the conservation, development, and productive use of the Nation's soil, water, and related resources, including the activities treated in this part.

#### § 621.2 Scope.

SCS river basin activities include:

- Cooperative river basin surveys in coordination with Federal, State, or local agencies;
- Floodplain management assistance in coordination with the responsible

State agency and involved local governments;

(c) Joint investigations and reports with the U.S. Department of the Army under Public Law 87-639, 76 Statute 438 (16 U.S.C. 1009); and

(d) Interagency coordination of water resources activities.

#### Subpart B—USDA Cooperative Studies

##### § 621.10 Description.

Cooperative river basin studies provide USDA planing assistance to Federal, state, and local governments. The purpose of these studies is to assist in appraising water and related land resources; defining and determining the extent of the problems; and formulating alternative plans, including land treatment, nonstructural or structural measures, or combinations thereof, that would solve existing problems or meet existing and projected needs. These studies concentrate on specific objectives identified by the requesting agency and citizen groups that are consistent with USDA authorities and responsibilities and current SCS priorities. The objectives ordinarily include the formulation of a plan but may require only inventories of available resources and associated problems to be used by other agencies in plan formulation. USDA assistance is provided through field advisory committees composed of representatives of the Economic Research Service, Forest Service, and SCS. The SCS representative chairs the field advisory committee.

##### § 621.11 Who may obtain assistance.

Assistance is available to conservation districts, communities, county governments, regional planning boards, other planning groups, and State and Federal agencies. Local groups express their desires for a cooperative study to the governor or appropriate State agency.

##### § 621.12 How to request assistance.

For a cooperative study a governor, or a Federal, state, or local government agency must submit a written request and a Proposal to Study (PTS) through the State Conservationist to the Chief. Assistance in preparing the proposal may be obtained by contacting the State Conservationist. The State Conservationist sends the request and proposal with his or her comments to the Chief for consideration. The proposal should:

(a) Describe the basin or study area, including a map of the study area;

(b) Explain the need for the study;

(c) Explain and need for USDA participation;

(d) State the responsibility and authority of the requesting agency in the study;

(e) Estimate the extent of participation of other Federal and State agencies;

(f) Discuss views and priorities of affected soil conservation districts regarding the proposed study;

(g) Briefly describe the intended management organization of the study;

(h) Specifically describe the expected results of the study;

(i) Identify primary users of the study results and the manner in which the results will be used;

(j) State the relationship of the study to ongoing and completed river basin studies;

(k) State that procedures for informing clearinghouses and for eliciting public participation will be followed;

(l) Estimate the duration and scope of the study; and

(m) Estimate the study costs by year and agency.

##### § 621.13 Conditions for approval.

The Chief may authorize requested cooperative studies recommended by the State Conservationist. Priority for starting cooperative studies is based on the date of application, the readiness of the requesting agency to begin participation, the importance and significance of problems to be studied, the monetary or in-kind contributions toward the study, the sequence of ongoing and future studies, the type of study, the duration of study, the cost of study, the potential for implementation and other factors affecting the effectiveness and efficiency of the study. The number and location of cooperative studies started each year are governed by the availability of USDA funds and personnel.

##### § 621.14 Recipient responsibility.

Leadership in arrangements for other needed Federal, State, and local agency participation is the responsibility of the requesting agency. Consistent with national objectives and SCS policy and procedures, the requesting agency has leadership responsibility for developing specific study objectives, providing the necessary study organization, and ensuring public participation in the planning process.

#### Subpart C—Floodplain Management Assistance

##### § 621.20 Description.

Floodplain management studies provide needed information and assistance to local and State entities so that they can implement programs for reducing existing and future flood

damages in rural and urban communities. Assistance is targeted to communities where flood damage is a serious concern and local governments are sincerely interested in taking action to reduce damage.

##### § 621.21 Who may obtain assistance.

Assistance may be obtained by local communities, conservation districts or other governmental entities in States where cooperative floodplain management studies are authorized. A joint coordination agreement between the responsible State agency and SCS is a prerequisite to obtaining floodplain management assistance. The agreement sets forth the floodplain management objectives; Federal, State, and local responsibilities; and procedures for establishing study priorities, avoiding duplication of studies, and assuring local participation. Interested parties may ascertain whether there is such a coordination agreement by inquiry to the governor, the governor's designee, or the State Conservationist.

##### § 621.22 How to request assistance.

(a) A conservation district, local community or other jurisdiction may request floodplain management assistance for a local area for which they are responsible, by letter to the governor or the agency of State government responsible for floodplain management activities. Assistance in making application may be obtained by contacting any SCS office.

(b) The governor or his designee may request floodplain management assistance for the State by submitting a written request to the State Conservationist.

##### § 621.23 Conditions for approval.

(a) SCS floodplain management assistance for each State is authorized by the Director of Basin and Area Planning, based on the joint coordination agreement between the responsible State agency and SCS.

(b) The State Conservationist may begin a study for an individual community upon completion of a plan of work in which the SCS National Headquarters concurs and for which funds are available. Preparation of the plan of work is the responsibility of and must be approved by the applicant, the responsible State agency, and the State Conservationist. The plan sets forth the responsibilities of the applicant, the State, and USDA in carrying out the study and interpreting and using the data in a local floodplain management program. The sequence for approvals is based on study priorities prepared by

the agency of State government responsible for floodplain management activities. The number of studies started each Federal fiscal year is governed by the availability of funds and personnel and the amount of State and local assistance available.

(c) States and communities are encouraged to make monetary or in-kind contributions toward the floodplain management study. The State and local share may reflect in-kind contributions in lieu of fund transfers. Some in-kind contributions may have been made before the plan of work was authorized.

#### § 621.24 SCS responsibility.

SCS is responsible for providing leadership for scheduling and implementing the technical phases of the study and preparing the report. SCS assists in interpreting the study results.

#### § 621.25 Recipient responsibility.

The State agency is responsible for developing priorities for floodplain management studies and coordinating this work with related activities in the State. The cooperating local government entity is responsible for obtaining permission for carrying out field surveys. The State and local participants assist in distributing and interpreting the report and providing public information and educational services.

### Subpart D—Joint Investigations and Reports With the Department of the Army

#### § 621.30 Description.

(a) Joint investigations and reports by USDA and the U.S. Department of the Army may be authorized by resolutions adopted by the Committee on Public Works of the U.S. Senate or the Committee on Public Works and Transportation of the U.S. House of Representatives for any watershed area in the 50 States, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands if the nature of the watershed area problems dictates need for a joint effort by the two Departments.

(b) Authorized joint investigations and reports are made to determine works of improvement needed in the study area for flood prevention; for the conservation, development, utilization, and disposal of water; for flood control; for the conservation and proper utilization of land; and for allied purposes. The joint report to Congress includes a water and related land resources plan recommended for implementation. The plan must be accompanied by an environmental impact statement (EIS) and must be in

sufficient detail to permit its implementation.

(c) As mutually agreed by USDA and the U.S. Army Corps of Engineers, the report and EIS are forwarded to Congress through appropriate channels after technical, public, and interagency reviews in accordance with SCS policy as described in § 622.34, or in accordance with the Corps of Engineers policy concerning technical and public review. Implementation of these plans is contingent on congressional action.

#### § 621.31 Who may request assistance.

Any organization, group, or State or local government may request assistance.

#### § 621.32 How to request assistance.

Applicants for a joint investigation and report should request their congressional representative(s) to initiate appropriate action under Public Law 87-639.

#### § 621.33 Conditions for approval.

A joint investigation and report is authorized by a resolution of the Committee on Public Works of the U.S. Senate or the Committee on Public Works and Transportation of the U.S. House of Representatives. Studies are initiated when funds for them are appropriated by the Congress.

#### § 621.34 Recipient responsibility.

Participating local and State governments work with USDA and the Department of the Army representatives in developing objectives, collecting data, analyzing problems, planning and formulating proposals, and considering financial plans. Active public participation is solicited in the planning process through means such as questionnaires, public meetings, citizen advisory boards, and technical committees.

### Subpart E—Interagency Coordination

#### § 621.40 Participation in Federal interagency policy activities at the national level.

(a) Policy development in water and related land resources is coordinated at the Federal level through the Cabinet Council on Natural Resources and Environment and the Assistant Secretary's Working Group on Water Resources. SCS provides staff support and representation in these activities as requested.

(b) Within the Department, all interested USDA agencies participate in water policy development through the USDA Committee on Natural Resources and Environment and the Water Issues Work Group.

#### § 621.41 Participation in Federal-State policy and planning activities at the regional level.

(a) Regional planning activities have been coordinated through six river basin commissions and three interagency committees. An SCS State Conservationist has served as the USDA representative on each commission and committee. In 1982, informal regional entities replaced the commissions. SCS continues to represent the Department when its representation is needed on the newly formed regional entities.

(b) For two of the interagency committees, Arkansas-White-Red Basin Interagency Committee (AWRBIAC) and Pacific Southwest Interagency Committee (PSIAC), the USDA member periodically serves as chair and provides an executive secretary. For the Southeast Basin Interagency Committee (SEBIAC), SCS periodically provides an executive secretary for the chair, who is a State government official.

(c) Under the leadership of SCS, other USDA agencies, principally the Forest Service and Economic Research Service, also participate.

#### § 621.42 Federal-State compacts.

SCS is designated to represent USDA in assisting the U.S. Commissioners of the Delaware River Basin Commission and the Susquehanna River Basin Commission. In carrying out this responsibility, SCS provides a liaison officer to work with the U.S. Commissioners on policy level matters, as well as providing the USDA representatives on the Federal field committees to assist the Commissioners.

#### § 621.43 Interstate compacts and commissions.

As assigned, an SCS State Conservationist is the USDA point of contact for governing bodies of interstate compacts and commissions concerned with the conservation, development, and proper use of water, soil, and related resources.

#### § 621.44 Special studies.

As designated, SCS represents USDA on special study groups such as the Western United States Water Plan and the Colorado River Basin Salinity Studies.

#### § 621.45 Flood insurance studies.

As requested by the Federal Emergency Management Agency (FEMA), and within the limits of available resources, SCS carries out flood insurance studies of various types under the National Flood Insurance Program (Public Law 90-448, 82 Statute, 574 (42 U.S.C. 4012)), as amended. In this

activity, SCS performs detailed technical studies to determine the extent and frequency of flooding. The flood insurance program is administered by FEMA. SCS is reimbursed by that agency for actual costs incurred in carrying out the studies. Local entities desiring flood insurance coverage should contact the responsible State agency or FEMA and apply in accordance with procedures of that agency.

David G. Unger,

Associate Chief.

September 2 1982.

[FR Doc. 82-24805 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-16-M

## Agricultural Marketing Service

### 7 CFR Part 910

[Docket No. AO-144-A13]

#### Lemons Grown in California and Arizona; Hearing on Proposed Amendments of the Marketing Agreement, as Amended, and Order, as Amended

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Public hearing on proposed rulemaking.

**SUMMARY:** Notice is hereby given of a public hearing to be held to consider proposed amendment of the marketing agreement and order for lemons grown in California and Arizona. The proposal was submitted by the Lemon Administrative Committee, the industry group responsible for local administration of the program. The proposed change would permit handlers the option of including lemons on the trees in the calculation of their weekly prorate bases.

**DATE:** The hearing will begin at 9:00 a.m. on September 15, 1982.

**ADDRESS:** The hearing will be held in the Federal Building, Room 8041, 300 North Los Angeles Street, Los Angeles, California.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5975.

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action

will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900). The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of: (i) Receiving evidence about the economic and marketing conditions which relate to the proposed amendment of the marketing agreement and order; (ii) determining whether there is a need for an amendment to the marketing agreement and order; and (iii) determining whether the proposed amendment or an appropriate modification of it will tend to effectuate the declared policy of the Act.

Evidence will also be taken to determine whether an emergency marketing condition exists which would warrant omission of a recommended decision with respect to this proposed amendment as provided for in § 900.12(d) of the General Regulations of the U.S. Department of Agriculture (7 CFR Part 900).

The proposals are as follows:

#### Proposal No. 1

Amend the order to permit crediting of lemons on the trees in the calculation of handlers' weekly prorate bases for the 1982-83 fiscal year.

#### Proposal No. 2

Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service: Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendment thereto that may result from the hearing.

#### List of Subjects in 7 CFR Part 910 .

Marketing agreements and orders, California, Arizona, Lemons.

Dated: September 7, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-24910 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-02-M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

#### Licensed Operator Staffing at Nuclear Power Units

##### Correction

In FR Doc. 82-23575, appearing at page 38135 in the issue for Monday, August 30, 1982, please make the following correction:

On page 38137, in the table "Minimum Requirements Per Shift \* \* \*", in the columns for one unit, two units, and three units, the references to footnote 2 and the dotted lines are to "N/A" or not applicable instead of "Not available" as presently listed.

BILLING CODE 1505-01-M

## FEDERAL HOME LOAN BANK BOARD

### 12 CFR Parts 543, 545, 546, 552, and 563

[No. 82-578]

#### Processing of Applications

Dated: August 26, 1982.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Home Loan Bank Board ("Board") is re-proposing a streamlined approach for processing all applications subject to public notice and protest procedures. Under the proposed application processing system, all applications which are not substantially protested may be approved within 30 calendar days. In addition, the Board is proposing a new three-tiered system of review for merger applications which makes use of revised antitrust criteria and an automatic-approval procedure for substantially unprotested applications for new branches, change of office location and redesignation of offices ("branch applications").

Under the proposed application processing system, the majority of merger and branch applications will be deemed to be approved 30 calendar days after the applicant is notified in writing that the application is complete. Those merger and branch applications which do not meet the automatic-approval criteria will require either the specific approval of the Board's Principal Supervisory Agent or will be referred to the Board for its consideration. These procedures are intended to reduce unnecessary delay in application processing and corporate

reorganizations which require agency approval.

**DATE:** Comments must be received by September 30, 1982.

**ADDRESS:** Send comments to director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available at this address for public inspection.

**FOR FURTHER INFORMATION CONTACT:** Gayle L. Radley (202-377-6961), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

**SUPPLEMENTARY INFORMATION:** All mergers involving Federal savings and loan associations or institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("Corporation" or "FSLIC") are subject to Board approval. Sections 543.2, 546.2, 545.14 (d) and (e), 545.15, and 552.13 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 543.2, 546.2, 545.14(d) and (e), 545.15 and 552.13) prescribe the rules for applications and mergers of federal savings and loan associations. Section 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR § 563.22) prescribes similar rules applicable to mergers of institutions the accounts of which are insured by the FSLIC.

### Background

In specified circumstances, Board approval of mergers may be given by the Board's Principal Supervisory Agent (*i.e.*, the president of the Federal Home Loan Bank of which the resulting association in the proposed merger is a member) pursuant to delegated authority. The current delegation regulations result primarily from Board Resolution No. 80-448 (July 24, 1980; 45 FR 50553 (1980)).

During the past 18 months, the Board significantly increased the Principal Supervisory Agent's delegation of merger approval authority. See Board Resolutions Nos. 81-18 (January 30, 1981; 46 FR 9917 (1981)), 81-90 (March 3, 1981; 46 FR 14727 (1981)), 81-403 (July 22, 1981; 46 FR 37628 (1981)), 82-103 (February 18, 1982; 47 FR 8152 (1982)); 82-270 (April 15, 1982; 47 FR 17801 (1982)); 82-408 (June 25, 1982; 47 FR 26807 (1982)).

In Board Resolution No. 82-270-A (April 15, 1982; 47 FR 17801 (1982)), the Board proposed for public comment regulations regarding processing of applications, which were intended to streamline the review of all applications subject to notice and protest procedures, including merger applications. The

Board was of the opinion that existing administrative processing requirements were placing an unnecessary burden on associations without deriving a corresponding public benefit.

The Board received 17 public comment letters in response to that proposal. Eleven of the comment letters which were in favor of the Board's action suggested that even more mergers should be able to be approved automatically or under delegated authority and that the proposed antitrust criteria should be further liberalized. One commenter in favor of the proposal pointed out that notice and protest procedures are often utilized offensively as a delaying tactic to harass associations which have applied to merge or to branch. Another commenter urged the Board to include funds held by money market mutual funds in the proposal's definition of deposits on the basis that money market mutual funds compete with the thrift industry for "deposits."

Four of the commenters who opposed the proposal objected to the reduced notification requirements and shortened comment period. Some pointed out that the proposed changes would discourage public protest and encourage supervisory personnel to give only cursory review to applications. The Board believes, however, that the proposed application processing system and the three-tiered review process for merger applications will afford sufficient time for review as well as adequate opportunity for public comment while not interposing unnecessary delays in processing applications which are not protested.

While an expedited application process may minimally reduce the potential for public comment, on balance, the Board believes this result would be outweighed by the benefits to be derived from the substantially reduced regulatory burden which associations would bear. By reducing the time required to approve an application and to process the attendant paperwork, the proposal would facilitate the prompt consummation of mergers.

In today's difficult financial environment, the decision to merge voluntarily represents a significant managerial decision which may either prevent insolvency, strengthen a weakened competitor or assist a healthier association to achieve the competitive synergies and economies of scale necessary to better serve its customers. Moreover, the time and cost benefits which would result from the implementation of this proposal would directly assist the industry in dealing with present economic difficulties, a

result which would directly serve the public interest. As a result of the proposed expedited procedures, mergers which might not otherwise take place because of the weakened financial condition of one or both partners would have a chance to be consummated. Associations that would otherwise continue to lose money awaiting regulatory approval because of a negative spread between assets and liabilities will be able to mitigate losses through an immediate merger. In addition, costs that result from protracted merger processes, which would otherwise have to be absorbed by the associations and passed on to customers, would be reduced or eliminated. In light of the overwhelming amount of merger activity in the thrift industry today,<sup>1</sup> the Board finds that these factors and their derivative benefits outweigh any adverse effects the proposed changes could have.

It should be noted that the reductions in time for all applications subject to notice and protest procedures serve primarily to shorten the time that it takes to process *unprotested applications*. While the expedited procedures would, if adopted, make it necessary for a protestant to move more quickly to file a notice of protest, additional time may still be requested if more time is needed. In addition, the Board wishes to note that the 30-day automatic approval process for merger applications begins to run *after* the Supervisory Agent reviews the application and determines that it is complete. The proposal impose no constraints on the Supervisory Agent which would, in any way, limit the review procedure.

### Notice and Protest

To implement the 30-day processing system for all applications, the Board proposes to reduce the time requirements for public notice and protest. Currently, public notice and protest procedures may take up to 53 days for even an unprotested application. Under the proposal, the maximum processing time for an unprotested application will be 27 days. The following changes would reduce the time frame for processing applications so that all substantially unprotested applications may be approved within 30 calendar days:

<sup>1</sup>In 1980, 171 merger applications, including FSLIC-assisted mergers were approved by the Board. In 1981, 296 merger applications were approved by the Board; and through the end of June 1982, 274 merger applications have been approved by the Board.

(1) Under existing procedures, once the Principal Supervisory Agent advises an applicant to publish the required newspaper notice, the applicant has 15 days to publish. The Board proposes to reduce the time to 10 days. The Board believes that 10 days is sufficient time for an applicant to make arrangements with a newspaper to publish.

(2) Currently, an applicant must publish notice twice on the same day of two consecutive weeks. The proposal would require only one publication. In the Board's view, the possibility that additional potential protesters would be reached by a second publication does not justify the significant delay which results from a second publication.

Further, interested persons may request the supervisory agents to routinely send them notice of all applications. Newspaper publication is essentially a duplication of notice for these groups.

(3) Under the current regulations, the public has 10 days after publication to submit comments. An additional 20-day extension of time may be granted if requested in writing during the 10-day comment period. In addition, protestants have 10 days after the close of the comment period to request oral argument on the merits of an application. The proposal would reduce the additional comment time which may be requested to 7 days and would require protestants who wish to do so to request oral argument within the initial 10-day period. The Board believes that the accelerated time frame would not diminish the existing ability of protestants to file a notice of protest within the initial 10-day period and to request additional time to fully prepare their comments.

(4) At present, no guidelines exist as to what constitutes a proper reason for filing a protest. The Board is therefore amending the regulations to clarify that a protest will be considered "substantial" only where the reason for it is consistent with the regulatory basis for denying the application. The bases for denying an application are set out in each regulation subject to notice and protest procedures. Only protests consistent with the regulatory denial criteria which are determined by the Principal Supervisory Agent to be substantial will be considered.

(5) Finally, under current procedures, applicants have 15 days after the close of the comment period to rebut a protest. The Board proposes to reduce the rebuttal time to 10 days. It is the Board's opinion that an applicant with a *bona fide* rebuttal to a protest should be able to prepare that rebuttal within the same

time limits as that accorded to a protestant in preparing a protest to an application.

#### Antitrust Considerations for Mergers

After careful review of the comment letters and in order to fully ensure that Board-approved mergers comply with federal antitrust laws, the Board has determined to revise the antitrust criteria which had been proposed as part of the three-tiered review process for merger applications and will submit once again for public comment, application processing regulations making use of these new antitrust criteria. Because these regulations were proposed for public comment once before, for a full comment period, the Board has determined that an abbreviated comment period is appropriate for this proposal.

As originally proposed, a merger could not be automatically approved under the proposed three-tiered review process for merger applications if: (1) As a result of the merger, the resulting association would have acquired sufficient deposits to give it the largest share of total deposits in any county or similar political subdivision in which it competed; (2) after the merger, the resulting association would have had greater total deposits than any other depository institution with which it significantly and directly competed; (3) after the merger, the resulting association would have significantly and directly competed with fewer than eight depository institutions and fewer than two of those institutions would have had more total deposits than the resulting association; or (4) both the acquiring association and a merging association would have had assets of \$1 billion or greater.

Under the revised antitrust standards being proposed, merger applications would be deemed to be automatically approved 30 calendar days after the Supervisory Agent notifies the applicant that the application is complete unless:

(1) There are 5 or fewer depository institutions competing in a relevant geographic area before the merger, the resulting association will be one of the 3 largest depository institutions competing in that area and

(a) if the merging associations directly and significantly compete, the resulting association would have 25 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 5 percent or more; or

(b) in a merger involving only potential competition where the merging

associations do not directly and significantly compete, the resulting association would have 35 percent or more of the total deposits held by depository institutions in the relevant geographic area;

(2) there are between 6 and 11, inclusive, depository institutions competing in a relevant geographic area before the merger, the resulting association will be one of the 2 largest depository institutions competing in that area and

(a) if the merging associations directly and significantly compete, the resulting association would have 30 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 10 percent or more; or

(b) in a merger involving only potential competition where the merging associations do not directly and significantly compete, the resulting association would have 40 percent or more of the total deposits held by depository institutions in the relevant geographic area;

(3) there are 12 or more depository institutions competing in a relevant geographic area before the merger, the resulting association will be one of the 2 largest depository institutions competing in that area and

(a) if the merging associations directly and significantly compete, the resulting association would have 35 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 15 percent or more; or

(b) in a merger involving only potential competition where the merging associations do not directly and significantly compete, the resulting association would have 45 percent or more of the total deposits held by depository institutions in the relevant geographic area;

(4) both the acquiring and a merging association have assets of \$1 billion or greater; or

(5) in merger involving potential competition, the Principal Supervisory Agent determines that:

(1) the firms in the relevant geographic area are performing noncompetitively (*e.g.*, there are indicia of interdependent or parallel behavior);

(2) there is evidence that the acquiring association would have entered the relevant geographic area as a *de novo* entrant but for the merger, and such entry would have had the effect of substantially increasing competition, or

competition in the relevant geographic area has been or will be substantially improved because of a perception that the acquiring firm would be a *de novo* entrant into the relevant geographic area; and

(3) the acquiring association is only one of a few potential entrants into the relevant geographic area;

The following matrix illustrates the numerical analysis that will be applied under these requirements:

MERGER MATRIX

Automatic approval unless		In a direct competition merger, the resulting association's share of deposits	The increase is	In a potential competition merger the resulting association's share of deposits
Number of competitors in relevant geographic area before the merger	Rank of the resulting association			
5 or fewer	1 to 3	25 percent or more	5 percent or more	35 percent or more.
6 to 11	1 or 2	30 percent or more	10 percent or more	40 percent or more.
12 and over	1 or 2	35 percent or more	15 percent or more	45 percent or more.

### The Relevant Geographic Area

For the purpose of the antitrust review which the Principal Supervisory Agent and the Board's staff will conduct the "relevant geographic area" will be considered to be a reasonably meaningful proxy for the "relevant geographic market" (e.g., "section of the country" referred to in Section 7 of the Clayton Act, 15 U.S.C. 18), against which the competitive effects of the merger will be evaluated. The use of market proxies to evaluate the structural consequences of a merger in antitrust analyses have been sanctioned by the courts because of the impossibility of reducing competitive analysis to a precise science. *United States v. Phillipsburg National Bank*, 399 U.S. 350 (1970). Accordingly, the Board believes that, for this purpose, a county or other similar political subdivision will generally suffice as the relevant geographic area. To the extent that the relevant geographic market is actually coextensive with such political boundaries, the relevant geographic area will be the relevant geographic market and not a proxy.

In those cases where the relevant geographic market has not been accurately represented by the use of such local political subdivisions, it has been the experience of this Agency that a county or other similar political subdivision has generally encompassed a smaller area than would be included in the relevant geographic market. This result usually has had the effect of inflating market shares, thereby testing the competitive effects of the merger under stricter structural circumstances than would otherwise be warranted. Accordingly, in most instances, where a merger is found to be legal under those stricter conditions, it will generally be found to be legal in the broader relevant geographic market where the merging associations will have smaller market shares.

In view of the above, and in light of the current financial state of the industry, the large number of mergers being processed by the Board, the absence of any prior cases involving alleged Clayton Act ramifications arising from the mergers of savings and loan associations and the need for administrative processes which reflect practical cost-benefit analyses, the Board finds it entirely reasonable to use the relevant geographic area (e.g., a county or other similar political subdivision) as a proxy for the market in which competitive analyses should be conducted under the antitrust laws. Where, however, the actual, relevant geographic market is so different from the relevant geographic area that some other smaller area should be examined to evaluate the competitive effects of a merger, the Principal Supervisory Agent should do so. The Board's staff will make such an evaluation, where necessary, for applications which fall outside of the scope of delegated authority.

It should be noted that the Board's use of a county or other similar political subdivision as the relevant geographic area may be most pertinent only for the administrative purposes of its regulatory antitrust analyses. As indicated above, the relevant geographic area used by the Board might not match the precise geographic market that a detailed analyses would elicit. Since, however, the Board's resources are limited, it would be virtually impossible to expend the staff time and effort which would be required to make an extensive, on-site market examination for each merger which is the only way the actual, relevant geographic market can be properly determined. Therefore, the use of the proxy of a county or other similar political subdivision to measure the competitive effects of a merger should not be interpreted as a decision by the Board that a particular area is the

precise or only relevant geographic market.

### The Product Market

For purposes of the Board's antitrust analysis, it is proposed that "total deposits" of depository institutions, including time and demand deposit accounts, be used as a reasonably meaningful proxy for the relevant product market. Although, at present, savings and loan associations do not offer all the products and services offered by commercial banks, savings and loan associations and commercial banks compete toe-to-toe to provide most of the deposit and lending products and services sought by local retail customers. In fact, in many states, state-chartered thrift institutions offer virtually all of the products and services any locally limited customer may need. See J. Crockett and A. T. King, *The Contribution of New Asset Powers to S&L Earnings: A Comparison of Federal and State-Chartered Associations in Texas* (1982) (unpublished staff study of the Federal Home Loan Bank Board). While there may be some products or services that savings and loan associations in various markets cannot offer and, therefore, cannot compete for with commercial banks (e.g., corporate demand accounts and most types of corporate loans may not be directly offered by federal associations), there are virtually no products and services which a savings and loan can offer that a commercial bank cannot. The Board believes that savings and loan associations and commercial banks are direct competitors, and no competitive analysis would be complete without taking that competition into account.

Although money market mutual funds compete for a depositor's funds as do commercial banks, their present inability to compete in providing lending products suggests that they should not yet be included in the product market used to measure the structural effects of a merger of thrift institutions. The presence of money market mutual funds, however, will be one of a number of factors taken into account in the qualitative analysis of competition that the Board will conduct when evaluating applications referred to Washington. The results of such analyses will be used to "shade" structural market shares which may be unreliable to reflect actual competition.

Since deposits are considered to be a reasonably meaningful proxy for a product market when analyzing the competitive effects of a merger among commercial banks, the Board finds no good reason why deposits are not an

equally good proxy which should be used to evaluate the various competitive forces in a merger of savings and loan associations. Once again, the Board believes that any analytic distortion which might result from using this proxy is offset or mitigated by the current financial state of the industry, the large number of mergers being processed by the Board, the absence of any prior cases involving alleged Clayton Act ramifications arising from a merger of savings and loan association mergers, and the need for administrative processes which reflect practical cost-benefit analyses.

In addition, in considering the possible competitive effects of an affiliation of depository institutions, including the affiliation of savings and loan associations, the Board finds that the qualitative factors that affect competition are as important as, and possibly more important in many instances than, quantitative measurements of market structure; e.g., market shares, concentration ratios, Herfindahl indices, etc., which are only starting points for a competitive analysis. Those qualitative factors include, but are not limited to, conduct and performance indicia of actual competition in the relevant geographic area, such as the types of products and services offered, the manner in which they are offered and the cost at which they are available to the customer. See *United States v. First National State Bancorporation*, 499 F. Supp. 793, 804-05 (D.N.J. 1980). Moreover, electronic and technological developments, interstate expansion of depository institutions, the broadened statutory and regulatory authority of depository institutions and the encroachment by nondepository institutions into the domain previously reserved to traditional depository institutions have the combined effect of enlarging the market for financial services and making it imperative to develop new and broader ways of evaluating competition. The Board, therefore, believes it is appropriate to use total deposits as a proxy for a product market to evaluate the competitive effects of a merger of savings and loan associations.

#### Potential Competition

The proposed revised antitrust criteria distinguish between mergers among associations which directly and significantly compete, i.e., horizontal or direct competition mergers, and mergers involving only potential competition, where the merging associations do not directly and significantly compete.

The issue of whether the controversial and as yet unproved doctrine of

potential competition can be practically applied to depository institutions has not yet been resolved, although the Supreme Court has found, in theory, that it should apply. *United States v. Marine Bancorporation*, 418 U.S. 602 (1974).

In the last 19 years, 12 potential competition cases seeking to enjoin bank mergers have been litigated. In each of those cases, the courts found that antitrust violations based on the theory of potential competition had not been proven considering the regulated nature of banking, actual evidence of market competition and the unwillingness of the courts to rely on static, quantitative representations of market structure and speculative estimates of future entry into the market.

Assuming, however, that the theory of potential competition does have practical applicability to mergers of depository institutions, including the merger of savings and loan associations, the Board proposes that a potential competition analysis be conducted using the market proxies previously discussed. In all cases involving potential competition, the Principal Supervisory Agent will conduct a two-part review.

The Principal Supervisory Agent will first analyze the transaction pursuant to the structural factors set forth in the antitrust criteria below. If the merger fails to fall within those limits, it should be referred to Washington for Board review. Secondly, the Principal Supervisory Agent should ascertain whether the following factors are present: (1) the firms in the relevant geographic area are performing noncompetitively (e.g., there are indicia of interdependent or parallel behavior); (2) there is evidence that the acquiring association would have entered the relevant geographic area as a *de novo* entrant but for the merger, and such entry would have had the effect of substantially increasing competition, or competition in the relevant geographic area has been or will be substantially improved because of a perception that the acquiring firm would be a *de novo* entrant into the relevant geographic area; and (3) the acquiring association is only one of a few potential entrants into the relevant geographic area. Even if the structural limits for a potential competition merger set forth below have not been exceeded, if, upon review, the Principal Supervisory Agent believes that these four factors are all present, the application should be referred to Washington for Board approval.

#### Three-Tiered Processing

Under this new processing system, merger applications will be channeled

through a three-tiered review process. The majority of merger applications will be deemed to be automatically approved by the Board 30 calendar days after the Supervisory Agent sends written notice to the applicant that the application is complete, unless the Supervisory Agent notifies the applicant that a substantial, timely protest to the application has been filed or that for any other reason the application must receive specific approval.

At the first tier of the review process, merger applications will be deemed to be automatically approved by the Board 30 calendar days after the Supervisory Agent sends written notice to the applicant that the application is complete unless:

(1) The resulting association requests that supervisory forbearances be granted;

(2) The Principal Supervisory Agent recommends imposing nonstandard conditions prior to approving the merger;

(3) The application has been substantially protested;

(4) The Principal Supervisory Agent raises objections to the merger;

(5) The Board's antitrust criteria are not met;

(6) The Department of Justice has issued an advisory opinion asserting that the proposed merger would have a substantially adverse effect upon competition;

(7) The association which will be the resulting association in the merger has a composite Community Reinvestment Act rating of less than satisfactory or is otherwise seriously deficient with respect to the Board's nondiscrimination regulations and the deficiencies have not been resolved to the satisfaction of the Principal Supervisory Agent;

(8) The resulting association's net worth would not at least equal the amount required for that association under 12 CFR 563.13(b). Where goodwill has been included in the resulting association's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under, and accounted for by, generally accepted accounting principles. For purposes of this paragraph (8), in calculating whether the net worth of the resulting association will at least equal the amount required under § 563.13(b), the Principal Supervisory Agent may exclude scheduled items which will be acquired in the merger and the amount of either: (i) the net-worth deficiency or (ii) the liabilities, including averaged

liabilities, of the acquired association at the date of merger;

(9) The merger involves any agreement with the Corporation;

(10) The merger would result in the conversion of a mutual association to a stock association;

(11) The Principal Supervisory Agent determines that the financial condition of the resulting association would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision; or

(12) The merger application involves unusual circumstances or policy questions.

Examples of the types of mergers which should be referred to the Board under this paragraph (12) include, but are not limited to, situations involving an interstate merger of a federal association, the interstate acquisition of the branches of an association, a merger of an interim association, the merger of an association with an entity which is not a thrift institution, or any merger which raises unusual policy issues.

At the second tier of the review process, the Principal Supervisory Agent may specifically approve mergers not eligible for 30-day, automatic approval under delegated authority if the reason for ineligibility is the necessity for supervisory forbearances or the imposition of nonstandard conditions.

In addition, the Principal Supervisory Agent may specifically approve those mergers described in paragraphs (5) and (6) above, if the Principal Supervisory Agent first makes a determination that but for the merger one party to the merger would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision (*i.e.*, it is a failing association, and no equally desirable merger alternative is available).

At the final tier of the review process, all mergers which are not eligible for 30-day, automatic approval or which may not be specifically approved by the Principal Supervisory Agent under delegated authority must be referred to Washington for Board approval.

The Board wishes to emphasize at this time that, in reviewing a proposed merger to determine whether it may be either automatically or specifically approved, the Principal Supervisory Agent must determine that any unacceptable policies or procedures of the merging associations with respect to satisfactory compliance with the Community Reinvestment Act will not be continued by the resulting association.

#### Automatic Approval of Applications for New Branches, Change of Office Location and Redesignation of Offices

The Board is proposing internal processing amendments to 12 CFR 545.14 and 545.15 to provide that substantially unopposed applications for new branches, change of office location, and redesignation of offices filed pursuant to those sections will be deemed to be automatically approved 30 days after the Supervisory Agent sends notice to the applicant that the application is complete.

#### Clarifying Amendments

The Board is amending 12 CFR 552.13 at this time to clarify that the Board is delegating to the Principal Supervisory Agent limited authority to approve merger applications involving Charter S associations consistent with the delegated authority to approve mergers pursuant to 12 CFR 546.2 and 563.22. Further, the Board ratifies all mergers involving Charter S associations which might have been previously approved under delegated authority. *See* Board Resolution No. 82-270 (April 15, 1982; 47 FR 17801 (1980)).

#### Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments would, if promulgated, not have a significant impact on a substantial number of small entities. They would provide for application processing in the least burdensome and most efficient manner and generally give subject institutions greater flexibility in corporate reorganization. The Board believes that the proposal will benefit small institutions by reducing paperwork and delay.

#### List of Subjects in 12 CFR Parts 543, 545, 546, 552 and 563

Mergers, Savings and loan associations, Applications, Branching.

Accordingly, the Board hereby proposes to amend Parts 543, 545, 546, and 552 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

#### PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

1. Amend § 543.2 by amending the last sentence of paragraph (b) and revising paragraphs (d)(1), the introductory text of paragraph (e)(1) and paragraphs

(e)(1), (2) and (3), and (f) to read as follows:

#### § 543.2 Application for permission to organize.

(b) *Form; supporting information.*  
\* \* \* An application shall be deemed filed when four copies are delivered to the Supervisory Agent; the Supervisory Agent shall notify the applicant in writing that the application is complete and direct the applicant to publish notice pursuant to paragraph (d) of this section when the Supervisory Agent determines that all information required under this paragraph has been submitted.

(d) *Public notice and inspection.* (1) The applicant shall publish notice within 10 days after being notified by the Supervisory Agent that the application is complete. Notice shall be published in a newspaper printed in the English language and having a general circulation in the community in which the home office of the new association is to be located. If the Supervisory Agent determines that the primary language of a significant number of adult residents of the community is a language other than English, the Supervisory Agent may require that notice also be given simultaneously in the appropriate language(s).

(e) *Protest.* Communications and answers to protests shall be submitted only as provided in this paragraph or as requested by the Supervisory Agent or the Board.

(1) Within 10 days of the date of publication of notice of application (or 17 days after such date if an extension is requested in writing within the 10-day period), any person may file a communication in favor or protest of the application by furnishing four copies to the Principal Supervisory Agent. If the applicant or any person who has filed a substantial protest pursuant to this paragraph wants to have oral argument heard on the merits of an application, a request for oral argument must be made within this period.

(2) Within 10 days after the filing of a protest, the Principal Supervisory Agent shall advise the protestant and the applicant, in writing, whether the protest is considered "substantial." A protest will be considered substantial only in those instances where the reason for the protest is consistent with the regulatory bases for denial of the application (excluding supervisory considerations).

(3) The applicant may file an answer to any protest until 10 days after the last

date for filing of communications by furnishing four copies to the Supervisory Agent.

(f) *Oral argument.* (1) *General.* Oral argument on the merits of an application shall be heard if (i) the applicant or a person who has filed a substantial protest has seasonably requested it pursuant to paragraph (e) of this section; or (ii) the Supervisory Agent, after reviewing the application and other pertinent information, considers oral argument desirable. The Supervisory Agent shall mail notice of the time (which shall be not less than 10 days after such mailing) and place of oral argument to the applicant and to all persons who filed communications. In the case of protests pertaining to Part 563e of this Chapter, the Supervisory Agent shall ensure that the time and place of any oral argument is reasonably convenient to the protestants.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, may hear and determine all matters relating to the conduct of oral argument. Arguments may be made in person or by authorized representatives and unless otherwise permitted by the Supervisory Agent shall be based only on written information previously filed regarding the application. A reasonable time of at least one hour shall be allowed to each side for oral argument. A transcript of the oral argument shall be made and included in the application file.

#### PART 545—OPERATIONS

2. Revise § 545.14 by revising paragraph (d), removing paragraphs (e), (f), and (g) and redesignating paragraphs (h), (i), (j), (k), (l), and (m) as new (e), (f), (g), (h), (i), and (j), respectively, and revising new paragraph (e)(2) to read as follows:

##### § 545.14 Branch offices.

(d) *Processing of application.* Processing of an application under this Part shall follow the procedures set forth in § 543.2(d), (e), and (f) of this Subchapter except that the applicant shall publish the required newspaper notice of application in the applicant's home office community and in the community to be served by the proposed branch office.

(e) *Approval by the Board of the Principal Supervisory Agent.* \* \* \*

(2) The Principal Supervisory Agent may approve, on behalf of the Board, an application for permission to establish a branch office if no substantial protest

based on undue injury or Part 563e of this Chapter has been filed. Such application shall be deemed to be approved by the Board 30 days after notification that the application is complete, unless the applicant is otherwise notified by the Principal Supervisory Agent that objection has been taken on grounds set forth in subparagraph (1) of this paragraph (e).

(f) *Approval of temporary or permanent location.* \* \* \*

(g) *Offices not requiring prior written approval.* \* \* \*

(h) *Application for and maintenance of branch office after conversion, consolidation, purchase of bulk assets, or merger.* \* \* \*

(i) *Exclusive agreements prohibited.* \* \* \*

(j) *Effective date; effect on existing applications.* \* \* \*

3. Revise paragraph (b) and remove paragraph (c) of § 545.15 to read as follows:

##### § 545.15 Change of office location and redesignation of offices.

(b) *Processing of application.* Processing and approval of an application for a change of office location or redesignation of a home or branch office shall follow the procedures set forth in 545.14(c), (d), (e), and (f) of this Part except that the applicant shall publish the required newspaper notice of application in (1) the applicant's home office community, (2) the community to be served by the new office, (3) the community where the office is to be closed or the home office is to be redesignated as a branch and the applicant shall post notice of the application for 17 days from the date of publication in a prominent location in the office to be closed or redesignated.

#### PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

4. Amend § 546.2 by revising paragraphs (d) and (h) and by adding paragraph (i) to read as follows:

##### § 546.2 Procedure; effective date.

(d)(1) Processing of an application under this section shall follow the procedures set forth in § 543.2 of this subchapter, except that: (i) the required newspaper publication of notice of application shall be made in the communities in which the home offices of the merging and resulting associations are located; and (ii) applicants may additionally mail such notice to the voting members of each

association within the time specified in § 543.2(d).

(2) This paragraph (d) shall not apply to any merger authorized by the Board to be instituted for supervisory reasons.

(3) In approving a merger under paragraph (h) of this section, the Principal Supervisory Agent may approve maintenance of an office of the merging association as a facility of the resulting association.

(h) Merger applications filed in accordance with the procedures set out in § 543.2 of this Subchapter shall be deemed to be automatically approved by the Board 30 calendar days after the Supervisory Agent sends written notice to the applicant that the application is complete unless:

(1) The resulting association requests the granting of supervisory forbearances pursuant to paragraph (i)(3) of this section;

(2) The Principal Supervisory Agent recommends the imposition of nonstandard conditions prior to approving the merger;

(3) The application has been substantially protested;

(4) The Principal Supervisory Agent raises objections to the merger;

(5) There are 5 or fewer depository institutions competing in a relevant geographic area before the merger, the resulting association will be one of the 3 largest depository institutions competing in that area and

(i) If the merging associations directly and significant compete, the resulting association would have 25 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 5 percent or more; or

(ii) In a merger involving only potential competition where the merging associations do not directly and significantly compete, the resulting association would have 35 percent or more of the total deposits held by depository institutions in the relevant geographic area;

The term "Depository institution" includes savings and loan associations, building and loan associations, homestead associations, cooperative banks, mutual savings banks, commercial banks, and credit unions. "Total deposits" includes all demand and time deposit accounts. "Largest depository institution" means an institution, including its affiliates and subsidiaries in the same, or affiliated, holding company that has the greatest amount of total deposits, whether those

deposits are derived from offices within the relevant geographic area or not. For the purposes of this paragraph (h), "relevant geographic area" is used in lieu of and as a reasonably meaningful proxy for the "relevant geographic market" in which the competitive effects of the merger should be examined by the Principal Supervisory Agent. For this purpose only, a county or any similar political subdivision will generally suffice as the relevant geographic area. Where a significantly different area would more precisely approximate the geographic area actually served by the merging association(s), the Principal Supervisory Agent is authorized to consider the effects of the merger in that different area if he believes that it will have a significant effect on his decision;

(6) There are between 6 and 11, inclusive, depository institutions competing in a relevant geographic area before the merger, the resulting association will be one of the 2 largest depository institutions competing in that area and

(i) If the merging associations directly and significantly compete, the resulting association would have 30 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 10 percent or more; or

(ii) In a merger involving only potential competition where the merging associations do not directly and significantly compete, the resulting association would have 40 percent or more of the total deposits held by depository institutions in the relevant geographic area;

(7) There are 12 or more depository institutions competing in a relevant geographic area before the merger, the resulting association will be one of the 2 largest depository institutions competing in that area and

(i) If the merging associations directly and significantly compete, the resulting association would have 35 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 15 percent or more; or

(ii) In a merger involving only potential competition where the merging associations do not directly and significantly compete, the resulting institution would have 45 percent or more of the total deposits held by depository institutions in the relevant geographic area;

(8) In a merger involving potential competition, the Principal Supervisory Agent determines that:

(i) The firms in the relevant geographic area are performing noncompetitively (*e.g.*, there are indicia of interdependent or parallel behavior);

(ii) There is evidence that the acquiring association would have entered the relevant geographic area as a *de novo* entrant but for the merger, and such entry would have had the effect of substantially increasing competition, or competition in the relevant geographic area has been or will be substantially improved because of a perception that the acquiring firm would be a *de novo* entrant into the relevant geographic area; and

(iii) The acquiring association is only one of a few potential entrants into the relevant geographic area;

(9) Both the acquiring and a merging association have assets of \$1 billion or greater;

(10) The Department of Justice has issued an advisory opinion asserting that the proposed merger would have a substantially adverse effect upon competition;

(11) The association which will be the resulting association in the merger has a composite Community Reinvestment Act rating of less than satisfactory, or is otherwise seriously deficient with respect to the Board's nondiscrimination regulations and the deficiencies have not been resolved to the satisfaction of the Principal Supervisory Agent;

(12) The resulting association's net worth would not at least equal the amount required for that association under § 563.13(b) of this Chapter. Where goodwill has been included in the resulting association's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under, and accounted for, by generally accepted accounting principles. For purposes of this paragraph (12), in calculating whether the net worth of the resulting association will at least equal the amount required under § 563.13(b), the Principal Supervisory Agent may exclude scheduled items which will be acquired in the merger and the amount of either: (i) the net-worth deficiency or (ii) the liabilities, including averaged liabilities, of the acquired association at the date of merger;

(13) The merger involves any agreement with the Federal Savings and Loan Insurance Corporation;

(14) The merger would result in the conversion of a mutual association to a stock association;

(15) The Principal Supervisory Agent determines that the financial condition of the resulting association would not satisfy minimum financial standards as

determined from time to time by the Board's Office of Examinations and Supervision; or

(16) The merger application involves unusual circumstances or policy questions.

(i) Board approval of mergers that may not occur automatically under paragraph (h) of this section, including those which entail modifications of the plan of merger, consolidation, or purchase of assets, may be given by the Board's Principal Supervisory Agent (as defined in § 541.8 of this Subchapter) in those cases where paragraph (h) does not apply because the Principal Supervisory Agent:

(1) Has recommended the imposition of nonstandard conditions prior to approving the merger;

(2) Notwithstanding the applicability of paragraphs (h)(5) through (9) of this section, has determined that but for the merger, the merging association would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision (*i.e.*, it is a failing association, and no equally desirable merger alternative is available);

(3) Has granted any of the following forbearances with respect to supervisory action:

(i) For purposes of the resulting association's satisfaction of the net-worth calculation of § 563.13(b), the Principal Supervisory Agent may exclude, for up to a 5 year period, operating losses on acquired assets, capital losses sustained by the resulting association upon disposition of acquired assets, acquired scheduled items, and the amount of either (A) the net-worth deficiency at the date of merger, or (B) liabilities, including averaged liabilities, of the acquired association;

(ii) For purposes of calculating the liquidity requirements of §§ 523.11(a) and 523.12 of this Chapter, the Principal Supervisory Agent may exclude, for up to one year, any liquidity deficiency which the acquired association has and, also for one year, any aggregate net withdrawals from the acquired association;

(iii) For purposes of calculating the resulting association's investments under § 545.10(a) of this Subchapter, the Principal Supervisory Agent may exclude the building investments of the acquired association;

(iv) For the purpose of calculating any holding company net-worth maintenance requirement, the Principal Supervisory Agent may exclude, for up to a 5 year period, the assets and liabilities balances of the acquired association; and

(v) For purposes of calculating the eligibility of the resulting association under §§ 545.9(h)(1), 545.9-1(d)(2) and (4), and 563.8(e)(1) of this Chapter, the Principal Supervisory Agent may, for a 5 year period, compute net worth in accordance with paragraph (i)(3)(i) of this section (3) and may, for a 5 year period, exclude from scheduled items those scheduled items acquired in the merger;

For purposes of this paragraph (3), the Principal Supervisory Agent may agree to forbear from taking supervisory action if the acquiring association can demonstrate, by projections or otherwise, that its net worth will be adversely affected by the merger within a 5 year period. The Principal Supervisory Agent may approve, with the concurrence of the Director of the Board's Office of Examinations and Supervision, the renewal of any supervisory forbearances, for up to five additional years, where the association can demonstrate the need for extended supervisory forbearances, a record of substantial corrective action and the extent of noncompliance caused by the acquisition of the acquired association. The Principal Supervisory Agent may approve an application for insurance of accounts and bank membership filed by an uninsured association merging into a Federal association. The authority to approve mergers under this paragraph (i) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to these delegations raises significant issues of law or policy for which the Board has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Board for its consideration.

#### PART 552—STOCK ASSOCIATIONS

5. Amend § 552.13 by deleting paragraphs (h)(1) and (2) and redesignating paragraphs (e), (f), (g), and (h), (3), (4), (5) and (6), (i), (j), (k), (l), and (m) as new paragraphs (f), (g), (h) and (i), (1), (2), (3) and (4), (j), (k), (l), (m) and (n), respectively, revise new paragraphs (i)(1) and (3) and add a new paragraph (e) to read as follows:

#### § 552.13 Combinations involving Charter S association.

(e) *Approval by the Board's Principal Supervisory Agent.* The specific approval of the Board (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (d) of this section may be given by the Board's Principal Supervisory Agent (as defined

in § 541.18 of this Subchapter) in accordance with the conditions set forth in § 546.2(i) of this Subchapter.

(f) *Approval of board of directors.* \* \* \*

(g) *Combination agreement.* \* \* \*

(h) *Application for Board Approval.* \* \* \*

(i) *Notice.* (1) *Notice to stockholders.* In addition to publication, constituent Charter S associations shall mail notice of the filing of applications to stockholders within 10 days of filing. The contents of the notice shall include the information prescribed by § 543.2 of this Subchapter.

(2) *Republication.* \* \* \*

(3) *Procedure; processing of application.* Processing of an application under this section shall follow the procedures set forth in § 543.2.

(4) *Supervisory exception.* \* \* \*

(j) *Approval by stockholders.* \* \* \*

(k) *Disclosure.* \* \* \*

(l) *Articles of combination.* \* \* \*

(m) *Effective date.* \* \* \*

(n) *Mergers and consolidations: transfer of assets and liabilities to resulting association.* \* \* \*

#### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

#### PART 563—OPERATIONS

6. Revise § 563.22 to read as follows:

#### § 563.22 Merger, consolidation, or purchase of bulk assets.

(a) No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets without application to and approval by the corporation. Application for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require. An applicant shall also comply with section 7A of the Clayton Act (15 U.S.C. 18A) and regulations issued thereunder (16 CFR Parts 801, 802, and 803).

(b) Processing of an application under this section shall follow the procedures set forth in § 543.2 of this Chapter, except that (1) the required newspaper publication of notice of application shall be made in the communities in which the home offices of the merging and resulting institutions are located; and (2) applicants may additionally mail such notice to the voting members of each institution within the time specified in § 543.2(d).

(c) Paragraph (b) of this section does not apply to any merger authorized by the Corporation to be instituted for supervisory reasons.

(d) Merger applications filed in accordance with the procedures set out in § 543.2 shall be deemed to be automatically approved by the Corporation 30 calendar days after the Supervisory Agent sends written notice to the applicant that the application is complete unless:

(1) The resulting association requests the granting of supervisory forbearances pursuant to paragraph (e)(3) of this section;

(2) The Principal Supervisory Agent recommends the imposition of nonstandard conditions prior to approving the merger;

(3) The application has been substantially protested;

(4) The Principal Supervisory Agent raises objections to the merger;

(5) There are 5 or fewer depository institutions competing in a relevant geographic area before the merger, the resulting institution will be one of the 3 largest depository institutions competing in that area and

(i) If the merging institutions directly and significantly compete, the resulting institution would have 25 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 5 percent or more; or

(ii) In a merger involving only potential competition where the merging associations do not directly and significantly compete, the resulting association would have 35 percent or more of the total deposits held by depository institutions in the relevant geographic area;

The term "depository institution" includes savings and loan associations, building and loan associations, home-stead associations, cooperative banks, mutual savings banks, commercial banks, and credit unions. "Total deposits" includes all demand and time deposit accounts. "Largest depository institution" means an institution, including its affiliates and subsidiaries in the same, or affiliated, holding company that has the greatest amount of total deposits, whether those deposits are derived from offices within the relevant geographic area or not. For the purposes of this paragraph (d), "relevant geographic area" is used in lieu of and as a reasonably meaningful proxy for the "relevant geographic market" in which the competitive effects of the merger should be examined by the Principal Supervisory Agent. For this purpose only, a county or any similar political subdivision will generally suffice as the relevant geographic area. Where a significantly different area

would more precisely approximate the geographic area actually served by the merging association(s), the Principal Supervisory Agent is authorized to consider the effects of the merger in that different area if he believes that it will have a significant effect on his decision;

(6) There are between 6 and 11, inclusive, depository institutions competing in a relevant geographic area before the merger, the resulting institution will be one of the 2 largest depository institutions competing in that area; and

(i) If the merging institutions directly and significantly compete, the resulting institution would have 30 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 10 percent or more; or

(ii) In a merger involving only potential competition where the merging institutions do not directly and significantly compete, the resulting institution would have 40 percent or more of the total deposits held by depository institutions in the relevant geographic area;

(7) There are 12 or more depository institutions competing in a relevant geographic area before the merger, the resulting institution will be one of the 2 largest depository institutions competing in that area and

(i) If the merging institutions directly and significantly compete, the resulting institution would have 35 percent or more of the total deposits held by depository institutions in the relevant geographic area and that share of total deposits would have increased by 15 percent or more; or

(ii) In a merger involving only potential competition where the merging institutions do not directly and significantly compete, the resulting institution would have 45 percent or more of the total deposits held by depository institutions in the relevant geographic area;

(8) In a merger involving potential competition, the Principal Supervisory Agent determines that:

(i) The firms in the relevant geographic area are performing noncompetitively (*e.g.*, there are indicia of interdependent or parallel behavior);

(ii) There is evidence that the acquiring association would have entered the relevant geographic area as a *de novo* entrant but for the merger, and such entry would have had the effect of substantially increasing competition, or competition in the relevant geographic area has been or will be substantially improved because of a perception that the acquiring firm

would be a *de novo* entrant into the relevant geographic area; and

(iii) The acquiring association is only one of a few potential entrants into the relevant geographic area;

(9) Both the acquiring and a merging association have assets of \$1 billion or greater;

(10) The Department of Justice has issued an advisory opinion, asserting that the proposed merger would have a substantially adverse effect upon competition;

(11) The institution which will be the resulting institution in the merger has a composite Community Reinvestment Act rating of less than satisfactory, or is otherwise seriously deficient with respect to the Board's nondiscrimination regulations and the deficiencies have not been resolved to the satisfaction of the Principal Supervisory Agent;

(12) The resulting institution's net worth would not at least equal the amount required for that institution under § 563.13(b) of this Chapter (where goodwill has been included in the resulting institution's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under, and accounted for, by generally accepted accounting principles. For purposes of this paragraph (12), in calculating whether the net worth of the resulting institution will at least equal the amount required under § 563.13(b), the Principal Supervisory Agent may exclude scheduled items which will be acquired in the merger and the amount of either: (i) the net-worth deficiency or (ii) the liabilities, including averaged liabilities, of the acquired institution at the date of merger;

(13) the merger involves any agreement with the Federal Savings and Loan Insurance Corporation;

(14) The merger would result in the conversion of a mutual institution to a stock institution;

(15) The Principal Supervisory Agent determines that the financial condition of the resulting institution would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision; or

(16) The merger application involves unusual circumstances or policy questions.

(e) Corporation approval of mergers that may not occur automatically under paragraph (d) of this section, including those which entail modifications of the plan of merger, consolidation, or purchase of assets, may be given by the Board's Principal Supervisory Agent (as defined in § 541.8 of this Subchapter) in

those cases where paragraph (d) does not apply because the Principal Supervisory Agent:

(1) Has recommended the imposition of nonstandard conditions prior to approving the merger;

(2) Notwithstanding the applicability of paragraphs (d)(5) through (9) of this section, has determined that but for the merger, the merging institution would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision (*i.e.*, it is a failing institution, and no equally desirable merger alternative is available);

(3) Has granted any of the following forbearances with respect to supervisory action:

(i) For purposes of the resulting institution's satisfaction of the net-worth calculation of § 563.13(b) of this Part, the Principal Supervisory Agent may exclude, for up to a 5 year period, operating losses on acquired assets, capital losses sustained by the resulting institution upon disposition of acquired assets, acquired scheduled items, and the amount of either (A) the net-worth deficiency at the date of merger, or (B) liabilities, including averaged liabilities, of the acquired institution;

(ii) For purposes of calculating the liquidity requirements of §§ 523.11(a) and 523.12 of this Chapter, the Principal Supervisory Agent may exclude, for up to one year, any liquidity deficiency which the acquired institution has and, also for one year, any aggregate net withdrawals from the acquired institution;

(iii) For purposes of calculating the resulting institution's investments under § 545.10(a) of this Chapter, the Principal Supervisory Agent may exclude the building investments of the acquired institution;

(iv) For the purpose of calculating any holding company net-worth maintenance requirement, the Principal Supervisory Agent may exclude, for up to a 5 year period, the assets and liabilities balances of the acquired institution; and

(v) For purposes of calculating the eligibility of the resulting institution under §§ 545.9(h)(1), 545.9-1(d)(2) and (4), and 563.8(e)(1) of this Chapter, the Principal Supervisory Agent may, for a 5 year period, compute net worth in accordance with paragraph (e)(3)(i) of this section and may, for a 5 year period, exclude from scheduled items those scheduled items acquired in the merger;

For purposes of this subparagraph (3), the Principal Supervisory Agent may agree to forbear from taking supervisory action if the acquiring institution can

demonstrate, by projections or otherwise, that its net worth will be adversely affected by the merger within a 5 year period; The Principal Supervisory Agent may approve with the concurrence of the Director of the Board's Office of Examinations and Supervision, the renewal of any supervisory forbearances, for up to five additional years, where the association can demonstrate the need for extended supervisory forbearances, a record of substantial corrective action and the extent of noncompliance caused by the acquisition of the acquired association.

The authority to approve mergers under this paragraph (e) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to these delegations raises significant issues of law or policy for which the Corporation has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Corporation for its consideration.

(Section 5 of the Home Owners' Loan Act, 48 Stat. 132 (12 U.S.C. 1464); secs. 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1726, & 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1071 (1943-48 Comp.))

By the Federal Home Loan Bank Board.

James J. McCarthy,  
Acting Secretary.

[FR Doc. 82-24863 Filed 9-9-82; 8:45 am]  
BILLING CODE 6720-01-M

#### 12 CFR Part 584 [82-579]

#### Delegation of Authority Regarding Holding Company Acquisition and Debt

Dated: August 26, 1982.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Home Loan Bank Board ("Board") proposes to revise the antitrust criteria for certain acquisition applications that may be approved by its Supervisory Agents. These amendments are intended to further streamline the processing of applications that do not present significant legal or policy issues. The Board also proposes to permit its Supervisory Agents to waive certain restrictions usually placed on companies obtaining approval for acquisitions under delegated authority and to approve certain applications of savings and loan holding companies to incur debt.

Comment period: Comments will be received until September 30, 1982.

**ADDRESS:** Send comments to Director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available at this address for public inspection.

**FOR FURTHER INFORMATION CONTACT:** Laura Patriarca (202-377-6454), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

**SUPPLEMENTARY INFORMATION:** By Board Resolution No. 81-677, dated November 12, 1981, 46 FR 57027, the Board, as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), amended its regulations governing savings and loan holding companies ("Holding Company Regulations") (12 CFR Parts 583-589) to delegate to the Board's Supervisory Agents, among other things, authority to approve certain acquisitions of FSLIC-insured institutions. This delegation has proven successful in expediting the processing of routine holding company applications. In order to further expedite the processing of such applications and to conform the antitrust criteria of this delegation to the proposed criteria applicable to approval of merger applications under delegated authority (see companion Board Resolution No. 82-578, published elsewhere in this issue of the *Federal Register*, adopted today), the Board proposes to amend its criteria for approval of holding company acquisitions under delegated authority.

In addition, this amendment would delegate to the Board's Supervisory Agents the authority to waive certain conditions that may be imposed on a savings and loan holding company upon its acquisition of an insured institution. Under the proposed amendments a Supervisory Agent could waive the dividend restriction and/or the net worth maintenance requirement in supervisory acquisitions or in cases where the acquired institution represents a *de minimus* portion of the acquiring company's holdings in insured institutions.

An existing delegation of authority to approve applications to substitute debt for debt previously approved would be incorporated, without modification, into section 584.4 of the Holding Company Regulations. This amendment would also broaden an existing delegation of authority to Supervisory Agents to approve applications of savings and loan holding companies to incur debt and would add a new delegation of authority to impose a condition limiting dividends by an insured subsidiary in connection with such a debt application.

#### Antitrust Considerations for Acquisitions

In order to fully ensure that Board approved acquisitions comply with federal antitrust laws, the Board proposes to revise the antitrust criteria for approval of holding company applications under delegated authority. Specifically, the Board proposes to permit its Supervisory Agents to approve acquisitions involving larger institutions than under the previous delegation of authority. Accordingly, under the proposed amendment, a Supervisory Agent would have delegated authority to approve an acquisition unless both the assets of the institution(s) to be acquired and the assets of the subsidiary insured institution(s) of the acquiring company reach or exceed \$1 billion.

In addition, the proposed amendment would require that, for an acquisition to be approved under delegated authority, it meet certain competitive criteria. These criteria would replace the existing antitrust criteria, which require an analysis of the amounts of residential mortgage loans and savings accounts held by institution(s) to be acquired and by subsidiary insured institution(s) of the acquiring company in counties where both sets of institutions had offices prior to the acquisition. As set forth in the proposed amendment, and subject to other applicable criteria, the Supervisory Agent would be permitted to approve acquisitions under § 584.4(g) of the Holding Company Regulations if:

1. There are 5 or fewer depository institutions competing in a relevant geographic area prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and of the institution(s) to be acquired does not constitute one of the three largest shares of total deposits in the relevant geographic area, and

(a) If the institution(s) to be acquired and the subsidiary insured institution(s) of the acquiring company directly and significantly competed prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 25 percent of total deposits held by depository institutions in the relevant geographic area and it will have increased by less than 5 percent; or

(b) In an acquisition involving only potential competition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 35 percent of

total deposits held by depository institutions in the relevant geographic area; or

2. There are 6 to 11, inclusive, depository institutions competing in a relevant geographic area prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired does not constitute the largest or second largest share of total deposits in the relevant geographic area, and

(a) If the institution(s) to be acquired and the subsidiary insured institution(s) of the acquiring company directly and significantly competed prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 30 percent of the total deposits held by depository institutions in the relevant geographic area and that share will increase by less than 10 percent; or

(b) In an acquisition involving only potential competition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 40 percent of total deposits held by depository institutions in the relevant geographic area; or

3. There are 12 or more depository institutions competing in a relevant geographic area prior to the acquisition, the combined share of the deposits of the subsidiary insured institution(s) of the acquiring company and of the institution(s) to be acquired does not constitute the largest or second largest share of total deposits in the relevant geographic area, and

(a) If the institution(s) to be acquired and the subsidiary insured institution(s) of the acquiring company directly and significantly competed prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 35 percent of total deposits held by depository institutions in the relevant geographic area and it will have increased by less than 15 percent; or

(b) In an acquisition involving only potential competition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 45 percent of total deposits held by depository institutions in the relevant geographic area;

4. In an acquisition involving potential competition, the Supervisory Agent determines that:

(a) The firms in the relevant geographic area are performing competitively (e.g., there are no indicia of interdependent or parallel behavior);

(b) There is no evidence that the subsidiary insured institution(s) of the acquiring company would have entered the relevant geographic area as a *de novo* entrant but for the acquisition, and such entry would have had the effect of substantially increasing competition, or competition in the relevant geographic area has been or will be substantially improved because of a perception that the subsidiary insured institution(s) of the acquiring company would be a *de novo* entrant into the relevant geographic area; and

(c) The subsidiary insured institution(s) of the acquiring company is not the only one of a few potential entrants into the relevant geographic area;

5. The Department of Justice has not issued an advisory opinion asserting that the proposed acquisition would have a substantially adverse effect on competition; and

6. The aggregate assets of the institution(s) to be acquired or the aggregate assets of the subsidiary insured institution(s) of the acquiring company are less than \$1 billion.

The following matrix illustrates the analysis under the proposed antitrust criteria:

ACQUISITION MATRIX

Approval authority delegated if—				
number of competitors in relevant geographic area before the acquisition:	rank as measured by deposits, of the insured subsidiary institution(s) of the acquiring company and the institution(s) to be acquired, viewed as a single institution, may not be:	in a direct competition acquisition, the combined share of deposits of the insured subsidiary institution(s) of the acquiring company and of the institution(s) to be acquired is less than:	and the increase is less than:	in a potential competition acquisition, the combined share of deposits of the insured subsidiary institution(s) of the acquiring company and of the institution(s) to be acquired is less than:
5 or fewer.....	1st to 3d.....	25 pct.....	5 pct.....	35 pct.
6 to 11.....	1st to 2d.....	30 pct.....	10 pct.....	40 pct.
12 and over.....	1st to 2d.....	35 pct.....	15 pct.....	45 pct.

Terms Defined

The proposed amendment defines three terms used in applying the antitrust criteria outlined above.

1. The Relevant Geographic Area. For the purpose of the antitrust review which the Supervisory Agent and the Board staff would conduct, the "relevant geographic area" would be considered a reasonably meaningful proxy for the "relevant geographic market" (i.e., "section of the country" referred to in section 7 of the Clayton Act) against which the competitive effects of the merger would be evaluated. Accordingly, the Board believes that for this purpose, a county or other similar political subdivision would generally suffice as the relevant geographic area.

Naturally, to the extent that the relevant geographic market is actually coextensive with such political boundaries, the relevant geographic area would be the relevant geographic market and not a proxy thereof. The use of market proxies in antitrust analysis to evaluate the structural consequences of a merger is fairly common and has been recognized as necessary by the courts because of the impossibility of reducing a competitive analysis to a precise science. *United States v. Phillipsburg National Bank*, 399 U.S. 350 (1970).

In those cases where the relevant geographic market has not been accurately represented by such local political boundaries, it has been the Board's experience that, where a county

or other similar political subdivision is used to analyze the competitive effects of a proposed merger or acquisition, it has generally encompassed a smaller area in size than would be included within the relevant geographic market. Usually, this has had the effect of inflating market shares and, therefore, testing the competitive effects of the acquisition under stricter structural circumstances than are otherwise warranted. Accordingly, in most instances, if the acquisition were found to be legal under those stricter conditions, it would generally be legal in a broader market where the institutions will have smaller market shares.

Such being the general case, and in view of the financial state of the

industry, the large number of acquisition applications being processed by the Board, the absence of any prior case involving alleged Clayton Act ramifications arising from an acquisition of a savings and loan association, and the need for administrative processes which reflect practical cost-benefit analyses, the Board proposes to use the relevant geographic area as a proxy for the actual relevant geographic market under the antitrust laws. However, the proposed amendment would permit the Supervisory Agent to examine a smaller area in evaluating the competitive effects of an acquisition where the actual, relevant geographic market was different from the relevant geographic area.

It should be noted that the Board's proposed use of a county or other similar political subdivision as the relevant geographic area may be pertinent only for the administrative purpose of its regulatory antitrust analysis. Indeed, as indicated above, the relevant geographic area proposed to be used by the Board might not encompass the precise area that constituted the relevant geographic market, which a detailed analysis would delineate. However, since the Board's resources are limited, it would be impossible and impractical to expend the staff time and effort that would be required to make an extensive on-site market examination in each case, which, in fact, is the only way the actual relevant geographic market can be properly determined. Therefore, the proposed use of a political subdivision to measure the competitive effects of an acquisition should not be interpreted as a decision by the Board that a particular area is the precise or only relevant geographic market that might otherwise be delimited upon closer analysis.

2. The Product Market. For purposes of the antitrust criteria, "total deposits" of depository institutions, including time and demand deposit accounts, would be used as a proxy for the relevant product market. Although, at present, savings and loan associations do not offer all banking products and services, savings and loan associations and commercial banks compete directly to provide most of the deposit and lending products and services sought by local retail customers. In fact, in many states, state-chartered institutions offer virtually all of the products and services any locally limited customer may need. While there may be some products or services that savings and loan associations cannot offer, and, therefore, cannot compete for with commercial banks, e.g., corporate demand accounts and most types of

corporate loans may not be directly offered by federal associations, there are virtually no products and services which a savings and loan can offer that a commercial bank cannot. In short, the Board believes that savings and loan associations and commercial banks are direct competitors and that no competitive analysis would be complete without taking that competition into account.

At the same time, although money market mutual funds do compete for depositors' funds, their present inability to compete in providing lending products suggests that they should not yet be included in the product market used to measure the structural effects of an acquisition of thrift institutions. Their presence would, however, be one of a number of factors taken into account in the equally important qualitative analysis of competition that the Board would conduct when evaluating applications referred to it in Washington. The results of that analysis would be used to "shade" structural market shares to reflect actual competition.

Since deposits are considered to be a reasonable proxy for a product market when analyzing the effects of an acquisition of a commercial bank, there appears to be no good reason why deposits should not be an equally good proxy for the various competitive forces which must be considered in an acquisition of a savings and loan association. Once again, the Board believes that any analytic distortion which might result from using this proxy would be offset or mitigated by the present financial state of the industry, the large number of acquisitions being processed by the Board, the absence of any case law involving alleged Clayton Act ramifications arising from an acquisition of an insured institution, and the need for administrative processes which reflect practical cost-benefit analyses.

In addition, in considering the possible competitive effects of an affiliation of depository institutions, including the affiliation of savings and loan associations, it appears to the Board that the qualitative factors that affect competition are as important as, and possibly more important in many instances than, the quantitative measurements of market structure, e.g., market shares, concentration ratios, Herfindahl indices, etc., which are only a starting point for the analysis. Those qualitative factors include, but are not limited to, performance indicia of actual competition in the relevant geographic area, such as the types of products and

services offered, the manner in which they are offered, and the cost at which they are made available to the customer. See *United States v. First National State Bancorporation*, 499 F. Supp. 793, 804 (D.N.J. 1980). Moreover, electronic and technological developments, interstate expansion of depository institutions, the broadened statutory and regulatory authority of depository institutions, and the encroachment by nondepository institutions into the domain previously reserved to traditional depository institutions have the combined effect of enlarging the market for financial services and making it imperative to develop new ways of evaluating competition. The Board, therefore, proposes to use total deposits as a product market to evaluate competition and the competitive effects of an acquisition of an insured institution.

3. Potential Competition. The proposed revised antitrust criteria would distinguish between acquisitions of insured institutions which directly and significantly compete with insured subsidiaries of the acquiring company, i.e., horizontal or direct competition acquisitions, and acquisitions involving only potential competition where the insured institutions do not directly and significantly compete.

The issue of whether the controversial and as yet unproved theory of potential competition applies to depository institutions has not yet been resolved, although the Supreme Court has found that, in theory, it should apply. *United States v. Marine Bancorporation*, 418 U.S. 602 (1974). In the last 19 years, 12 potential competition cases seeking to enjoin bank mergers have been litigated. In each of those cases, the courts found that antitrust violations based on the theory of potential competition had not been proven in view of the regulated nature of banking, the actual indicia of market competition, and the unwillingness of the courts to rely on static, quantitative representations of market structure and speculative estimates of future entry into the market.

Assuming, however, that the theory of potential competition does apply to acquisitions of depository institutions, the Board proposes that a potential competition analysis be conducted using the market proxies previously discussed. In all cases, the Supervisory Agent would conduct a 2-part review.

The Supervisory Agent would first analyze the transaction pursuant to the structural factors set forth in the antitrust criteria below. If the acquisition failed to fall within those limits, it would be referred to

Washington, D.C., for Board review. Secondly, the Supervisory Agent would review an acquisition involving potential competition to ascertain whether the following conditions were met: (1) The firms in the relevant geographic area are performing competitively (*i.e.*, there are no indicia of interdependent or parallel behavior); (2) there is no evidence that the subsidiary insured institution(s) of the acquiring company would have entered the relevant geographic area as a *de novo* entrant but for the acquisition, and such entry would have had the effect of substantially increasing competition, or that the competition in the relevant geographic area has been or will be substantially improved because of a perception that the subsidiary insured institution(s) of the acquiring firm would be a *de novo* entrant into the relevant geographic area; and (3) the subsidiary insured institution(s) of the acquiring company is not the only one of a few potential entrants into the relevant geographic area. Unless the Supervisory Agent determined that these three conditions were met, the acquisition application would be referred to Washington, D.C., for Board review even if the structural limits for a potential competition acquisition (set forth below in § 584.4(g)(2)(vi) of the proposed regulation) had not been exceeded.

#### Community Reinvestment Act

Under the current delegation of authority, no subsidiary insured institution of the acquiring company may have received a less than satisfactory rating with respect to its compliance with the Community Reinvestment Act for an acquisition to be approved by the Supervisory Agent. The proposal would modify this requirement to permit the approval if the deficiency were being resolved to the satisfaction of the Supervisory Agent. In addition, the proposed amendment would require that no serious, uncorrected deficiencies existed with respect to the Board's nondiscrimination regulations for an acquisition to be approved under delegated authority.

#### Delegation of Debt Approval Authority

The proposed amendment would also modify an existing delegation of authority to the Board's Supervisory Agents (*see* Board Resolution No. 80-202, dated March 26, 1980) to approve applications to incur debt. Under the current delegation, applications to incur debt up to the greater of \$1 million or 5% of the consolidated net worth of the holding company may be approved by the Supervisory Agent. The amendment

would raise that authority to the greater of \$1 million or 50% of the consolidated net worth of the holding company and would authorize the Supervisory Agent to impose a condition limiting dividends paid by the subsidiary insured institution to 50% of the institution's net income.

The amendment would also authorize the Board's Supervisory Agents to approve applications to substitute debt for debt already approved. The Board originally delegated this authority pursuant to Board Resolution No. 80-202, dated March 26, 1980, but proposes to incorporate it into this regulation for clarity.

#### Delegation of Authority To Waive Certain Conditions on Acquisition Approvals

The proposed amendment would also modify two of the conditions under which Supervisory Agents may approve acquisitions pursuant to the authority delegated by Board Resolution 81-677, November 21, 1981 (46 FR 57027). Those conditions require that the acquiring company agree to limit dividends from the acquired insured institution to 50% of net income and to maintain the net worth of the insured subsidiary at the level required of institutions insured for 20 years or longer. The amendment would authorize the Supervisory Agent to waive either or both of the conditions for supervisory reasons or where the assets of the acquired institution will constitute less than 5% of the acquiring company's assets in insured institutions.

#### Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The proposed regulations would expedite the processing of routine acquisition applications and would eliminate unnecessary Washington review of certain debt applications. The Board believes that the proposed amendments would benefit institutions but would not have a significant economic impact on them.

#### List of Subjects in 12 CFR Part 584

Acquisitions, Delegation of authority, Holding companies, Savings and loan associations, Savings and loan holding companies.

Because there is a present need to allow institutions greater flexibility in reaching corporate planning decisions and because closely related regulatory proposals have already been published

for comment, the Board has limited the comment period to 30 days.

Accordingly, the Board hereby proposes to amend Part 584, Subchapter F, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

#### SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

#### PART 584—REGULATED ACTIVITIES

1. Amend § 584.4 by revising paragraphs (g)(1)(iii), (iv) and (vi) and (g)(2), to read as follow; the introductory text of paragraph (g)(1) is reprinted without change for the convenience of the reader.

#### § 584.4 Acquisitions.

(g) *Approval by the Supervisory Agent.* (1) Any acquisition that may be approved under this section by the Corporation may be approved by a Supervisory Agent, provided that all of the following conditions are met:

(iii) The Company will service its debt without receiving dividends from the acquired insured subsidiary in excess of 50 percent of the subsidiary's net income per year on a cumulative basis, and the company agrees in writing that it will not receive dividends from the acquired subsidiary in excess of that amount, unless waived by the Supervisory Agent on supervisory grounds or in cases where the assets of the institution to be acquired will constitute less than 5% of the assets of the acquiring company derived from insured institutions;

(iv) The company agrees in writing that it will ensure the subsidiary insured institution meets the minimum statutory-reserve and net-worth requirements applicable to institutions insured for 20 years or more, as set out in § 563.13 of this Chapter, and, where necessary, will infuse additional equity capital in a form satisfactory to the Supervisory Agent and sufficient to effect compliance with the requirements, unless waived by the Supervisory Agent on supervisory grounds or in cases where the assets of the institution to be acquired will constitute less than 5% of the assets of the acquiring company derived from insured institutions;

(vi) No subsidiary insured institution of the acquiring company has received on its most recent examination a rating of less than satisfactory with regard to its compliance with the Community Reinvestment Act and the regulations issued thereunder or is seriously deficient with respect to the Board's

nondiscrimination regulations unless the rating or other deficiencies have been or are being resolved to the satisfaction of the Supervisory Agent;

(2) Where the acquisition comes within paragraphs (a)(1) or (2) of this section or the acquisition would be of two or more insured institutions under paragraph (b) of this section, the following conditions must also be met:

(i) The Supervisory Agent determines that the acquisition will serve the convenience and needs of the local community of every insured institution to be acquired;

(ii) The aggregate assets of the institution(s) to be acquired or the aggregate assets of the subsidiary insured institution(s) of the acquiring company are less than \$1 billion;

(iii) Where 5 or fewer depository institutions competed in a relevant geographic area prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and of the institution(s) to be acquired does not constitute one of the three largest shares of total deposits in the relevant geographic area, and

(A) If the institution(s) to be acquired and the subsidiary insured institution(s) of the acquiring company directly and significantly competed prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and of the institution(s) to be acquired will be less than 25 percent of total deposits held by depository institutions in the relevant geographic area and it will have increased by less than 5 percent, or

(B) In an acquisition involving only potential competition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 35 percent of total deposits held by depository institutions in the relevant geographic area;

"Depository institution" includes savings and loan associations, building and loan associations, homestead associations, cooperative banks, mutual savings banks, commercial banks, and credit unions; "total deposits" includes all demand and time deposit and savings accounts. For the limited purpose of this paragraph (g), "relevant geographic area" is used in lieu of and as a reasonably meaningful proxy for the "relevant geographic market" in which the competitive effects of the acquisition should be examined by the Supervisory Agent. For this purpose

only, a county or any similar political subdivision will generally suffice to describe the relevant geographic area. Where a significantly different area would more precisely approximate the geographic area actually served by an insured institution to be acquired, the Supervisory Agent is authorized to consider the effects of the acquisition in that different area if he believes that it will have a significant effect on his decision.

(iv) Where 6 to 11, inclusive, depository institutions competed in a relevant geographic area prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired does not constitute the largest or second largest share of total deposits in the relevant geographic area, and

(A) If the institution(s) to be acquired and the subsidiary insured institution(s) of the acquiring company directly and significantly competed prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 30 percent of the total deposits held by depository institutions in the relevant geographic area and that share will increase by less than 10 percent, or

(B) In an acquisition involving only potential competition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 40 percent of total deposits held by depository institutions in the relevant geographic area;

(v) Where 12 or more depository institutions competed in a relevant geographic area prior to the acquisition, the combined share of the deposits of the subsidiary insured institution(s) of the acquiring company and of the institution(s) to be acquired does not constitute the largest or second largest share of total deposits in the relevant geographic area, and

(A) If the institution(s) to be acquired and the subsidiary insured institution(s) of the acquiring company directly and significantly competed prior to the acquisition, the combined share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 35 percent of total deposits held by depository institutions in the relevant geographic area and it will have increased by less than 15 percent, or

(B) In an acquisition involving only potential competition, the combined

share of deposits of the subsidiary insured institution(s) of the acquiring company and the institution(s) to be acquired will be less than 45 percent of total deposits held by depository institutions in the relevant geographic area;

(vi) In an acquisition involving potential competition, the Supervisory Agent determines that:

(A) The firms in the relevant geographic area are performing competitively (e.g., there are no indicia of interdependent or parallel behavior),

(B) There is no evidence that the subsidiary insured institution(s) of the acquiring company would have entered the relevant geographic area as a *de novo* entrant but for the acquisition, and such entry would have had the effect of substantially increasing competition, or competition in the relevant geographic area has been or will be substantially improved because of a perception that the subsidiary insured institution(s) of the acquiring company would be a *de novo* entrant into the relevant geographic area, and

(C) The subsidiary insured institution(s) of the acquiring company is not the only one of a few potential entrants into the relevant geographic area.

(vii) The Department of Justice has not issued an advisory opinion asserting that the proposed acquisition would have a substantially adverse effect upon competition; and

(viii) The aggregate assets of the institution(s) to be acquired or the aggregate assets of the subsidiary insured institution(s) of the acquiring company are less than \$1,000,000,000.

2. Amend § 584.6 by adding new paragraph (f), to read as follows:

**§ 584.6 Holding company indebtedness.**

(f) *Approval by the Supervisory Agent.* (1) Applications to substitute debt for debt which has previously been approved pursuant to this section may be approved by the Supervisory Agent, provided that the substituted debt would not impose an unreasonable or imprudent financial burden on the applicant or be injurious to the operation of any subsidiary insured institution;

(2) Applications to incur debt up to the greater of \$1,000,000 or 50 percent of the consolidated net worth of the applicant holding company may be approved by the Supervisory Agent, provided that the proposed debt would not impose an unreasonable or imprudent financial burden on the

applicant or be injurious to the operation of any subsidiary insured institution. The Supervisory Agent may condition the approval of such an application upon the agreement by the savings and loan holding company to limit the dividends of the acquired institution to 50 percent of its net income.

(Sec. 408, 82 Stat. 5, (12 U.S.C. 1730a *et seq.*); Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943-1948 comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-24864 Filed 9-9-82; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

18 CFR Parts 32, 33, 34, 35, 45, 292, 375 and 381

[Docket No. RM82-38-000]

#### Fees Applicable to Electric Utilities, Cogenerators, and Small Power Producers

September 1, 1982.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish fees for services and benefits provided by the Commission under its jurisdictional statutes. The Commission is authorized by the Independent Offices Appropriations Act of 1952 (IOAA) to establish fees for services and benefits it provides. The fees are being proposed in a series of proposed rules, each rule relating to a different type of regulated entity or jurisdictional subject area.

This proposed rule would establish fees for certain services and benefits provided under the Federal Power Act and the Public Utility Regulatory Policies Act in Part 381 of the Commission's regulations. The rule would require the payment of a fee upon the submission of filings and applications such as, rate schedule filings, corporate applications, applications for an order directing interconnection or wheeling, applications for certification of qualifying status, and applications to issue securities.

**DATE:** Comments must be submitted to the Secretary of the Commission by November 1, 1982.

**ADDRESSES:** All filings should refer to Docket No. RM82-38 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Kenneth F. Plumb, Secretary, Room 9310, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8400.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish fees for services and benefits provided by the Commission under its jurisdictional statutes. The fees are being proposed in a series of proposed rules, each rule relating to a different type of regulated entity or jurisdictional subject area. By proposing fees in a series of individual rulemakings, the Commission intends to identify clearly each category of fees and to focus public comments. Nevertheless, the proposals are the product of a comprehensive examination of the potential fees associated with all the different functions and services performed by the Commission. The Commission will consider issuing a consolidated final rule establishing fees for all services and benefits.

This proposed rule would establish fees for certain services and benefits provided under the Federal Power Act (FPA) <sup>1</sup> and the Public Utility Regulatory Policies Act (PURPA) <sup>2</sup> in Part 381 of the Commission's regulations. The rule would require the payment of a fee upon the filing of the following: (1) A nominal rate schedule filing,<sup>3</sup> other than one involving rate increases, under section 205 or section 206 of the FPA; (2) a moderately complex rate schedule filing,<sup>4</sup> other than one involving rate

<sup>1</sup> 16 U.S.C. 793 *et seq.*

<sup>2</sup> 16 U.S.C. 2601 *et seq.*

<sup>3</sup> As under existing § 36.2(e), "nominal rate schedule filings" would include rate schedule changes having minimal impact on the operations of a public utility such as service to an additional delivery point, changes in contract demand, changes in minimum billing demand, changes in service rules or regulations, extensions of terms of contracts or continuation of service, cancellation of rate schedules where service is no longer needed, changes in delivery voltages or metering voltages, and initial rate schedules containing rates identical to rates applicable to the same customer class previously accepted for filing.

<sup>4</sup> As under existing § 36.2(f), "moderately complex rate schedule filings" would include rate schedule changes presenting more complex administrative problems such as those involving interconnection agreements, pooling arrangements, and additional large-scale sales. Any rate schedule filing that involves an increase in rates is treated as a third category for purposes of fees.

increases, under section 205 or section 206 of the FPA; (3) an application for an order directing the establishment of physical connection of facilities under sections 202(b) and 210 of the FPA; (4) an application for an order directing wheeling under section 211 of the FPA; (5) a rate schedule filing involving rate increases under section 205 or section 206 of the FPA; (6) an application for certification of qualifying status as a small power production or cogeneration facility under section 201 of PURPA; (7) an extension of an equipment test period filing under the Uniform Systems of Accounts; (8) an application for approval to assume any obligation or liability as guarantor under section 204 of the FPA; (9) an application to issue equity or long-term debt securities competitively or to issue short-term debt securities under section 204 of the FPA; (10) an application for negotiated placement of securities under section 204 of the FPA; (11) an application for sale, lease, or other disposition, merger or consolidation of facilities, or for purchase or acquisition of securities of a public utility, under section 203 of the FPA; and (12) an application for authorization to hold interlocking positions under section 305 of the FPA.

The Commission is authorized by the Independent Offices Appropriations Act of 1952 (IOAA)<sup>5</sup> to establish fees for services and benefits it provides. The IOAA provides in pertinent part:

[A]ny work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency \* \* \* to or for any person \* \* \* shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation . . . to prescribe therefore such fee, charge, or price, if any, which he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration the direct and indirect costs to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amounts so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts \* \* \*.

The principal agency interpretation of the IOAA is Bureau of the Budget Circular A-25<sup>6</sup> which states that a fee

<sup>5</sup> 31 U.S.C. 483a.

<sup>6</sup> Bureau of the Budget Circular A-25 (September 23, 1959). This interpretation has been quoted by the U.S. Supreme Court as "the proper construction of the act," in *FPC v. New England Power Co.*, 415 U.S. 345, 351 (1974).

should be assessed against each identifiable recipient of a measurable unit or amount of Government service or property from which such recipient derives a special benefit.<sup>7</sup>

In accordance with the IOAA and authorities interpretations of that statute, the Commission, in establishing any fee, must:<sup>8</sup>

A. Identify the service for which the fee is to be assessed;

B. Explain why that particular service benefits an identifiable recipient more than it benefits the general public;

C. Base the fee on as small a category of service as practical; and

D. Demonstrate what direct and indirect costs are incurred by the Commission in rendering the service, and show that those costs are incurred in connection with the service rendered the beneficiary.

## II. Discussion

The Commission believes that the fees set forth in this proposed rule would meet the four requirements outlined above.

### A. Identification of Services

The categories of services and benefits provided under the FPA and PURPA for which the Commission proposes a fee in this rulemaking are the following:

1. Review of nominal rate schedule filings under section 205 or section 206 of the FPA filed in accordance with Part 35.

2. Review of applications for an order directing the establishment of physical connection of facilities under section 202(b) and 210 of the FPA filed in accordance with Part 32;

3. Review of applications for an order directing wheeling under section 211 of the FPA;

4. Review of moderately complex rate schedule filings under section 205 or section 206 of the FPA filed in accordance with Part 35;

5. Review of rate schedule filings involving rate increases under section 205 or section 206 of the FPA filed in accordance with Part 35;

6. Review of applications for certification of qualifying status as a small power production or cogeneration facility under section 201 of PURPA filed in accordance with Part 292;

7. Review of extension of equipment test period filings under the Uniform Systems of accounts filed in accordance with Part 101;

8. Review of applications for approval to assume obligations or liabilities as guarantor under section 204 of the FPA filed in accordance with Part 34;

9. Review of applications for authorization to issue equity or long-term debt securities competitively or to issue short-term debt securities under section 204 of the FPA filed in accordance with Part 34;

10. Review of applications for authorization for the negotiated placement of securities under section 204 of the FPA filed in accordance with Part 34;

11. Review of applications for sale, lease, or other disposition of property, merger, or consolidation of facilities, or for purchase or acquisition of securities of a public utility under section 203 of the FPA filed in accordance with Part 33; and

12. Review of applications for authorization to hold interlocking positions under section 305 of the FPA filed in accordance with Part 45.

In this proposed rulemaking, the Commission is not proposing to charge fees for other actions it takes to implement its responsibilities relating to the FPA and PURPA. These actions are discussed in Subsection B of this discussion, in addition to those activities for which a fee is proposed.

### B. Special Benefits to Identifiable Recipients

In delineating the services or benefits for which agencies are permitted to charge under the terms of the IOAA, Budget Circular A-25 states that a fee may be charged to an identifiable recipient who derives a special benefit from a Government service.<sup>9</sup> In addition,

the circular indicates that a "special benefit" has accrued if the recipient obtains "more immediate or substantial gains or values \* \* \* than those which accrue to the general public."<sup>10</sup> Any fee charged under the IOAA is not rendered invalid because the public may also enjoy incidental benefits which flow from the service provided the recipient by the agency.<sup>11</sup> However, an agency may not charge for its services "when the identification of the ultimate beneficiary is obscure and the service can be considered as benefitting broadly the general public."<sup>12</sup> The proposed rule complies with these requirements in that the services for which fees would be charged under this rule provide special benefits to the applicants who invoke the Commission's procedures.

Commission acceptance of nominal and moderately complex rate schedule filings allows the company filing the amendment to supplement an existing rate schedule in order to change the provisions of service to its customers to meet changing needs. For example, different filings, if accepted by the Commission, permit additional service at a standard rate, changes in delivery points, change in delivery voltage, changes in contract demand, and the exchange of interchange service.

Under sections 202(b), 210 and 211 of the FPA any person or State Commission may apply to the Commission for an order directing a public utility to establish physical connection of its transmission facilities with another's facilities, to sell or exchange energy with such persons or to provide transmission services to such persons. A Commission order directing such connection, sale, exchange or transmission allows the person seeking the order to acquire power from a source which would otherwise be unavailable, or at a lower rate than would otherwise be applicable, thereby providing the opportunity for the more efficient and profitable operation of that person's business.

Commission acceptance of rate schedule filings involving rate increases allows the filing company to increase its rates to reflect changes in its cost of service. An electric utility is not permitted to raise its rate without submitting the changed rate schedule to

<sup>10</sup> *Id.* at 2.

<sup>11</sup> See *Mississippi Power & Light v. NRC*, 601 F.2d 223, 227-28 (5th Cir. 1979), *cert. denied*, 444 U.S. 1102 (1980); *Electronic Industries Association v. FCC*, 554 F.2d 1109, 1115 (D.C. Cir. 1976).

<sup>12</sup> Budget Circular A-25 at 2, *quoted with approval* in *FPC v. New England Power Co.*, 415 U.S. 345, 350 (1974).

<sup>7</sup> Budget Circular A-25 at 1-2.

*General Policy. A reasonable charge \* \* \* should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit \* \* \*. For example, a special benefit will be considered to accrue and a charge should be imposed when a Government-rendered service: a. Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public (e.g., receiving a patent, crop insurance, or a license to carry on a specific business); or b. Provides business stability or assures public confidence in the business activity of the beneficiary (e.g., certificates of necessity and convenience for airline routes, or safety inspections of craft) \* \* \*.*

<sup>8</sup> See *National Cable Television Association, Inc. v. United States*, 415 U.S. 336 (1974); *FPC v. New England Power Co.*, 415 U.S. 345 (1974); *Mississippi Power & Light v. NRC*, 601 F.2d 223 (5th Cir. 1979), *cert. denied*, 444 U.S. 1102 (1980); *National Cable Television Association, Inc. v. FCC*, 554 F.2d 1094 (D.C. Cir. 1976); *Electronic Industries Association v. FCC*, 554 F.2d 1109 (D.C. Cir. 1976); *National Association of Broadcasters v. FCC*, 554 F.2d 1118 (D.C. Cir. 1976); *Capital Cities Communications, Inc. v. FCC*, 554 F.2d 1135 (D.C. Cir. 1976).

<sup>9</sup> Budget Circular A-25 at 1-2.

the Commission for its acceptance and sanction.

Commission certification of qualifying status as a small power production facility or cogeneration facility or self-certification under the Commission regulations acknowledges an exemption of the facility from certain Federal and state regulations and has the affect of requiring electric utilities to purchase power from the qualifying facility. Even though Commission certification is not required for qualifying status, Commission action provides a clear indication of qualifying status which facilitates project financing, the sale of power at an avoided cost rate, and interconnection under section 210 of PURPA.

Commission approval of extended equipment test periods allows a company to continue the testing of equipment beyond the period specified in the Commission's regulations and to allocate the monies expended in the continued testing to its Allowance for Funds Used During Construction account.

Commission approval of the assumption of any obligation or liability as guarantor is required by section 204 of the FPA, and allows a company to enter into business arrangements such as leases which require a guarantee as part of the arrangement.

Commission approval of the issuance of securities is required by section 204 of the FPA. Without this approval, a public utility subject to the provisions of section 204 could not issue any securities. Generally, the Commission's regulations provide for the issuance of securities through competitive bidding procedures. If a utility wants to attempt a negotiated placement of securities, it must seek Commission approval to forego the competitive bidding procedures. A negotiated placement may give the issuing utility greater flexibility with respect to the terms of the placement.

Under section 203 of the FPA, the Commission must authorize any sale, lease, or other disposition of property, merger, consolidation, or purchase or acquisition of securities of a public utility, by a public utility. Commission authorization permits a public utility subject to the Commission's jurisdiction to enter into desired business arrangements which would otherwise be prohibited.

Under section 305 of the FPA, a person must receive prior Commission authorization to hold certain interlocking positions involving public utilities. The Commission's authorization permits a person to be an officer or director of more than one

public utility, or of a public utility and a bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or of a public utility and a company supplying electrical equipment to such public utility.

In these cases, the Commission believes that each identifiable applicant for these kinds of Commission services derives more substantial benefits than those benefits accruing to the general public. They are, therefore, the recipients of special benefits from the Commission. The Commission proposes to assess against any individual or entity seeking these services a fee designed to recover the costs associated with providing that service.

As mentioned above, the Commission is not proposing in this rulemaking to establish fees for other actions it takes relating to the FPA and PURPA. Some of these actions are preliminary and formal enforcement investigations, administrative enforcement litigation and settlement of such litigation, news releases, litigation in the courts, and rulemakings. Generally, the recipients of these services are not readily identifiable.<sup>13</sup> Other actions the Commission takes relating to the FPA and PURPA, with respect to hydroelectric matters, will be included in other rulemakings.

#### C. Smallest Practical Unit

In designing a fee schedule, the IOAA requires the Commission to base fees on the smallest unit of a category of service or benefit practical. In remanding fees established by the Federal Communications Commission, the Court of Appeals for the D.C. Circuit sets forth the general rule:

[W]e interpret the statute and the Supreme Court decisions to require reasonable particularization of the basis for the fees, accomplished by an allocation of costs to the smallest unit that is *practical*. In most cases, we expect this unit will be classes of carriers or applicants or grantees or services which the Commission has already singled out for separate treatment in its 1975 fee schedule. Classification is always a difficult problem, involving as it does the drawing of lines; but the solution is not to group dissimilar entities together. The Commission must examine its expenses and set forth the maximum particularization of costs which it

<sup>13</sup> The Commission, however, is considering, in other rulemakings, fees for declaratory orders under all of its jurisdictional statutes and recovery of the costs of certain rulemakings. In those cases where a fee is proposed, the Commission believes that there are special benefits provided to identifiable recipients.

conveniently can make, so that the correctness of its actions can be reviewed.

\* \* \* \* \*  
Many of the expenses will no doubt separate naturally among classes of carriers and service \* \* \*.<sup>14</sup>

The Commission recognizes that there may be significant differences in the costs incurred for individual filings or applications which are submitted for approval or review. Some filings are more complex or controversial than others or may require more time to process. The Commission is proposing to establish fees based on the narrowest categories of activities sharing common characteristics. Fee categories are generally delineated according to the nature of the service or benefit provided. For example, separate fees are established for nominal rate schedule filings and moderately complex rate schedule filings, even though these services are requested by a similar class of applicants. If it is practical to identify specific units within a general category of service as a basis for allocating the costs incurred by the Commission, a fee applicable to that unit is set forth. For example, the proposed rule establishes separate fees for rate schedule filings that require an evidentiary hearing and for those that do not, and different fees for corporate applications involving only one jurisdictional utility and for those involving two or more jurisdictional utilities.

A fundamental consideration in developing a fee structure under the IOAA is the administrative practicality of establishing fees which relate, not just to categories of services, but also to subcategories of services or even individual agency services. This problem relates to the accessibility of cost data and the expense incurred in collecting the data. The Commission believes it has the authority to establish separate fees for any filing that initiates a proceeding and for any filing that requires the Commission to undertake additional steps in that proceeding, such as requests for rehearing, intervention, or appeals. However, because the time spent in subsequent stages of a proceeding is not separately recorded by the Commission, the Commission does not have data at this time which are detailed enough to permit it to establish a separate fee for each stage of a proceeding. As a result, the Commission is proposing to establish fees for an entire proceeding or application process, broken down solely by whether or not there is a hearing. It nevertheless

<sup>14</sup> *Electronic Industries Association v. FCC*, 554 F.2d 1109, 1116-17 (D.C. Cir. 1976) (emphasis added).

requests comments on whether fee categories should be established for smaller classes of applicants, or separate stages of a proceeding and the nature of the data which would be necessary to support such fee categories.

#### D. Basis of Cost Recovery

1. *Direct and indirect costs included.* The fee schedule proposed by the Commission is designed to account for all types of recoverable costs associated with the processing for the specified applications and filings. The costs attributable to a particular Commission service are not merely the salaries of the employees who review the applications or filings. As the Fifth Circuit observed in *Mississippi Power and Light v. NRC*, employees "must be supplied with working space, heating, lighting, telephone service and secretarial support. Arrangements must be made so that [they are] hired, paid on a regular basis and provided specialized training courses. Those and other costs such as depreciation and interest on plant and capital equipment are all necessarily incurred in the process of reviewing an application."<sup>15</sup> The following descriptions indicate what actual costs are incurred when the Commission supplies the identified services and benefits under the FPA and PURPA.

Nominal rate schedule filings are processed principally by the Office of Electric Power Regulation (OEPR). A notice of the filing is published in the *Federal Register*. The filing and any comments are then analyzed to determine if the transaction involved complies with the Commission's regulations and guidelines relating to nominal rate schedule filings. If it does, staff prepares a letter of acceptance which is issued pursuant to delegated authority. If it does not, or if the filing is contested, the matter may require consideration by the Commission.

The technical aspects of moderately complex rate schedule filings and rate schedule filings involving rate increases are reviewed by OEPR and the legal aspects of the filing are reviewed by the Office of the General Counsel (OGC). A notice of the filing is published in the *Federal Register*. The filing and pleadings are analyzed from both technical and legal standpoints to determine if the filing complies with the Commission's regulations and, in cases involving rate levels, is consistent with the statutory "just and reasonable" standard. For filings that cannot be accepted pursuant to delegated authority, staff prepares a memorandum

to the Commission summarizing the filing and responses to public notice, and makes a recommendation as to whether or not the matter should be set for hearing. If the Commission does not set the matter for hearing, letters or orders of acceptance are issued. Interconnection applications and rate change applications are evaluated, noticed, and disposed of in a similar manner.

In cases where issues of material fact are raised, OGC prepares a hearing order which is considered by the full Commission after review by staff offices. Such order provides for proceedings before an administrative law judge. If an application to change a rate is set for hearing, OEPR prepares a cost of service analysis from which staff determines what it believes to be the justifiable revenue requirements of the filing utility. This analysis and adjustment to the utility's cost-of-service data is called a "top sheet", and is the staff's settlement position. Before hearing, staff, under the direction of an administrative law judge, meets with the filing utility and any other parties, in a prehearing conference to discuss its position and various adjustments to the utility's cost-of-service data.

Applications for the physical connection of facilities or for an order directing wheeling may raise issues of material fact relating to compliance with statutory standards imposed by sections 202(b), 210 and 211 of the FPA, such as continuance of reliable service to customers or prospects of economic loss. Such issues may necessitate a hearing. Any application for interconnection or wheeling under section 210 and 211 of the FPA requires an evidentiary hearing.

In a majority of instances, moderately complex rate schedule cases, including interconnections, are settled before hearing. Depending on the issues, OEPR and OGC, as well as the Office of Regulatory Analysis (ORA), and the Office of the Chief Accountant (OCA) may participate in all aspects of the hearing. At the conclusion of the hearing, the parties and staff file briefs and the administrative law judge issues a decision. Following the initial decision, the parties may file briefs on and opposing exceptions. In such cases, the Office of Opinions and Review (OOR) prepares a formal opinion for the Commission's consideration.

Applications for certification of small power production facilities and cogeneration facilities are processed by OEPR and OGC. A notice of the application is published in the *Federal Register*. The application is then analyzed to determine if the facility

meets the size, ownership, and fuel use criteria established in the Commission's regulations. If the application is uncontested and the criteria are clearly met, OEPR may prepare and issue an order certifying the facility pursuant to delegated authority. If the application is contested or the criteria are not clearly met, OGC prepares an order for Commission consideration, and the Commission issues an order either granting or denying certification of the facility.

Extension of an equipment test period filings are processed by OCA. These filings are received and processed after the equipment test period has extended beyond either 120 days, for nuclear plants, or 90 days, for all other plants. OCA reviews the filing from an engineering standpoint to determine if there is justification for the extended testing. If there is justification, a letter of approval is sent to the requestor pursuant to delegated authority.

Applications for approval to assume obligations or liabilities as a guarantor are processed by OCA and OGC. A notice of the application is published in the *Federal Register*. The application is then analyzed to determine whether, in light of the ultimate obligation of the utility, the arrangement is consistent with the statutory standards of reasonableness and public interest and complies with the applicable regulations. OGC also reviews the application for legal sufficiency. Staff then prepares a memorandum to the file and a letter of acceptance which is issued by the Chief Accountant pursuant to delegated authority. If the arrangement presented by the application is of a unique nature, OCA may prepare a memorandum and draft order for the Commission. In these cases the Commission would issue an order either approving or disapproving the arrangement.

Applications for approval to issue equity of long-term debt securities competitively or to issue short-term debt securities are processed by OCA. A notice of the application is published in the *Federal Register*. The application is then analyzed to determine whether the issuance of such securities is for some lawful objective, within the corporate purposes of the applicant, necessary or appropriate for the proper performance by the applicant of service as a public utility, and compatible with the public interest. Staff then prepares an order which is issued by the Chief Accountant pursuant to delegated authority.

Applications for the negotiated placement of securities are processed by OCA. A notice of the application is

<sup>15</sup> 601 F.2d at 232.

published in the **Federal Register**. The application is then reviewed to determine if a negotiated placement is reasonable. If it is reasonable, the Chief Accountant issues a letter authorizing negotiations pursuant to delegated authority. Upon the conclusion of negotiations, the results of the negotiations are filed with the Commission. OCA analyzes the negotiated arrangement to determine if the issuance of securities pursuant to that arrangement is for some lawful objective, within the corporate purposes of the applicant, necessary or appropriate for the proper performance by the applicant of service as a public utility, and compatible with the public interest. Staff then prepares an order which is issued by the Chief Accountant pursuant to delegate authority. If the negotiated arrangement is unique, OCA may prepare a memorandum and draft order for the Commission, and the Commission issues an order either approving or disapproving the negotiated placement.

Applications for sale, lease, or other disposition, merger or consolidation of facilities, or for purchase or acquisition of securities by a public utility (corporate applications) are processed by OEPR, OGC, and OCA. A notice of the application is published in the **Federal Register**. OEPR then analyzes the application to determine the effect of the proposed action on the applicant's operating costs and rate levels, the reasonableness of the purchase price, whether there has been any coercion to enter into the transaction, the effect the proposed action may have on the competitive situation, and whether the transaction will impair effective regulation by the Commission or the appropriate state regulatory authority. OCA reviews the contemplated accounting treatment and prepares a memorandum for OEPR discussing its approval of, or suggested changes to, the accounting treatment. In uncontested cases, OEPR then prepares and issues an authorization order pursuant to delegated authority. If the application is contested, OGC prepares a draft hearing order for Commission consideration.<sup>16</sup> If the Commission orders the matter set for hearing, the hearing is held before an administrative law judge. After the administrative law judge issues an initial decision, the parties and staff may file briefs on and opposing exceptions. In such cases, OOR prepares

a formal opinion for the Commission's consideration.

Applications for authorization to hold interlocking positions are processed by OEPR and OGC. A notice of the application is published in the **Federal Register**. OEPR and OGC then analyze the application to determine if the application is sufficient, if the interlock comports with Commission precedent and policy, if the interlock comports with the legislative intent of the FPA and if the interlock will not adversely affect either public or private interests. In instances where there may be no clear precedent, or the application is contested, OGC prepares a memorandum and recommended order for Commission consideration. The Commission then issues an order authorizing or denying the interlock.

**2. Methodology.** The Commission's calculation of the costs incurred to provide each of the services represented by a fee category is directly related to the amount of time the Commission spends providing each of these services. The proposed rule relies on information obtained through the Commission's management information system (MIS), which provides the amount of time spent on all the Commission functions. This data is recorded on a periodic basis. The functions are grouped into categories which represent the Commission's various programs, including gas wellhead pricing, gas pipeline rates, gas pipeline certificates, oil pipeline regulation, hydropower regulation, and electric power regulation.

The supervisor in each organizational unit reports through the MIS the amount of time spent by staff on each function, in terms of "work-months". A "work-month" is the unit of work represented by one employee's devotion of 100% of his or her time for one month. With respect to each function, the supervisor records the number of projects initiated (receipts) and completed (completions) in a particular time period, insofar as the nature of the function involves the initiation and completion of projects. Most Commission functions can be measured in terms of the number of projects initiated and completed. In accordance with Commission practice, most of these projects are generally assigned docket numbers and, for purposes of this discussion, will be referred to as "docketed activities".

Other "support" functions regularly undertaken, with respect to any program, may not be measured in terms of receipts and completions and are not docketed. The nature of these functions makes impractical any measurements in terms of receipts and completions, but

staff time is nevertheless spent performing these functions. This time is allocated and reported by unit supervisors.

These support functions will be referred to as "support activities" and can be divided into three categories. First, there are activities that involve general supervision, personnel management, and routine administrative functions such as maintenance of time and leave records, the handling of property and supplies, staff meetings, and the planning and organizing of leave.

Second, support staff responds to requests for information that do not contribute directly to the completion of a docketed activity. Examples include requests for information from the public, from the Congress, from the General Accounting office, and from other governmental agencies.

Third, support staff establishes or reviews Commission operations and procedures. These activities include work on the Commission budget, management information systems, and program development functions such as special studies or briefings not identified with a docketed activity.

The Commission uses the following method to determine the cost of providing any service or benefit. First, the work-months reported for a specific "docketed" activity are added to a pro-rata share of the work-months reported for the relevant "support" activities.<sup>17</sup> This figure, representing the total number of work-months dedicated to a given function for a year, is divided by the number of completions for that year for the given function. The resulting quotient represents the average number of work-months required to complete each function.

Second, the Commission used the following figures provided by the Office of Program Management to derive the average cost of a work-month, based on the Commission's FY 1982 budget.

Average Annual Salaries and Fringe Benefits (including the overhead for retirement and benefit insurance).....	\$37,518
Administrative Overhead For One Year Per Employee (including printing, communication, office space, rent, etc.).....	8,468
Contracts For Overhead Services For One Year Per Employee (microfilm, etc.).....	2,406
Estimated Average Cost Per Employee For FY 1982.....	48,392

The total is divided by 12 to yield an average work-month cost of \$4,032.67.

<sup>17</sup> The Commission has excluded from its cost calculations those work-months associated with the second category of support activities, because those functions do not constitute part of the cost of providing a special benefit.

<sup>16</sup> In FY 1981, no evidentiary hearings were held for applications for sale, lease, or other disposition of property, merger or consolidation of facilities, or for purchase or acquisition of securities by a public utility.

Third, in order to determine the cost of the function, the Commission multiplies the average cost per work-month by the average number of work-months required to complete the function.

The Commission proposes to update the fees each year to reflect Commission costs. An updated fee schedule would be published in the **Federal Register** each year. The updated fee would be the product derived by multiplying each fee that is effective for the current fiscal year by the ratio of the average budgeted costs per employee for the next fiscal year to the average budgeted costs per employee for the current fiscal year. An applicant would be obliged to pay either the updated fee or, if the updated fee is not yet effective, the fee that is currently effective at the time of filing.

#### E. Exceptions to Full-Cost-Recovery.

As a general policy, the Commission intends to establish fees which include all the recoverable costs associated with a particular benefit or service provided by the Commission. The Commission recognizes, however, that there may be instances in which a fee has an undesired effect on an applicant or other person requesting a service or benefit or otherwise proves infeasible. In such cases, the Commission may exercise discretion to reduce the fee for a category of service. Generally speaking, the Commission does not expect this issue to arise with regard to any service which is necessary to participation in a regulated business and continues to consider the possibility of full-cost recovery for each category of service for which it proposes fees. The Commission specifically requests comment on this fundamental approach.

A primary concern presented by the establishment of fees is to ensure that the benefits and services provided by the Commission under its jurisdictional statutes remain reasonably available to interested persons. Any consideration of whether to establish a less than full-cost-recovery fee under new Part 381 for a category of service would initially depend on a threshold determination that a full-cost-recovery fee may discourage use of the service for which the fee is assessed. If it appears to the

Commission that a full-cost-recovery fee would discourage filings or use of Commission service, it would then consider a reduction in the relevant fee. The determination of how far to reduce a fee will depend on four specific factors.

1. *Disproportionate economic burden.* The Commission may reduce the fee by a factor of forty to sixty-five percent, if it is shown that the individuals or entities the Commission expects to predominate in the potential class of payers are of the type on which the full-cost-recovery fee could be expected to impose a disproportionate economic burden. If the Commission service does not pertain to small entities, or involve any particular economic hardship, but would, nevertheless, impose a full-cost-recovery fee that discourage use of that service, the Commission would be inclined to reduce the fee by a smaller amount, not to exceed fifty percent of the full cost of the service depending upon other considerations which may arise.

2. *Encouraging use of a service.* The Commission may reduce the fee by twenty percent, if the service or procedure involved is of a type that the Commission wishes to encourage or if the Commission prefers that service or procedure to be utilized more often than others which would provide essentially the same benefit.

3. *Use of Commission time.* Related to the consideration of encouraging one service over another is a consideration of whose time and effort is required to provide the particular service. Commission time is more valuable and limited than staff time. Therefore, a reduction of five percent may be made if a service requires only staff time for normal processing, not including appeals to the Commission.

4. *Reduction of processing time.* There may be some services the Commission provides with which the Commission has had little experience. Therefore, its data may not be as indicative of the average costs of providing that service over a longer period of time as its data for the costs of services it has been providing for many years. As the Commission gets more familiar with the

processing or review of such an application of filing, it may become more efficient, thereby reducing the amount of time required to provide the service. To reflect this possibility, the Commission may reduce the fees by five percent if the service requested is one with which the Commission has had little experience.

There is a question of whether a full-cost-recovery fee for applications for certification of qualifying status as a cogeneration or small power production facility would discourage the use of the service, i.e., applications for a qualifying status. While Commission certification is not necessary for qualification as a cogeneration or small power production facility, the Commission recognizes that many self-certifying facilities find it necessary to seek Commission certification in order to obtain financing or to resolve challenges to its qualifying status by utilities which constitute the natural market for its power. There may be substantial benefits to be gained by such certification in any case. But the Commission is concerned that the proposed fee not contravene the mandate of PURPA to foster these facilities. Therefore, in addition to the above-mentioned factors, the Commission will consider whether to reduce or adjust the fee for this fee category based on such factors as the size and financial resources of the class of potential applicants for qualifying status. Alternatively, it might be more appropriate to provide waiver or reduction by a fee of case-by-case basis, considering, among other things, the circumstances under which applicants for qualifying status are seeking Commission certification.

### III. Fees Proposed

The following table summarizes the average number of work-months (WM's) and average costs incurred in rendering the services for which the Commission proposes fees in this rulemaking:<sup>18</sup>

<sup>18</sup>The Commission is placing in the public file for this docket more detailed data relating to the costs incurred by the Commission which form the basis of the proposed fees.

Service	Total WMs	Total completions	Average number WMs per completion	Average cost per completion
Review of Nominal Rate Schedule Filings.....	65.37	612	0.107	\$431.50
Review of Moderately Complex Rate Schedule Filings and Applications for Physical Connection of Facilities or Wheeling (without hearing).....	281.39	182	1.546	6,234.51
Review of Rate Schedule Filings Involving Rate Increases (without hearing).....	368.93	82	4.499	18,142.98
Hearing Phase of either Moderately Complex Rate Schedule Filings and Applications for Physical Connection of Facilities or Wheeling or Rate Schedule Filings Involving Rate Increases.....	1,485.12	117	12.693	51,186.68

Service	Total WMs	Total completions	Average number WMs per completion	Average cost per completion
Certification of Qualifying Status.....	37.78	58	.651	2,625.27
Review of Extension of Equipment Test Period Filings.....	6.54	17	.385	1,552.28
Review of Applications to Assume an Obligation or Liability as a Guarantor.....	11.76	11	1.069	4,310.92
Review of Applications to Issue Equity or Long-Term Debt Securities Competitively or to Issue Short-Term Debt Securities.....	43.66	66	.661	2,661.56
Review of Applications for the Negotiated Placement of Securities.....	5.88	10	.588	2,371.21
Review of Corporate Applications Involving One Jurisdictional Utility.....	28.0	16	1.75	7,057.17
Review of Corporate Applications Involving Two or more Jurisdictional Utilities.....	NA	NA	NA	NA
Review of Applications to Hold Interlocking Positions.....	48.21	118	.409	1,649.36

<sup>1</sup>During FY 1981, there were no corporate applications submitted involving two or more jurisdictional utilities. To date, in FY 1982, the Commission has received three corporate applications involving two or more jurisdictional utilities. The Commission estimates, based on its experience to date, that at least twice as much staff time and resources are required to process a corporate application involving two or more jurisdictional utilities than to process an application involving one jurisdictional utility.

The following fees are therefore proposed:<sup>19</sup>

Service	Fee
Nominal Rate Schedule Filings.....	\$400.00
Moderately Complex Rate Schedule Filings and Applications for Physical Connection of Facilities or Wheeling:	
Without hearing.....	6,200.00
With hearing.....	57,400.00
Rate Schedule Filings Involving Rate Increases:	
Without hearing.....	18,100.00
With hearing.....	69,300.00
Certification of Qualifying Status.....	2,600.00
Extension of Equipment Test Period Filings.....	1,500.00
Authorization to Assume an Obligation or Liability as a Guarantor.....	4,300.00
Authorization to Issue Equity or Long-Term Debt Securities Competitively or to Issue Short-Term Debt Securities.....	2,600.00
Authorization for the Negotiated Placement of Securities.....	2,300.00
Corporate Applications Involving One Jurisdictional Utility.....	7,000.00
Corporate Applications Involving Two or More Jurisdictional Utilities.....	14,000.00
Authorization to Hold Interlocking Positions.....	1,600.00

In the electric rate area, a substantial amount of Commission costs are incurred in connection with evidentiary hearings. Unlike many of the other services for which the Commission proposes fees, a significant number of rate schedule filings are set for hearing. Therefore, in order to be consistent with the policy of full-cost recovery, the proposed fees for rate schedule filings which are set for hearing are designed to recover the average cost to the Commission of any evidentiary hearing.

This proposed rule would require only the person submitting the application or filing to pay the fee which includes the average cost of a hearing, on the theory that the applicant receives a special benefit and that an evidentiary hearing is a necessary part of the process conferring the benefit. In addition, the Commission currently does not have adequate data which allow allocation of costs among parties to a hearing, such as intervenors. Nevertheless, there may be instances where assessing a fee which includes all or part of the costs of

<sup>19</sup>Fees are established by taking actual cost and rounding down to: (1) the nearest \$5 increment, if the total cost is \$100 or less; and (2) the nearest \$100 increment, if the total cost is more than \$100.

a hearing against persons other than the applicant may be a viable approach under the IOAA. The Commission requests comments on this issue.

These fees are not reduced according to the factors discussed in Section II. E., above, because generally these fees are proposed for services which are necessary for participation in a regulated industry, and would not discourage use of the service. However, the Commission is proposing procedures whereby the Commission may waive or reduce the fees prescribed by this proposal in specific circumstances. These procedures would give the Commission the discretion to waive or reduce the fees in order to avoid undue economic burden in particular cases. Factors which the Commission may consider in waiving or reducing a fee include the size and financial health of the applicant.

#### IV. Procedures for Paying Fees

In order to be consistent with the assessment of fees relating to the FPA and PURPA, the Commission proposes to amend its current regulations regarding the procedures applicable to each of the applications and filings covered by the proposed fee schedule. The amended procedures would require that a certified check or money order for the appropriate amount, made payable to the United States Treasury, be included with each filing and application.

In addition, the proposal provides in § 381.103(b), that any application or filing which is not accompanied by the appropriate fee would be considered deficient and would not be processed by the Commission. Consistent with this proposed rule, the Commission would consider suspending the processing of an application or the continuation of a hearing if the added amount due for any application set for hearing is not paid as required.

If an application or filing is set for a full or limited evidentiary hearing, the applicant would be required to pay the hearing increment of the fee in three installments. One-third would be

payable on the first day of the pre-hearing conference, one-third would be payable not later than 10 days before the first day of hearing, and one-third would be payable within 10 days after the issuance of an initial decision. These procedures are designed to account for the possibility of a settlement at some point prior to the issuance of an initial decision. If a settlement is reached before one of the above-mentioned stages of the proceeding, *i.e.*, prehearing conference, hearing, or issuance of an initial decision, no further payments would be required. Once an initial decision has been issued, the applicant must pay the final installment. If that final installment is not paid within 10 days after the issuance of the initial decision, the applicant may not be permitted to file briefs on or opposing exceptions.

Furthermore, in the areas where the Commission presently charges fees, it follows, with minor exceptions, a policy of no refunds. The Commission expects to apply this no refund practice to all fees proposed in the new series of rulemakings under the IOAA, as well.

#### V. Direct Billing Alternative

As discussed above, the methodology that would be used to establish the proposed fees is based on the average cost of processing the average filing. The Commission occasionally receives filings which are not representative of these average filings. These filings may be so extensive in scope and present issues of such complexity or difficulty that the Commission must devote an extraordinary amount of time and staff resources to processing them. The standard fees would bear no reasonable relationship to the actual cost of processing these extraordinary filings. Moreover, if the costs of processing these extraordinary filings were included in the average costs associated with average filings, persons submitting average filings would be subsidizing those submitting the extraordinary filings. Therefore, the Commission is proposing that in the case of an

extraordinary filing, it would order a direct billing procedure.

Under this direct billing procedure, the Commission would periodically bill the person who submitted the filing for all the direct and indirect costs incurred by the Commission in processing the filing. The filing would then be processed like other filings, but the amount of time and staff resources devoted to processing the filing would be separately recorded and would not be averaged with the time devoted to processing the average filing.

#### VI. Summary of Proposed Rule

This proposed rule establishes fees for services and benefits provided by the Commission under the FPA and PURPA in proposed Part 381 of Chapter I of Title 18 of the Code of Federal Regulations.

Proposed §§ 381.101 and 381.102 state the purpose of proposed Part 381 and provide definitions of the words "person," "work year cost," and "filing."

Proposed § 381.103 provides that each filing must be accompanied by the proper fee or that filing will be considered deficient, which could result in rejection of the filing. Section 381.103 also provides that if a filing for one service or benefit may be considered as falling within two or more fee categories, the higher or highest of the applicable fees must be paid.

Proposed § 381.104 requires the Commission to publish a revised fee schedule each year to reflect an increase or decrease in costs.

Proposed § 381.105 establishes the method of payment of the proposed fees.

Proposed § 381.106 provides that the Commission may waive or reduce fees if to do so is necessary to prevent an undue economic burden. Any requests for waiver or reduction of the fees prescribed for electric or natural gas rate schedule filings must be submitted at least 30 days prior to submission of the rate schedule filing.

Proposed § 381.107 provides that the Commission may order any filing, the processing of which requires an extraordinary amount of time and staff resources, to be assessed fees under a direct billing procedure. Any fees paid under Part 381 upon submission of the filing would be credited against the direct bill.

Proposed § 381.501 establishes a \$400 fee payable upon the submission of a nominal rate schedule filing.

Proposed § 381.502 establishes a \$6200 fee payable upon the submission of a moderately complex rate schedule filing other than rate increases, or an application for physical connection of facilities or for an order directing wheeling. If the filing or application is

set for a full or limited evidentiary hearing, § 381.502 establishes a \$57,400 fee, requiring the payment of an additional \$51,200 in three installments.

Proposed § 381.503 establishes a \$18,100 fee payable upon the submission of a rate schedule filing involving rate increases. If the filing is set for full or limited evidentiary hearing, § 381.502 establishes a \$69,300 fee, requiring an additional payment of \$51,200, in three installments.

Proposed § 381.504 establishes a \$2,600 fee payable upon the submission of an application for certification of qualifying status as a small power production or cogeneration facility.

Proposed § 381.505 establishes a \$1,500 fee payable upon submission of an extension of equipment test period filing.

Proposed § 381.506 establishes a \$4,300 fee payable upon the submission of an application for authorization to assume an obligation or liability as guarantor.

Proposed § 381.507 establishes a \$2,600 fee payable upon the submission of an application for approval to issue equity or long-term debt securities competitively or to issue short-term debt securities.

Proposed § 381.508 establishes a \$2,300 fee payable upon the submission of an application for negotiated placement of securities.

Proposed § 381.509 establishes a \$7,000 fee payable upon the submission of a corporate application involving one jurisdictional utility.

Proposed § 381.510 establishes a \$14,000 fee payable upon the submission of a corporate application involving two or more jurisdictional utilities.

Proposed § 381.511 establishes a \$1,600 fee payable upon the submission of an application to hold interlocking positions.

In addition, this proposed rule amends the Commission's regulations relating to the above-mentioned categories of service to require each applicant to file the proper fee with each application.

#### VII. Initial Regulatory Flexibility Analysis

Whenever the Commission is required by section 533 of the Administrative Procedure Act (APA) (5 U.S.C. § 553) to publish a general notice of proposed rulemaking, it is also required by section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. §§ 601-612) to prepare and make available for public comment an initial regulatory flexibility analysis.

The analysis must describe the impact the proposed rule will have on small entities. The broad purpose of the RFA is to ensure more careful and informed

agency consideration of rules that may significantly affect small entities and to encourage analyses of these rules as well as the agency's consideration of alternative approaches that may better resolve any unnecessarily costly or adverse effects on small entities.

In this preamble, the Commission presents its reasons for this agency action, its objectives, and the legal basis for this rulemaking. As discussed, the proposed rule would establish a schedule of fees to be paid the Commission for certain benefits it provides. The proposed rule would not impose any reporting, recordkeeping, or compliance requirements.

This rule would affect public utilities subject to Commission jurisdiction under the FPA and PURPA as well as non-jurisdictional entities seeking qualifying status as a small power production or cogeneration facility. There are approximately 217 public utilities in the United States. The Small Business Administration's (SBA) regulations do not establish specific size standards for electric utilities. (See 13 CFR Part 121.) Most utilities, however, are large businesses. Only about 20 of these could possibly be classified as small entities.<sup>20</sup> However, significant number of prospective cogenerators or small power producers are not utilities and may be small entities.

Where a proposal may have significant economic impact on a substantial number of small entities, section 603(c) of the RFA requires the Commission to discuss significant alternatives to the proposal. The Commission has already attempted to minimize any disproportionate burden that the proposal would have on affected utilities or on small entities. The proposal contains a provision for waiver or reduction of any fees as needed to avoid imposition of an undue economic burden. The Commission could, of course, consider reducing the fees, or even eliminating the fees with respect to small entities. However, in proposing the fees the Commission is also attempting to satisfy the statutory directive of the IOAA to be "self-sustaining to the full extent possible." The Commission believes the rule, as proposed, represents a fair balance that will satisfy the purposes of both the IOAA and the Regulatory Flexibility Act.

<sup>20</sup> For this analysis, small entities are those classified as Class C or Class D utilities, that is, utilities with operating revenues of \$25,000 or more per year, but less than \$1,000,000. (See 18 CFR Part 104, Uniform System of Accounts Prescribed for Public Utilities and Licenses Subject to the Provisions of the Federal Power Act.)

**VIII. Written Comment Procedures**

Interested persons may comment on this proposed rulemaking by submitting data, views, or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, not later than November 1, 1982. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM82-38-000, and should give reasons, including any supporting data, for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Commission. All comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

(Department of Energy Organization Act, 42 U.S.C. 7101-7; E.O. 12009, 3 CFR 142 (1978) Independent Offices Appropriations Act, 31 U.S.C. 483a)

**List of Subjects****18 CFR Part 32**

Electric utilities, Foreign relations.

**18 CFR Part 33**

Electric utilities, Securities.

**18 CFR Part 34**

Electric power, Electric utilities, Reporting requirements, Securities.

**18 CFR Part 35**

Electric power rates, Electric utilities, Reporting requirements.

**18 CFR Part 45**

Electric utilities.

**18 CFR Part 292**

Electric utilities, Natural gas, Reporting requirements.

**18 CFR Part 375**

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

**18 CFR Part 381**

General fees.

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18 Code of Federal Regulations as set forth below.

By direction of the Commission.  
**Kenneth F. Plumb,**  
*Secretary.*

1. Chapter 1 is amended in its table of contents by adding in the appropriate numerical order, a new part and heading, to read as follows:

**CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION**

\* \* \* \* \*

**SUBCHAPTER W—REVISED GENERAL RULES**

Part \* \* \* \* \*

381 Fees \* \* \* \* \*

**PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES, TRANSMISSION TO FOREIGN COUNTRY****§ 32.1 [Amended]**

2. Section 32.1 is amended in the introductory clause by replacing the phrase "Part 36 of this subchapter" with the phrase "Part 381 of this chapter."

**§ 32.22 [Amended]**

3. Section 32.22 is amended by replacing the phrase "Part 36 of this subchapter" with the phrase "Part 381 of this chapter."

**§ 32.41 [Amended]**

4. Section 32.41 is amended in the introductory clause by replacing the phrase "Part 36 of this subchapter" with the phrase "Part 381 of this chapter."

**§ 32.61 [Amended]**

5. Section 32.61 is amended in the introductory clause by replacing the phrase "Part 36 of this subchapter" with the phrase "Part 381 of this chapter."

**PART 33—APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY****§ 33.2 [Amended]**

6. Section 33.2 is amended in the introductory clause by replacing the phrase "Part 36 of this subchapter" with the phrase "Part 381 of this chapter."

**PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES****§ 34.3 [Amended]**

7. Section 34.3 is amended in the introductory clause by inserting between the words "securities" and "shall," the phrase "must be

accompanied by the fee prescribed by Part 381 of this chapter and."

**PART 35—FILING OF RATE SCHEDULES****§ 35.0 [Amended]**

8. Section 35.0 is amended by replacing the phrase "Part 36 of this subchapter" with the phrase "Part 381 of this chapter."

**PART 45—APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS****§ 45.8 [Amended]**

9. Section 45.8 is amended in the introductory clause by replacing the phrase "Part 36 of the subchapter" with the phrase "Part 381 of this chapter."

**PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION****§ 292.207 [Amended]**

10. Section 292.207 is amended in paragraph (b)(2) by inserting in the introductory clause between the words "shall" and "contain" the phrase "be accompanied by the fee prescribed by Part 381 of this chapter and shall".

11. Subchapter W is amended by adding a new Part 381 to read as follows:

**SUBCHAPTER W—REVISED GENERAL RULES**

\* \* \* \* \*

**PART 381—FEES****Subpart A—General Provisions**

Sec.  
381.101 Purpose.  
381.102 Definitions.  
381.103 Filings.  
381.104 Annual adjustment of fees.  
381.105 Method of payment.  
381.106 Reductions and waivers.  
381.107 Direct billing.

**Subpart B—Fees Applicable to General Functions**

381.201 Declaratory orders.  
381.202 Interpretations by the Office of the Chief Accountant.  
381.203 Review of DOE denials of adjustment.  
381.204 Review of DOE remedial orders.

**Subpart C—Fees Applicable to the Natural Gas Policy Act of 1978**

381.301 Adjustments.  
381.302 Well-category determinations.  
381.303 Initial reports for Title III transactions.  
381.304 Extension reports for Title III transactions.

## Sec.

381.305 Interpretations by the Office of the General Counsel.

**Subpart D—Fees Applicable to the Natural Gas Act and Related Authorities**

- 381.401 Blanket small producer certificates.  
 381.402 Producer certificates of public convenience and necessity.  
 381.403 Producer rate schedules.  
 381.404 Pipeline certificate applications.  
 381.405 Requests for authorization under the blanket certificate notice and protest procedures.  
 381.406 Curtailment filings.  
 381.407 Amendment.

**Subpart E—Fees Applicable to Matters Under Parts II and III of the Federal Power Act**

- 381.501 Nominal rate schedule filings.  
 381.502 Moderately complex rate schedule filings and applications for physical connection of facilities or wheeling.  
 381.503 Rate schedule filings involving rate increases.  
 381.504 Certifications of power production facilities.  
 381.505 Extensions of equipment test periods.  
 381.506 Applications to assume obligation or liability as guarantor.  
 381.507 Equity, long-term or short-term debt securities.  
 381.508 Negotiated securities.  
 381.509 Corporate applications involving one jurisdictional utility.  
 381.510 Corporate applications involving two or more jurisdictional utilities.  
 381.511 Applications to hold interlocking positions.

**Subpart F—Fees Applicable to the Public Utility Regulatory Policies Act of 1978 [Reserved]**

**Subpart G—Fees Applicable to the Interstate Commerce Act [Reserved]**

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 442 (1978); Independent Offices Appropriations Act, 31 U.S.C. 483a.

**Subpart A—General Provisions**

**§ 381.101 Purpose.**

The purpose of this part is to set forth the fees that the Commission has established for services and benefits provided by the Commission.

**§ 381.102 Definitions.**

For purposes of this part, the following definitions apply.

(a) "Person" means any person, group, association, organization, partnership, corporation, or business, except those engaged in the transaction of official business of the Government.

(b) "Work year cost" means the ratio of the Commission's budgeted expenses during any given fiscal year to the authorized staff level for that fiscal year.

(c) "Filing" means any application, petition, request, or motion submitted to

the Commission in connection with any of the services or benefits for which a fee is established in this part.

**§ 381.103 Filings.**

(a) *Submission of fees.* Except as provided in § 381.106, a fee in the amount set forth in this part must accompany each filing for which a fee has been established.

(b) *Deficiencies.* (1) Any filing which is not accompanied by either the fee established for that filing or a request for reduction or waiver in accordance with § 381.106 is deficient.

(2) The Secretary will inform any person who submits a deficient filing that:

(i) such filing will be rejected, unless the appropriate fee is submitted within a specified time;

(ii) the Commission will not process any filing which is deficient under this paragraph; and

(iii) the date of filing will be deemed the date on which the Commission receives the appropriate fee.

(3) This provision does not preclude a determination that a filing is deficient for any other reason.

(c) *Choice of two fees.* If a filing for one service or benefit may be considered as falling within two or more categories of service for which a fee is established, that filing must be accompanied by the higher or highest of the applicable fees.

**§ 381.104 Annual adjustment of fees.**

(a) *Update and publication.* Beginning in fiscal year 1983, fees established in this part are updated annually, in accordance with this section. Updated fees are published in the **Federal Register** and as an appendix to this part.

(b) *Payment of updated fees.* Any person who, after fiscal year 1982, submits a filing for which a fee is established in this part must pay the updated fee under this section or, if the fee has not been updated at the time of the filing, the currently effective fee.

(c) *Formula.* The fee applicable to a fee category in each fiscal year is the fee for the previous fiscal year for that category, multiplied by the ratio of the work year cost for the fiscal year for which the fee is determined to the work year cost for the previous fiscal year. The fee is rounded down to the nearest five dollar increment.

(d) *Effective date of fee.* Any fee updated under this section becomes effective on the thirtieth day after publication in the **Federal Register** of the revised appendices to this part, or the first day of the fiscal year for which the fee is updated, whichever is later.

**§ 381.105 Method of payment.**

Fee payments must be made by certified check or money order payable to the Treasurer of the United States.

**§ 381.106 Reductions and waivers.**

(a) *When to request.* (1) Except as otherwise provided in subparagraph (a)(2) of this section, an applicant may request a waiver or reduction of a fee prescribed in this part at the time that a filing is submitted to the Commission.

(2) Any request for waiver or reduction of the fees prescribed for any rate schedule or tariff change filed under the Federal Power Act, Natural Gas Act, or Interstate Commerce Act, must be submitted at least 30 days prior to the filing of the rate schedule filing.

(b) *Basis.* The applicant must show that waiver or reduction of the fee is necessary to prevent undue economic burden on the applicant.

(c) *Commission action.* Within 21 days of the submission of a request for waiver or reduction, the Commission or its delegatee will notify the applicant of the decision to grant or deny the request. The filing will not be processed until disposition of the waiver request.

**§ 381.107 Direct billing.**

(a) *Applicability.* If a filing presents issues of fact or law, procedural difficulty, or technical complexity, which require an extraordinary amount of Commission time and effort to be devoted to processing that filing, the Commission will institute a direct billing procedure for that filing. Fees assessed by a direct billing procedure in accordance with this section will supersede the fees established in this part for the appropriate category of service.

(b) *Procedures.* (1) If the Commission determines that a filing meets the standards prescribed in paragraph (a), the Commission may order that the full cost of processing the filing be recovered under a direct billing procedure. The Commission will make a direct billing determination under this paragraph not later than one year after the filing is accepted for filing by the Commission.

(2) Direct billing will not be instituted with respect to any filing until the person who submitted the filing is notified that direct billing will be applied to the filing in lieu of the fees established under this part.

(3) Any fee submitted with the filing will be applied, as a credit, to the amount billed directly for processing costs. The Secretary will thereafter periodically bill the person who submitted the filing for the actual direct

and indirect costs which are incurred in processing the filing after the Commission orders the direct billing procedure instituted.

#### Subpart F—Fees Applicable to Matters Under Parts II and III of the Federal Power Act

##### § 381.501 Nominal rate schedule filings.

(a) *Definition.* For purposes of this section, nominal rate schedule filings, other than those involving rate increases, include rate schedule changes having minimal impact on the operations of a public utility such as service to an additional delivery point, changes in contract demand, changes in minimum billing demand, changes in service rules or regulations, extensions of terms of contracts or continuation of service, cancellation of rate schedules where service is no longer needed, changes in delivery voltages or metering voltages, and initial rate schedules containing rates identical to rates applicable to the same customer class previously accepted for filing.

(b) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for a nominal rate schedule filing is \$400.00 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 35.

(c) *Applicability.* This section applies to filing submitted on or after the effective date of this section. Any nominal rate schedule filing submitted to the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

##### § 381.502 Moderately complex rate schedule filings and applications for physical connection of facilities or wheeling.

(a) *Definition.* For purposes of this section, moderately complex rate schedule filings include rate schedule changes presenting more complex administrative problems such as those involving interconnection agreements, pooling arrangements, and additional large-scale sales.

(b) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the initial fee established for a moderately complex rate schedule filing, an application for physical connection of facilities or wheeling is \$6,200 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee established for a moderately complex

rate schedule filing, an application for physical connection of facilities or wheeling which is set for hearing is \$57,400 for fiscal year 1982, and for subsequent years, is that established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Parts 32 and 35.

(c) *Procedure.* Any person who submits a moderately complex rate schedule filing or an application for interconnection or wheeling which is set for hearing must pay the difference between the initial fee and the fee established for a filing set for hearing, as follows:

- (1) One-third on the first day of the pre-hearing conference;
- (2) One-third not later than 10 days before the first day of hearing; and
- (3) One-third within 10 days after the issuance of an initial decision.

(d) *Applicability.* This section applies to filings submitted on or after the effective date of this section. Any moderately complex rate schedule filing or application for interconnection or wheeling submitted to the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

##### § 381.503 Rate schedule filings involving rate increases.

(a) *Definition.* For purposes of this part, rate schedule filings involving rate increases are those filings which provide for proposed charges, computed on an annual basis, in excess of charges for the twelve month period preceding the proposed effective date or for Period I, as elected by the filing utility.

(b) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the initial fee established for a rate schedule filing involving rate increases is \$18,100 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee established for a rate schedule filing involving rate increases which is set for hearing is \$69,300 for fiscal year 1982, and for subsequent years, is that established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 35.

(c) *Procedure.* Any person who submits a rate increase filing involving rate increases which is set for hearing must pay the difference between the initial fee and the fee established for a filing set for hearing, as follows:

- (1) One-third on the first day of the pre-hearing conference;
- (2) One-third not later than 10 days before the first day of hearing; and

(3) One-third not later than 10 days after the issuance of an initial decision.

(d) *Applicability.* This section applies to filings submitted on or after the effective date of this section. Any rate increase filing submitted to the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

##### § 381.504 Certification of qualifying status as a power production or cogeneration facility.

Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for an application for Commission certification as a qualifying facility is \$2,600 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 292.

##### § 381.505 Extension of equipment test periods.

Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for an extension of equipment test period filing is \$1,500 for fiscal year 1982 and, for subsequent years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part.

##### § 381.506 Applications to assume obligation or liability as guarantor.

(a) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for an application for authorization to assume an obligation or liability as a guarantor is \$4,300 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 34.

(b) *Applicability.* This section applies to applications submitted on or after the effective date of this section. Any application filed with the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

##### § 381.507 Equity, long-term or short-term debt securities.

(a) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for an application for authorization to issue equity or long-term debt securities competitively or to issue short-term debt securities is \$2,600 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be

submitted in accordance with Subpart A of this part and Part 34.

(b) *Applicability.* This section applies to applications submitted on or after the effective date of this section. Any application filed with the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

**§ 381.508 Negotiated securities.**

(a) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for an application for authorization of a negotiated placement of securities is \$2,300 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 34.

(b) *Applicability.* This section applies to applications submitted on or after the effective date of this section. Any application filed with the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

**§ 381.509 Corporate applications involving one jurisdictional utility.**

(a) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for a corporate application under section 203 of the Federal Power Act and involving one jurisdictional utility is \$7,000 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 33.

(b) *Applicability.* This section applies to applications submitted on or after the effective date of this section. Any corporate application filed with the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

**§ 381.510 Corporate applications involving two or more jurisdictional utilities.**

(a) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for a corporate application under section 203 of the Federal Power Act and involving two or more jurisdictional utilities is \$14,000 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 33.

(b) *Applicability.* This section applies to applications submitted on or after the effective date of this section. Any

corporate application filed with the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

**§ 381.511 Applications to hold interlocking positions.**

(a) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the fee established for an application to hold an interlocking position is \$1,600 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 45.

(b) *Applicability.* This section applies to applications submitted on or after the effective date of this section. Any application filed with the Commission prior to the effective date of this section must be accompanied by the fee prescribed by Part 36 of this chapter.

**Subpart F—Fees Applicable to the Public Utility Regulatory Policies Act of 1978 [Reserved]**

**Subpart G—Fees Applicable to the Interstate Commerce Act [Reserved]**

12. Section 375.303 is amended by adding a new paragraph (g) at the end thereof, to read as follows:

**§ 375.303 Delegations to the Chief Accountant.**

(g) Waive or reduce the fees prescribed in §§ 381.505, 381.506, 381.507, and 381.508.

13. Section 375.308 is amended by adding a new paragraph (xx) at the end thereof, to read as follows:

**§ 375.308 Delegations to the Director of the Office of Electric Power and Regulations.**

(xx) Waive or reduce the fees prescribed in §§ 381.501, 381.502, 381.503, 381.504, 381.509, 381.510, and 381.511.

[FR Doc. 82-24546 Filed 9-9-82; 8:45 am]

BILLING CODE 6717-01-M

**18 CFR Part 271**

[Docket No. RM79-76-131 (Oklahoma-4)]

**High-Cost Gas Produced From Tight Formations; Oklahoma**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas

Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Oklahoma Corporation Commission that the Atoka Formation be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on October 18, 1982.

**Public Hearing:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 20, 1982.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N. E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or John Roy Johnson, (202) 357-8731.

**SUPPLEMENTARY INFORMATION:**

Issued September 3, 1982.

**I. Background**

On July 26, 1982, the Oklahoma Corporation Commission (Oklahoma) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Atoka Formation located in Washita County, Oklahoma, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Oklahoma's recommendation that the Atoka Formation be designated a tight formation should be adopted. Oklahoma's recommendation and supporting data are on file with the Commission and are available for public inspection.

**II. Description of Recommendation**

The area which encompasses the recommended tight formation lies in the east-central portion of the Anadarko basin. It includes all of sections 6 and 7, Township 9 North, Range 19 West and Sections 1, 2, 3, 10, 11, and 12, Township

9 North, Range 20 West, Washita County, Oklahoma.

In this area, the Atoka Formation is a sequence of shales and sandstones, possibly interbedded with limestones and dolomites. It makes up the entire Atokan Series of Pennsylvanian age. The top of the recommended interval is marked by the base of the overlying Pennsylvanian Des Moines Series, called "Cherokee Group" by drillers. Its lower boundary is marked by the top of the Pennsylvanian Morrow Series, which is equivalent to the top of the drillers' "Morrow Shale."

The depth to the top of the recommended interval varies from approximately 10,850 to 12,150 feet below mean sea level, and its thickness in the recommended area varies from 2,200 to 2,800 feet. The producing zone of the Atoka Formation ranges in thickness from 100 to 150 feet.

### III. Discussion of Recommendation

Oklahoma claims in its submission that evidence gathered through information and testimony presented at a public hearing in Oklahoma City on February 17, 1982 on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Oklahoma further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM 80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by the Oklahoma Corporation Commission that the Atoka Formation, as described and delineated in Oklahoma's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

### IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views, or arguments to

the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 18, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-131 (Oklahoma-4) and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 20, 1982.

### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Oklahoma's recommendation is adopted.

**Kenneth A. Williams,**  
*Director, Office of Pipeline and Producer Regulation.*

### PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (132) to read as follows:

#### § 271.703 Tight formations.

\* \* \* \* \*

(d) *Designated tight formations.*

\* \* \* \* \*

(132) *Atoka Formation in Oklahoma.* RM79-76-131 (Oklahoma-4)

(i) *Delineation of formation.* The Atoka Formation of Pennsylvania age is found in Sections 6 and 7, Township 9 North, Range 19 West and Sections 1, 2, 3, 10, 11, and 12, Township 9 North, Range 20 West, Washita County, Oklahoma. It is bounded above by the

base of the Pennsylvania Des Moines Series, called "Cherokee Group" by drillers and below by the top of the Pennsylvanian Morrow Series, called "Morrow Shale" by drillers.

(ii) *Depth.* The depth to the top of the designated interval varies from approximately 10,850 to 12,150 feet below mean sea level. Its thickness ranges from 2,200 to 2,800 feet.

[FR Doc. 82-24914 Filed 9-9-82; 8:45 am]

BILLING CODE 6717-01-M

### 18 CFR Part 271

[Docket No. RM 79-76-127 (West Virginia-1, Addition-II)]

### High-Cost Gas Produced From Tight Formations; West Virginia

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of West Virginia that the "Injun," "Squaw", and "Weir" zones and the Berea Sandstone of the Pocono Group be designated as tight formations under § 271.703(d).

**DATE:** Comments on the proposed rule are due on October 18, 1982.

**Public hearing:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 20, 1982.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or John Roy Johnson, (202) 357-8731.

### SUPPLEMENTARY INFORMATION:

Issued: September 3, 1982.

## I. Background

On July 6, 1982, the West Virginia Department of Mines, Oil and Gas Division (West Virginia) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the "Injun," "Squaw," and "Weir" zones and the Berea Sandstone of the Pocono Group, located in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties, West Virginia, be designated as tight formations. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether West Virginia's recommendation that the "Injun," "Squaw," and "Weir" zones and the Berea Sandstone be designated tight formations should be adopted. West Virginia's recommendation and supporting data are on file with the Commission and are available for public inspection.

## II. Description of Recommendation

West Virginia has recommended that the "Injun," "Squaw" and "Weir" zones and the Berea Sandstone, all of the Pocono Group, located in certain specified portions of Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in southwestern West Virginia be designated as tight formations. The recommended intervals are depositional units of Mississippian age which accumulated as deltaic sands, sand bars, near-shore beach sands, and/or channel sands in the Appalachian Basin.

The "Injun" zone is the uppermost zone in the Pocono Group. It occurs as a white to tan, coarse-grained, clean sandstone in the northern portion of the recommended area and varies to gray to red interbedded shales, siltstones and fine-grained sandstones in the southern and eastern portions of the recommended area. The top of the zone is marked by the Greenbrier Group (a sequence of limestones). It is separated below from the Berea Sandstone of the Pocono Group by an interval of interbedded sandstones and shales (which may include the "Squaw" and "Weir" zones) ranging from 350 to 700 feet thick. The depth to the top of the zone ranges from 1,200 to 3,000 feet. The recommended zone ranges from 10 to 75 feet thick.

The "Squaw" zone in the upper part of the Pocono Group occurs as a white to tan, coarse-grained, clean sandstone in the northern portion of the recommended area and varies to gray to red interbedded shales, siltstones, and fine-grained sandstones in the southern

and eastern portions of the recommended area. This zone, where it is present in the stratigraphic sequence, is separated from the Greenbrier Group above by an interval of interbedded sandstones and shales (which may include the "Injun" zone) ranging from 10 to 75 feet thick. It is separated below from the Berea Sandstone by a sequence of sandstones and shales (which may include the "Weir" zone) approximately 450 feet thick. The depth to the top of the recommended zone ranges from 1,250 to 3,000 feet. The recommended zone ranges from 0 to 10 feet thick.

The "Weir" zone in the middle portion of the Pocono Group occurs as a white to tan, medium- to coarse-grained, well sorted sandstone in the eastern part and grades to thin-bedded siltstones and shales in the western part of the recommended area. The depth of the "Weir" zone ranges from 2,000 to 2,250 feet where it exists in the stratigraphic sequence. The zone is separated from the Greenbrier Group above by a sequence of interbedded sandstones and shales (which may include the "Injun" and "Squaw" zones) ranging from 100 to 200 feet thick. It is separated from the Berea Sandstone below by a sequence of interbedded sandstones and shales approximately 400 feet thick. The recommended zone ranges from 0 to 100 feet thick. The lowermost recommended stratigraphic unit is the Berea Sandstone. It varies from a gray to tan siltstone to interbedded shales and fine-grained sandstones in the recommended area. The depth to the top of the Berea Sandstone ranges from 1,600 to 3,450 feet. The formation is separated from the Greenbrier Group above by a sequence of interbedded shales and sandstones (which may include the "Injun," "Squaw," and "Weir" zones) ranging from 360 to 775 feet thick. It overlies the Bedford Shale of Mississippian age, where present, or shales of Devonian age. The recommended formation ranges from 5 to 125 feet thick.

## III. Discussion of Recommendation

West Virginia claims in its submission that evidence gathered by the West Virginia Tight Formations Committee and presented to the State of West Virginia on this matter demonstrates that:

- (1) The average *in situ* gas permeability throughout the pay sections of the proposed area is not expected to exceed 0.1 millidarcy;
- (2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended intervals, without stimulation, is not expected to exceed

the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended intervals is expected to produce more than five (5) barrels of oil per day. West Virginia further asserts that existing State and Federal Regulations assure that development of these intervals will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by West Virginia that the "Injun," "Squaw," and "Weir" zones and the Berea Sandstone of the Pocono Group, as described and delineated in West Virginia's recommendation as filed with the Commission, be designated as tight formations pursuant to § 271.703.

## IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 18, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-127 (West Virginia-1 Addition-II), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 20, 1982.

## List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event West Virginia's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

#### PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraphs (126), (127), (128), and (129) to read as follows:

##### § 271.703 Tight formations.

###### (d) Designated tight formations.

(126) "Injun" zone of the Pocono Group in West Virginia. RM79-76-127 (West Virginia—1 Addition—II).

(i) *Delineation of formation.* The "Injun" zone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission.)

(ii) *Depth.* The designated zone has a depth ranging from 1,200 to 3,000 feet. The top of the zone is marked by the base of the Greenbrier Group, and the zone is separated below from the Berea Sandstone of the Pocono Group by an interval of interbedded sandstones and shales (which may include the "Squaw" and "Weir" zones) ranging from 350 to 700 feet thick. The "Injun" zone has a thickness ranging from 10 to 75 feet.

(127) "Squaw" zone of the Pocono Group in West Virginia. RM79-76-127 (West Virginia—1 Addition—II).

(i) *Delineation of formation.* The "Squaw" zone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission.)

(ii) *Depth.* The designated zone has a depth ranging from 1,250 to 3,000 feet where it is present in the stratigraphic sequence. The zone is separated from the Greenbrier Group above by a sequence of interbedded sandstones and shales (which may include the "Injun" zone) ranging from 10 to 75 feet thick. It is separated below from the Berea Sandstone by a sequence of sandstones

and shales (which may include the "Weir" zone) approximately 450 feet thick. The zone has a thickness ranging from 0 to 10 feet.

(128) "Weir" zone of the Pocono Group in West Virginia. RM79-76-127 (West Virginia—1 Addition—II).

(i) *Delineation of formation.* The "Weir" zone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission.)

(ii) *Depth.* The designated zone has a depth ranging from 2,000 to 2,250 feet where it exists in the stratigraphic sequence. The zone is separated from the Greenbrier Group above by a sequence of interbedded sandstones and shales (which may include the "Injun" and "Squaw" zones) ranging from 100 to 200 feet thick. It is separated from the Berea Sandstone below by a sequence of interbedded sandstones and shales approximately 400 feet thick. The zone has a thickness ranging from 0 to 100 feet.

(129) Berea Sandstone of the Pocono Group in West Virginia. RM79-76-127 (West Virginia—1 Addition—II).

(i) *Delineation of formation.* The Berea Sandstone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission.)

(ii) *Depth.* The designated formation has a depth ranging from 1,600 to 3,450 feet. The formation is separated from the Greenbrier Group above by a sequence of interbedded shales and sandstones (which may include the "Injun," "Squaw," and "Weir" zones) ranging from 360 to 775 feet thick. It overlies the Bedford Shale of Mississippian age, where present, or shales of Devonian age. The formation ranges from 5 to 125 feet thick.

[FR Doc. 82-24915 Filed 9-9-82; 8:45 am]

BILLING CODE 6717-01-M

#### 18 CFR Part 271

[Docket No. RM79-76-124 (Louisiana—8)]

#### High-Cost Gas Produced From Tight Formations; Louisiana

AGENCY: Federal Energy Regulatory Commission; DOE.

**ACTION:** Amended Notice of Proposed Rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the amended recommendation of the State of Louisiana Office of Conservation that the Gray Sand in the Smackover Formation be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on October 18, 1982.

**PUBLIC HEARING:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 20, 1982.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

#### SUPPLEMENTARY INFORMATION:

Issued: September 3, 1982.

#### I. Background

On June 24, 1982, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Gray Sand in the Smackover Formation in north Louisiana be designated as a tight formation in the Commission's regulations. Pursuant to § 271.703(c)(4) of the regulations, a Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation was issued on July 23, 1982 (47 FR 32731, July 29, 1982), to determine whether Louisiana's recommendation that the Gray Sand in the Smackover Formation be designated a tight formation should be adopted. On August 10, 1982, Louisiana amended its recommendation

for the Gray Sand and added certain acreage. This Notice of Proposed Rulemaking is hereby issued to give notice of the amended recommendation by Louisiana and to determine if the recommendation, as amended, should be adopted. Louisiana's original recommendation and August 10, 1982 revision and supporting data are on file with the Commission and are available for public inspection.

## II. Description of Recommendation

As originally submitted to the Commission, the recommended area for the Gray Sand in the Smackover Formation consisted of a geographical area comprising portions of the following parishes:

### Bienville Parish

Township 18 North, Range 5 West

### Bossier Parish

Township 22 North, Range 11 West through 13 West

Township 21 North, Range 11 West through 13 West

Township 20 North, Range 11 West through 13 West

### Claiborne Parish

Township 22 North, Range 8 West

Township 21 North, Range 8 West

Township 20 North, Range 8 West

Township 19 North, Range 4 West through 8 West

### Lincoln Parish

Township 20 North, Range 2 West through 4 West

Township 19 North, Range 1 West through 5 West

Township 18 North, Range 1 West through 5 West

### Ouchita Parish

Township 18 North, Range 1 East

### Union Parish

Township 19 North, Range 1 East

By its letter dated August 2, 1982, Louisiana corrected the area originally recommended by designating an area comprising the original correctly identified portions and certain additional portions of the following parishes: Bienville, Bossier, Claiborne, Lincoln, Ouachita, Union, and Webster. The geographical area, as amended, consists of the following townships and ranges:

Township 22 North, Range 8 West through 13 West

Township 21 North, Range 2 West through 13 West

Township 20 North, Range 2 West through 13 West

Township 19 North, Range 1 East

Township 19 North, Range 1 West through 10 West

Township 18 North, Range 1 East

Township 18 North, Range 1 West through 5 West

The Director has excluded from the recommended area the Gray Sand, Reservoir A, found in portions of the Terryville and Sugar Creek Fields, in Lincoln and Claiborne Parishes, previously approved by the Commission in Order No. 159, issued June 17, 1981, in Docket No. RM79-76 (Louisiana-4).

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the Gray Sand in the Smackover Formation, as described and delineated in Louisiana's recommendation, as amended and filed with the Commission, be designated as a tight formation pursuant to § 271.703.

## III. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, on or before October 18, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-124 (Louisiana-8), and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N. E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 20, 1982.

### List of Subjects in 18 CFR Part 271

Natural Gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

**Kenneth A. Williams,**

*Director, Office of Pipeline and Producer Regulation.*

## PART 271—CEILING PRICES

Section 271.703(d) is revised by adding new subparagraph (124) to read as follows:

### § 271.703 Tight formations.

\* \* \* \* \*

(d) *Designated tight formations.*

\* \* \* \* \*

(124) *Gray Sand in Smackover Formation in Louisiana.* RM79-76-124 (Louisiana-8).

(i) *Delineation of formation.* The Gray Sand in the Smackover Formation is located in the following portions of Bienville, Bossier, Claiborne, Lincoln, Ouchita, Union, and Webster Parishes, north Louisiana: Township 22 North, Range 8 West through 13 West; Township 21 North, Range 2 West through 13 West; Township 20 North, Range 2 West through 13 West; Township 19 North, Range 1 East; Township 19 North, Range 1 West through 10 West; Township 18 North, Range 1 East; Township 18 North, Range 1 West through 5 West. The recommended area excludes the Gray Sand, Reservoir A, found in portions of the Terryville and Sugar Creek Fields, in Lincoln and Claiborne Parishes, previously approved by the Commission in Order No. 159, issued June 17, 1981, in Docket No. RM79-76 (Louisiana-4).

(ii) *Depth.* The Gray Sand in the Smackover Formation is defined as that formation occurring between the measured depths of 11,000 and 11,570 feet on the induction electric log of the Sun Oil Company-Northcott No. 2 Well, located in Section 29, Township 22 North, Range 11 West, Bossier Parish.

[FR Doc. 82-24916 Filed 9-9-82; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF THE TREASURY

### Customs Service

### 19 CFR Part 134

### Proposed Customs Regulations Amendment Relating to Country of Origin Marking

AGENCY: Customs Service, Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the Customs Regulations by establishing certification requirements for importers with respect to the marking of the country of origin of certain articles which are imported in bulk and repackaged in new containers before sale to ultimate purchasers in the United States. This change would require importers of such articles to certify at the time of entry that the new container will be properly marked to indicate the origin of the article, or that the importer will notify the subsequent purchaser (other than the ultimate purchaser) or repackager that any repackaging must be done in conformance with the marking requirements. The purpose of the change is to ensure that the ultimate purchaser of the article is aware of the country of origin of the article.

**DATES:** Comments must be received on or before November 9, 1982.

**ADDRESS:** Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** Anthony L. Piazza, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8468).

**SUPPLEMENTARY INFORMATION:****Background**

Section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless expressly excepted, every article of foreign origin (or its container) imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the article or container will permit, in such manner as to indicate to an ultimate purchaser, the English name of the country of origin of the article.

Section 304(c) provides that any article not marked as required, shall be subject to a duty of 10 percent ad valorem, in addition to any other duty imposed by law and whether or not the article is exempt from the payment of ordinary Customs duties; unless the article is exported, destroyed, or marked, under Customs supervision. These markings duties cannot be remitted, wholly or in part.

In addition to the requirement for marking duties under section 304(c) for a country of origin marking violation, civil penalties may be incurred under section 592, Tariff Act of 1930, as amended (19

U.S.C. 1592), for importing merchandise by means of false documents; and criminal sanctions may be assessed under 18 U.S.C. 1001 for presenting false and misrepresented documents to the Government in connection with an entry. Further, if merchandise released from Customs custody under a bond is found not to be legally marked, liquidated damages also may be assessed for breach of the bond conditions.

Part 134, Customs Regulations (19 CFR Part 134), sets forth the country of origin marking requirements and exceptions of 19 U.S.C. 1304, as well as the consequences and procedures to be followed if imported articles are not legally marked.

Among the exceptions to the country of origin marking requirements are articles which the Secretary of the Treasury, pursuant to public notice published in the Treasury Decisions before July 1, 1939, determined "were imported in substantial quantities during the 5-year period immediately preceding January 1, 1937, and were not required during such period to be marked to indicate their origin \* \* \* (19 U.S.C. 1304(a)(3)(J)). The full list of articles exempted from marking requirements under 19 U.S.C. 1304(a)(3)(J) is set forth in section 134.33, Customs Regulations (19 CFR 134.33), referred to as the "J-list". While articles on the J-list are excepted from country of origin marking, the outermost container in which the article ordinarily reaches the ultimate purchaser is required to be marked in accordance with 19 U.S.C. 1304(b) and 19 CFR 134.33. This requirement also applies to articles incapable of being marked (19 U.S.C. 1304(a)(3)(A) and 19 CFR 134.32(a)) but whose outermost containers will ordinarily reach the ultimate purchaser (19 U.S.C. 1304(b) and 19 CFR 134.22).

It is relatively simple for Customs to determine the sufficiency of the country of origin marking when the article is imported already packaged in the container in which it will ordinarily reach the ultimate purchaser. However, a problem has arisen concerning steel wire rope, rabbit meat, as well as certain other J-list articles, and articles incapable of being marked, which are repackaged and sold after importation. In these cases, the outer container in which the article is imported is usually marked with the country of origin. However, after leaving Customs custody, the importer or a subsequent purchaser (other than the ultimate purchaser) will repackage the article and may not disclose the country of origin marking on the new package.

When these articles are imported in bulk containers, released from Customs custody, and later repackaged in new containers, it has been Customs policy not to follow them into the domestic stream of commerce and require country of origin marking on the new containers. From a legal standpoint, Customs (and the Treasury Department) have taken the position that 19 U.S.C. 1304 applies only to articles or their containers at the time of importation. If articles incapable of being marked are imported in bulk, and repackaged in the United States, it has been Customs position that the law does not give Customs the authority to follow these goods into the domestic commerce and require country of origin markings on the new containers. From an administrative standpoint, it has been determined that the burden of attempting to enforce such a marking requirement would place an additional large enforcement burden on Customs.

However, this position presumes that the marking is sufficient at the time of importation and as the court stated in *U.S. Wolfson Bros. Corp. v. United States*, 52 CCPA 46 (1965) at p. 50: "The marking at the time of importation was in compliance with the statute only if it was such that, under normal conditions in the trade in which this merchandise moved, it would reach substantially all ultimate purchasers, not just some of them." Under this reasoning, if Customs knows, or has reason to believe, that a number of the imported articles will be repackaged without country of origin markings, then those articles are not properly marked. Although Customs recognizes that the container in which the article is imported is marked, the statute requires that the marking must indicate the country of origin to the ultimate purchaser. Therefore, if Customs knows that the article will not reach the ultimate purchaser in the container in which it is imported, then Customs cannot find the marking of the imported container to satisfy the requirement of the statute.

In such circumstances, Customs proposes to require importers of such articles to certify at the time of entry that either the new containers will be properly marked to indicate the origin of the articles, or that the importer will notify the repackager that any repackaging must be done in conformance with the marking requirements.

The purpose of these certification requirements would be to place the responsibility on the importer who repackages the articles to mark the new container or notify the repackager of the marking requirements. Then, if the

article reaches the ultimate purchaser not properly marked, and it is shown that the importer did not take the proper actions according to his certification, Customs could hold the importer liable for liquidated damages under the bond and/or a penalty under 19 U.S.C. 1592.

If, on the other hand, it is shown that the importer did follow through on his certification by informing the subsequent purchaser of the marking requirements but that the purchaser failed to so mark when repackaging, Customs could seek criminal action against the repackager under 19 U.S.C. 1304(e). In addition, the certification and proof of compliance may also be useful in a civil action brought by a domestic interest against a "repackager" under 15 U.S.C. 1125.

The effect of this proposal would be to assure that the country of origin information reaches the ultimate purchaser so as to enable him by an inspection of the marking on the new container to know the country of origin of which the articles are a product. In addition, it would protect American manufacturers of competing articles from unfair competition.

#### List of Subjects in 19 CFR Part 134

Customs duties and inspection, Imports, Importers, Labeling, Packaging and containers.

#### Proposed Amendment Regulations

#### PART 134—COUNTRY OF ORIGIN MARKING

It is proposed to amend § 134.22, Customs Regulations (19 CFR 134.22), by redesignating paragraph (a) as (a)(1) and by adding new paragraphs (a)(2) and (a)(3) to read as follows:

#### Subpart C—Marking of Containers or Holders

##### § 134.22 General rules for marking of containers or holders.

(a) *Contents excepted from marking.*

(2) If an article covered by Subpart D is intended to be repacked for sale to an ultimate purchaser after its release from Customs custody, or if the district director has reason to believe such article will be repacked for sale to an ultimate purchaser after its release from Customs custody, the importer shall certify to the district director having custody of the article that, if the importer does the repacking, the outermost container shall be marked to indicate the country of origin of the article in accordance with the requirements of this part. Additionally, the importer shall certify that if he sells

or transfers the imported article to a subsequent purchaser, the importer shall notify such purchaser in writing that the repacking of the article must conform to the requirements of this part. This certification shall appear on or be attached to the entry summary filed with the district director in substantially the following form:

#### Certificate of Marking by Importer

(Place and date) \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby certify that if the article(s) covered by this entry (entry no. \_\_\_\_\_ dated \_\_\_\_\_, is (are) repacked in a new container(s) while still in my possession, the new container(s) will indicate the country of origin of the article(s) to the ultimate purchaser(s) in accordance with the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), and Part 134, Customs Regulations (19 CFR Part 134). Also, I hereby certify that I shall notify the subsequent purchaser(s) or repackager(s) at the time of sale or transfer of the article(s) covered by this entry, that the outermost container(s) in which the article(s) will reach the ultimate purchaser is (are) required to be marked with the country of origin in accordance with section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), and Part 134, Customs Regulations (19 CFR Part 134).

#### Importer.

(3) *Penalties.* Failure to comply with the certification required in paragraph (a)(2) of this section may subject the importer to a demand for liquidated damages under § 134.54(a) and/or a penalty under 19 U.S.C. 1592.

#### Authority

The foregoing amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 304, 624, 46 Stat. 731, as amended, 759 (19 U.S.C. 1304, 1624), 77A Stat. 14 (19 U.S.C. 1202).

#### Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

#### Executive Order 12291

Because this document will not result in a regulation which would be a "major" rule as defined by section 1(b) of E.O. 12291, a regulatory impact analysis and review as prescribed by section 3 of the E.O. is not required.

#### Regulatory Flexibility Act

Customs has determined that an "initial" regulatory flexibility analysis will not be necessary in this instance because there is no indication that the proposed amendment will have a significant economic impact on a substantial number of small entities. Although importers of J-list products and other affected products may incur some increased costs, there is no indication that such costs will be significant or that a substantial number of small entities will be affected. However, if public comments to this notice convince us that there will indeed be a significant economic impact on a substantial number of small entities, Customs would then prepare a "final" regulatory flexibility analysis, as required by the Regulatory Flexibility Act. Public comments are especially solicited on the effects of the proposed amendment as it relates to costs, profitability, and employment for individual small entities in the importing community.

#### Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: August 30, 1982.

Robert E. Powis,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82-24917 Filed 9-9-82; 8:45 am]

BILLING CODE 4820-02-M

#### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 934

#### Public Comment and Opportunity for Public Hearing on Modified Portions of the North Dakota Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule: Notice of receipt of permanent program modifications;

public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of proposed amendments to the North Dakota permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments submitted by North Dakota for the Secretary's approval include modifications intended to satisfy some of the Secretary's conditions of approval of the North Dakota permanent program, as well as State generated revisions which do not relate to any of the conditions.

**DATES:** Written comments must be received on or before 4:00 p.m. on October 12, 1982 to be considered in the Secretary's decision to approve or disapprove the proposed amendments.

A public hearing on the proposed modifications has been scheduled for 9:00 a.m. on September 28, 1982, at the address listed below under "ADDRESSES." Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the address below by September 21, 1982. If no person has contacted Mr. Thomas by this date to express an interest to participate in this hearing, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register**. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

**ADDRESSES:** The public hearing will be held at the Conference Room, Room 257, Federal Building, 220 E. Rosser, Bismarck, North Dakota 58501.

Written comments should be mailed or hand-delivered to Mr. William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, Mills, Wyoming 82644.

Copies of the proposed modifications to the North Dakota program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Headquarters Office, the OSM Wyoming Field Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, NW., Washington, D.C. 20240;

Office of Surface Mining Reclamation and Enforcement, Field Office, Freden Building, P.O. Box 1420, Mills, Wyoming 82644, Telephone: (307) 328-5830;

Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505, Telephone: (701) 224-2400.

**FOR FURTHER INFORMATION CONTACT:**

Mr. William Thomas, Field Office Director, Office of Surface Mining, P.O. Box 1420, Mills, Wyoming 82644. (307) 328-5830.

**SUPPLEMENTARY INFORMATION:** The North Dakota program was conditionally approved by the Secretary on December 15, 1980 (45 FR 82241-82248). The approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070-54071). In a letter to the Director dated June 14, 1982, the North Dakota Public Service Commission requested a further extension of that deadline to July 1, 1983, to meet condition "e" as listed at 30 CFR 934.11(e). In a notice published in the **Federal Register** on July 23, 1982, the Secretary invited public comment on the State's request for an extension to meet condition "e" (47 FR 31898-31899). The Director has not yet announced his final determination on the State's request.

Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the North Dakota program can be found in the December 15, 1980 **Federal Register** (45 FR 82441-82448).

**Background on the Secretary's Conditional Approval**

The Secretary of the Interior determined that the North Dakota program contains 13 minor deficiencies:

1. North Dakota's program does not include fully enacted regulations containing provisions which provide for the use of a standard and formula to limit the amount of explosives used in blasting in a same and similar manner as under 30 CFR 816.65(l) (i) and (ii). [Condition "a"]
2. The program does not include provisions at NDAC 69-05.2-13-08(2) which are the same or similar to those in 30 CFR 816.97(b) relating to the reporting of the presence of threatened and endangered species in mine permit areas. [Condition "b"]

3. The program does not include provisions at NDAC 69-05.2-22-07(3)(b) requiring measurement of success of prime farmlands based on three years production data in accordance with 30 CFR 823.15(c) (i) and (iii). [Condition "c"]

4. The program does not include provisions at NDAC 69-05.2-22-07(1) requiring the approval of the Director of OSM for any changes in guidelines for measuring success of revegetation in a same or similar manner as under 30 CFR 816.11 (a) and (b)(i). [Condition "d"]

5. The program does not include fully enacted regulations at NDAC 69-05.2-10-03(i) to prohibit issuance of permits to any person with an outstanding violation or a pattern of violations outside of North Dakota in a same or similar manner as Section 510(c) of SMCRA, and 30 CFR 786.17 and 30 CFR 786.19(i). [Condition "e"]

6. The program does not include fully enacted regulations extending coverage of North Dakota's exploration program as defined in NDCL 38-12.1-03 to include environmental data gathering operations wherever such operations create substantial disturbances as specified under the Federal definition of coal exploration in 30 CFR 701.5. [Condition "f"]

7. The program includes a definition at NDCA 69-0202-5 which requires that a person seeking to intervene in administrative procedures demonstrate a substantial interest. This requirement is inconsistent with 43 CFR 4.110. [Condition "g"]

8. The program at NDCC 38-14.1-36(1) does not provide consideration of award of costs to citizens in administrative proceedings in a same or similar manner as 43 CFR Part 4.1290-1296. [Condition "h"]

9. The program does not include fully enacted regulations extending temporary relief under NDCC 38-14.1-30(4) to include persons with an interest which is or may be adversely affected from decisions on notices of violation and cessation orders, in a same or similar manner as Section 525(c) and 43 CFR 4.1261. [Condition "i"]

10. The program does not include fully enacted regulations at NDAC 69-05.2-01-03 to provide a 30-day comment period after publication of proposed regulations in accordance with Section 501(a)(A) of SMCRA. (Condition "j")

11. The program does not include provisions in NDCC 38-14.1-38 which are the same or similar to those in Section 517(g) of SMCRA providing civil and criminal penalties against all employees who perform duties under the

State Act in violation of conflict of interest provisions. (Condition "k")

12. The program definition of employee at NDAC 60-05.3-01-02(34) does not include consultants who make decisions for the regulatory authority so that they are not subject to State conflict of interest regulations consistent with 30 CFR 705. (Condition "l")

13. The program does not include fully enacted statutes and regulations which provide the date for establishment of valid existing rights under NDCC 38-14.1-07(i) and NDAC 69-05.2-01-02(126) consistent with SMCRA Section 522(e) and 30 CFR 761.5. (Condition "m")

#### Submission of Revision

On July 30, 1982, North Dakota submitted for the Secretary's approval an amendment to its approved permanent program containing both statutory and regulatory revisions. On August 12, 1982, the State also sent a minor correction to this amendment package. The amendment includes modifications intended to satisfy conditions a-d and f-l as specified in the Secretary's December 15, 1980 notice of conditional approval of North Dakota's program. In addition, the amendment contains numerous State-generated revisions not related to conditions. Set forth below is a summary of the statutory and regulatory provisions contained in the amendment package which are proposed to be added to the North Dakota permanent program or which modify sections of the approved program.

#### Proposed Statutory Changes

##### *Chapter 38-14.1 North Dakota Century Code (NDCC)*

##### Surface Mining and Reclamation Operations

1. Subsection 5 of Section 38-14.1-02 of the NDCC was amended (Definition of "extended mining plan")

2. A new subsection to section 38-14.1-02 of the NDCC was created. (Definition of "performance bond")

3. A new subsection to section 38-14.1-03 of the NDCC was created. (Powers and Duties of the Commission)

4. Subsection 3 of section 38.14.1-07 of the NDCC was amended. (Mining is prohibited)

5. Subsection 3 of section 38-14.1-13 of the NDCC was amended. (Permit applications—general requirements)

6. Subdivision u of subsection 1 of section 38-14.1-14 of the NDCC was repealed. (Permit applications—mining and reclamation plans)

7. Subdivision n of subsection 2 of section 38-14.1-14 of the NDCC was

repealed. (Permit applications—mining and reclamation plans)

8. Section 38-14.15 of the NDCC was amended. (Permit applications—extended mining plan)

9. Subsection 3 of section 38-14.1-20 of the NDCC was amended. (Ruling on permit application—timing and content)

10. Subsection 17 of section 38-14.1-24 of the NDCC was amended. (Environmental protection performance standards)

11. Subsection 18 of section 38-14.1-24 of the NDCC was amended. (Environmental protection performance standards)

12. Subsection 4 of section 38-14.1-30 of the NDCC was amended. (Administrative review of commission rulings—formal hearings)

13. Section 38-14.1-38 of the NDCC was amended. (Conflict of interest)

##### *Chapter 38-12.1 North Dakota Century Code*

##### Coal Exploration Data

1. Subsection 2 of section 38-12.1-03 of the NDCC was amended. (Definition of "Coal Exploration")

2. Subdivision b of subsection 1 of section 38.12.1-04 of the NDCC was amended. (Jurisdiction of commission)

##### *Chapter 38-18 North Dakota Century Code*

##### Surface Owner Protection Act

1. Subsection 3 of section 38-18-05 of the NDCC was amended. (Definition of "mineral developer")

2. Subsection 6 of section 38-18-05 of the NDCC was amended. (Definition of "mineral owner")

3. Subsection 10 of section 38-18-05 of the NDCC was amended. (Definition of "surface owner")

4. Subsection 3 of section 38-18-06 of the NDCC was amended. (Written notice and consent required before permit to surface mine land may be issued)

5. Section 38-18-07 of the NDCC was amended. (Surface damage and disruption payments)

#### Proposed Regulatory Changes

Changes have been made in the following chapters of Article 69-05.2, Surface Coal Mining and Reclamation Operations:

##### Chapter

- 69-05.2-01 General Provisions
- 69-05.2-05 Permit Applications—General Requirements
- 69-05.2-06 Permit Applications—Requirements for Legal, Financial, Compliance, and Related Information

69-05.2-07 Permit Applications—Extended Mining Plan—Requirements for Information on Environmental Resources

69-05.2-08 Permit Applications—Permit Area—Requirements for Information on Environmental Resources

69-05.2-09 Permit Applications—Permit Area—Requirements for Operation and Reclamation Plans

69-05.2-10 Permit Applications—Review, Public Participation, Approval or Disapproval

69-05.2-11 Permit Reviews, Revisions, and Renewals—Transfer, Sale, or Assignment of Rights Granted Under Permits

69-05.2-12 Performance Bonds—Liability Insurance

69-05.2-13 Performance Standards—General Requirements

69-05.2-14 Performance Standards—Casing and Sealing of Drilled Holes

69-05.2-15 Performance Standards—Suitable Plant Growth Material

69-05.2-16 Performance Standards—Hydrologic Balance—General Requirements

69-05.2-17 Performance Standards—Use of Explosives

69-05.2-19 Performance Standards—Waste Materials

69-05.2-21 Performance Standards—Backfilling and Grading

69-05.2-22 Performance Standards—Revegetation

69-05.2-23 Performance Standards—Postmining Land Use

69-05.2-26 Performance Standards—Prime Farmland

Also included in the amendment package is a section by section comparison of the revised statutory provisions with Pub. L. 95-87 and a section by section comparison of the proposed revised rules with 30 CFR Chapter VII. Under the column heading "Changes and Legal Effect" contained in each of the section by section comparisons, North Dakota has denoted those revisions which are intended to address conditions of approval and has cited the relevant condition in each case. In addition, the State has provided a legal opinion on the proposed revisions to Article 69-05.2, Surface Coal Mining Operations. The August 12, 1982, submittal by North Dakota corrects a typographical error in this opinion.

OSM is seeking comment on whether the statutory and regulatory revisions submitted by North Dakota on July 30, 1982, including the correction submitted August 12, 1982, satisfy conditions "a"- "d", and "f"- "l". The amendments and corrections are contained in full text in the North Dakota administrative record under numbers ND 182 and ND 183, and are available for public review at the addresses listed above under "ADDRESSES".

In addition, the Secretary seeks comment on whether the amendments submitted by North Dakota on July 30, 1982, which do not relate to conditions of approval satisfy the criteria for approval of State program amendments at 30 CFR 732.17 and 732.15. If the material submitted by the State is approved, the conditions specified in 30 CFR 934.11(a), (b), (c), (d), (f), (g), (h), (i), (j), (k), and (l) will be removed, and 30 CFR 934.10 amended to reflect approval of the amendments submitted July 30, 1982.

#### Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The

Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* With respect to State actions to approve, or conditionally approve State regulatory programs or amendments, OSM has been granted a categorical exemption from the

requirement to prepare a Regulatory Impact Analysis pursuant to Executive Order No. 12291, by a letter from the Office of Management and Budget dated August 28, 1981.

#### List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: September 3, 1982.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-24774 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-05-M

# Notices

Federal Register

Vol. 47, No. 176

Friday, September 10, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Modoc National Forest Grazing Advisory Board; Notice of Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10:00 a.m., October 20, 1982, at the Big Valley Ranger Station, Adin, California.

The purpose of this meeting is to discuss Allotment Management Plans on East and West Bieber Allotments. Persons attending should bring a lunch.

The meeting will be open to the public. Persons who wish to attend or who would like further information should notify William E. Britton, Modoc Supervisor's Office, telephone 916-233-5811. Written statements may be filed with the Board before or after the meeting.

Glenn Bradley,  
Forest Supervisor.

August 31, 1982.

[FR Doc. 82-24897 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-11-M

#### Modoc Grazing Advisory Board; Cancelled Meeting

The Modoc National Forest Grazing Advisory Board meeting set for September 22, 1982 is hereby cancelled. The meeting will be rescheduled at a later date.

Glenn Bradley,  
Forest Supervisor.

August 31, 1982.

[FR Doc. 82-24898 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-11-M

#### Toiyabe National Forest Grazing Advisory Board; Meeting

The Toiyabe National Forest Grazing Advisory Board will meet on October 19, 1982 at 10:00 a.m. in the Lander County Courthouse, Austin, Nevada.

The meeting will be open to the public.

The purpose of the meeting is to discuss:

1. Allotment Management Planning.
2. Utilization of Range Betterment Fund.

Frank J. Ferrarelli,  
Forest Supervisor.

September 1, 1982.

[FR Doc. 82-24907 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-11-M

### Soil Conservation Service

#### Alabama Space and Rocket Center Recreation Park RC&D Measure, Alabama

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Alabama Space and Rocket Center Recreation Park RC&D Measure, Madison County, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest V. Todd, State Conservationist, Soil Conservation Service, P.O. Box 311, Auburn, Alabama, 36830, telephone 205-821-8070. Regular work hours are from 7:45 a.m. to 4:30 p.m. (CST).

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Ernest V. Todd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for installation of basic recreation facilities adjacent to an existing lake. The planned works of improvement include picnic tables, picnic shelters, grills, benches, swimming beach, tot lot, court sports, primitive camping area, access

trails and walks, comfort station, and parking areas.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Ernest V. Todd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally-assisted programs and projects is applicable)

Ernest V. Todd,

State Conservationist.

August 30, 1982.

[FR Doc. 82-24550 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-16-M

#### Beulah School Critical Area Treatment RC&D Measure, Colorado

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Beulah School Critical Area Treatment RC&D Measure, Pueblo County, Colorado.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Boone, State Conservationist, Soil Conservation Service, P.O. Box 17107, Denver, Colorado 80217, telephone (303) 837-4275.

SUPPLEMENTAL INFORMATION: The environmental assessment of this federally assisted action indicates that

the measure will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

This critical area treatment measure concerns a plan to treat erosion around the school buildings and sedimentation on the school property. The planned works of improvement include constructing earthen and concrete diversion ditches, waterways and underground pipelines to convey runoff water from the school property.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Sheldon G. Boone.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 23, 1982.

Signed:

Sheldon G. Boone,

State Conservationist.

[FR Doc. 82-24549 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-16-

### Fisher Critical Area Treatment R.C. & D., Measure, Colo.; Finding of No Significant Impact

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Fisher Critical Area Treatment R.C. & D. Measure, La Plata County, Colorado.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sheldon G. Boone, State

Conservationist, Soil Conservation Service, P.O. Box 17107, Denver, Colorado 80217, telephone (303) 837-4275.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

This critical area treatment measure concerns a plan to treat an abandoned landfill area for soil erosion, surface and subsurface water pollution and to improve visual quality. The planned works of improvement include shaping and grading, seeding and mulching the old landfill area and establishing permanent vegetation. A waterway with concrete chute outlet will be constructed to control surface runoff. A subsurface pipeline will be constructed for the release of subsurface water without contamination from the waste material.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Sheldon G. Boone.

No administrative action on implementation of the proposal will be taken until October 12, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 25, 1982.

Sheldon G. Boone,

State Conservationist.

[FR Doc. 82-24831 Filed 9-9-82; 8:45 am]

BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Certain Turboprop Transport Aircraft From Brazil

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Initiation of countervailing duty investigation.

**SUMMARY:** On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers or exporters of certain turboprop transport aircraft from Brazil receive subsidies within the meaning of the countervailing duty laws. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of certain turboprop transport aircraft are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before September 30, 1982, and we will make ours on or before December 9, 1982.

**EFFECTIVE DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Paul Nichols, Office of Investigations, Import Administration International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; (202) 377-1758.

#### SUPPLEMENTARY INFORMATION: Petition

On August 13, 1982, we received a petition from counsel for Fairchild Swearingen Corporation, a wholly-owned subsidiary of Fairchild Industries, Inc., on behalf of the U.S. manufacturers of (1) turboprop transport aircraft, (2) having a capacity of 15 to 19 passengers, and (3) a manufacturer's empty weight (i.e., the specification weight of the empty aircraft without crew, payload, fuel and avionics) of 4,400 pounds to 12,000 pounds. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitioner alleges that manufacturers, producers, or exporters of certain turboprop transport aircraft in Brazil receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (the "Act"), and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and an injury determination is required.

#### Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the

initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on certain turboprop transport aircraft, and we have found that it meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers or exporters in Brazil of certain turboprop transport aircraft receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will make our preliminary determination by December 9, 1982.

#### *Scope of the Investigation*

The product covered by this investigation consists of (1) turboprop transport aircraft, (2) having a capacity of 15 to 19 passengers, and (3) a manufacturer's empty weight (i.e., the specification weight of the empty aircraft without crew, payload, fuel and avionics) of 4,400 pounds to 12,000 pounds. The petition specifies the Emb 110P Bandeirante twin-turboprop transport aircraft, capable of carrying 18 passengers, which is manufactured and exported by Embraer Brasileira de Aeronautica S.A. ("Embraer"). This product is currently classifiable under item number 694.41, *Tariff Schedules of the United States*.

#### *Allegation of Subsidies*

The petition alleges that the manufacturers or exporters in Brazil receive the following benefits from the Government of Brazil that constitute subsidies:

Preferential export financing tax credits to Brazilian companies and individuals purchasing stock in Embraer, IPI export credit premium, income tax exemption for export earnings, expense deduction from corporate income taxes, special tax benefits under BEFIEX, preferential working capital financing for exports, exemption from IOF, income deduction for application of investment funds, government purchase of Embraer's original stock, research and development funding and professional training deductions.

#### *Notification to ITC*

Section 702(d) of the Act requires us to notify the ITC of this action and provide it with the information used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC

access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

#### *Preliminary Determination by ITC*

The ITC will determine by September 30, 1982, whether there is a reasonable indication that imports of certain turboprop transport aircraft from Brazil are materially injuring, or threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will continue according to the statutory procedures.

Judith Hippler Bello,

*Acting Deputy Assistant Secretary for Import Administration.*

September 2, 1982.

[FR Doc. 82-24775 Filed 9-9-82; 8:45 am]

BILLING CODE 3510-25-M

### **National Bureau of Standards**

#### **National Voluntary Laboratory Accreditation Program (NVLAP); Fees for the Acoustics Laboratory Accreditation Program**

**AGENCY:** National Bureau of Standards; Commerce.

**ACTION:** Notice of fees for the laboratory accreditation program for acoustical laboratories.

**SUMMARY:** Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) announces the fees for the laboratory accreditation program (LAP) for laboratories that provide acoustical testing services (the "Acoustics LAP"). A separate notice appearing in this issue of the **Federal Register** describes the accreditation process for the Acoustics LAP. Laboratories that are interested in becoming accredited under this LAP may request an application package by contacting the Manager, Laboratory Accreditation, National Bureau of Standards.

**EFFECTIVE DATE:** October 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234, (301) 921-3431.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In a separate notice in this issue of the **Federal Register**, NBS announced the

formal establishment of a laboratory accreditation program (LAP) for laboratories that provide acoustical testing services (the "Acoustics LAP"). Pursuant to paragraph (a) of § 7a.10 of the NVLAP Procedures (15 CFR 7a.10(a)), notice is hereby given of the fees which the Director of the National Bureau of Standards has established for the Acoustics LAP.

##### **Basis of Fees**

NVLAP evaluation charges are structured so that all the operational costs incurred in evaluating laboratories seeking accreditation are recovered from fees charged to the applicant laboratories. This includes processing applications, preparing evaluation reports and certificates, as well as the work-hours, travel, and per diem costs of assessors used in the evaluation process. The charges will vary depending on the time requirements of the assessor, the complexity of the test methods, the frequency of assessor visits to the laboratories, and whether the test methods require proficiency testing. Administrative costs associated with the development of new LAPs are paid from appropriated funds and are not part of the fee structure.

##### **Fees for Foreign Laboratories**

Foreign laboratories are offered NVLAP accreditation on the same basis and involving the same criteria as is required of domestic laboratories. However, the cost of the assessor's travel time and expenses and the cost of mailing proficiency testing materials outside of the continental United States will be added to the normal charges for the test methods requested. Upon application, a foreign laboratory must make arrangement for paying the accreditation fee in U.S. currency. When an assessor has been scheduled to visit the foreign laboratory, the laboratory will be promptly notified of the additional costs. Arrangements for paying these costs in U.S. currency must be completed before the assessor leaves the United States. If travel time from port of embarkation to the foreign destination takes more than 4 hours but less than 20 hours, the foreign laboratory will also be required to pay for the wage of the assessor for one day for each direction of travel. For travel time greater than 20 hours, the assessor's wage equivalent of two days' wages for each direction of travel will be charged. When an assessor has been scheduled to visit the foreign laboratory, the laboratory will also be promptly notified of any additional cost for assessor's wages which are due before

an assessor leaves the United States. More than one assessor may be required to assess the laboratory if accreditation is requested in more than one LAP.

#### Processing Applications

Some applicant laboratories have difficulty in correcting identified deficiencies promptly. NBS incurs administrative costs to maintain such applicants in an "active" status. If a laboratory has not completed all requirements for accreditation within one year from the first day of the next quarter following receipt of its application, it will be billed an administrative fee equivalent to the annual accreditation fee in order to continue its application in an active status. As an alternative, it may request that its application be suspended until such time that it is ready to be accredited. The full annual accreditation fee will be required when it is ready to be accredited.

#### Monitoring Visits

The accreditation fee also includes an incremental factor to cover the costs associated with conducting monitoring visits to accredited laboratories. The purpose of these monitoring visits is to review the performance of the laboratories between regularly scheduled visits. Laboratories will be selected for these monitoring visits either randomly or in response to testing problems perceived by the evaluation team. The laboratories may or may not be contacted in advance of such monitoring visits.

The general NVLAP fee model and the specific fee model for the Acoustics LAP are described below.

Dated: September 3, 1982.

Ernest Ambler,

Director, National Bureau of Standards.

#### Fees for Accrediting a Laboratory

**NVLAP Fee Model.** The general NVLAP fee model is expressed by the following equation:  $F = A + B + C + D + E$ ; where:

F is the total annual fee for accreditation.

**Component A** is a fixed administrative charge associated with a given LAP.

**Component B** is a variable charge depending on the test methods for which the laboratory requests accreditation.

**Component C** is a charge associated with on-site visits for certain LAPs.

**Component D** is a charge associated with the extra costs of evaluating foreign laboratories, including costs for travel of assessors and for mail of proficiency testing materials outside the continental United States.

**Component E** is a one-time charge that covers extra costs for actual travel, per diem, and labor costs incurred to carry out a special evaluation for those applicants requiring faster service than the normal evaluation schedule for the given LAP allows.

Some components of the fee model are not applicable for certain LAPs.

**Multiple LAP Enrollment.** If a laboratory is participating in more than one LAP, the fixed administrative charge A will be prorated since many of the administrative costs for each LAP cover the same operations as in other LAPs. The total fixed charge for multiple LAP enrollment is determined by selecting the largest Component A value and adding 20 percent of the remaining Component A values for the LAPs in which a laboratory is enrolled.

#### Fee Model for the Acoustics LAP

Generally, the Acoustics LAP fee model for domestic laboratories is:  $F = A + B$ ; where:

**Component A** is an annual fixed charge of \$890 that covers administrative costs associated with the operation of the LAP.

**Component B** is an annual variable charge that covers part of the costs of the regularly scheduled on-site visits and the costs of proficiency testing. Component B is the sum of the annual charges for the test methods in this LAP for which the laboratory requests accreditation. The annual charges range from \$60 to \$240 per test method depending on the complexity of the method. Table 1 lists the NVLAP Code and the annual charge associated with each test method. An asterisk (\*) following a NVLAP code indicates that proficiency testing is required. The cost of the proficiency testing is included in the annual charge for the respective test method. Certain pairs of test methods in the Acoustics LAP are similar in technical scope. If a laboratory is interested in applying for one or more of these pairs, the laboratory pays a reduced annual charge for one of the test methods in each pair. The reduced charges are listed in Table 2.

TABLE 1

Test method	Annual charge (dollars)
08/P01.....	90
08/P02*.....	150
08/P03*.....	210
08/P04*.....	150
08/P05.....	60
08/P06*.....	240
08/P07.....	90
08/P08.....	90
08/P09*.....	210
08/P10*.....	180
08/P11*.....	120

TABLE 1—Continued

Test method	Annual charge (dollars)
08/P12*.....	120
08/P13*.....	180
08/P14*.....	180
08/P15*.....	120
08/P16*.....	120
08/P17*.....	180
08/P18*.....	120
08/P19*.....	120
08/P20*.....	180
08/P21*.....	180
08/P22*.....	120
08/P23*.....	120
08/E01.....	60
08/E02.....	90
08/E03*.....	150
08/E04*.....	180
08/E05.....	180
08/E06.....	70
08/E07.....	70
08/E08.....	70
08/E09.....	60
08/E10.....	60
08/E11*.....	150
08/E12.....	90
08/E13.....	60
08/E14.....	60
08/E15.....	240
08/E16.....	70
08/E17.....	70
08/E18.....	70
08/E19.....	70
08/E20.....	90
08/E21.....	90
08/E22.....	60
08/E23.....	60
08/E24.....	60
08/E25.....	60
08/E26.....	60

TABLE 2

If a laboratory applies for accreditation for this method	And also wishes to be accredited for this additional method	The annual test method charge for the additional method is
08/P10.....	08/P17.....	\$60
08/P11.....	08/P18.....	60
08/P12.....	08/P19.....	60
08/P13.....	08/P20.....	60
08/P14.....	08/P21.....	60
08/P15.....	08/P22.....	60
08/P16.....	08/P23.....	60
08/P17.....	08/P10.....	60
08/P18.....	08/P11.....	60
08/P19.....	08/P12.....	60
08/P20.....	08/P13.....	60
08/P21.....	08/P14.....	60
08/P22.....	08/P15.....	60
08/P23.....	08/P16.....	60
08/E03.....	08/E11.....	60
08/E11.....	08/E03.....	60

[FR Doc. 82-24812 Filed 9-9-82; 8:45 am]

BILLING CODE 3510-13-M

#### National Voluntary Laboratory Accreditation Program (NVLAP); Formal Establishment of Acoustics Laboratory Accreditation Program

**AGENCY:** National Bureau of Standards, Commerce.

**ACTION:** Notice of formal establishment of a program for accrediting laboratories that provide acoustical testing services.

**SUMMARY:** Under the National Voluntary Laboratory Accreditation Program

(NVLAP), the National Bureau of Standards (NBS) announces the formal establishment of a laboratory accreditation program (LAP) for laboratories that provide acoustical testing services (the "Acoustics LAP"). A separate notice following this notice includes the fees for this LAP. Laboratories which are interested in becoming accredited under the Acoustics LAP may request an application package by contacting the Manager, Laboratory Accreditation, National Bureau of Standards.

**DATES:** Each laboratory that submits a completed application which is postmarked no later than October 29, 1982, will be included among the initial group of laboratories to be evaluated for accreditation. Laboratories that miss this deadline will be included in subsequent groups.

**FOR FURTHER INFORMATION CONTACT:** John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234, (301) 921-3431.

**SUPPLEMENTARY INFORMATION:**

**Background**

This announcement is prepared in accordance with § 7a.8 of the NVLAP Procedures (15 CFR 7a.8). Establishment of this laboratory accreditation program (LAP) for laboratories that provide acoustical testing services (the "Acoustics LAP") follows the formal request of Foster C. Wilson of the Owens-Corning Fiberglass Corporation as set out in his letter dated August 25, 1980. Mr. Wilson's letter identified a number of applicable standards and test methods for inclusion in the program. Additional standards and test methods were proposed by industry, technical associations, and government agencies during the preliminary finding of need proceedings (45 FR 74684-74686, dated November 10, 1980) and the final finding of need proceedings, (46 FR 51267-51271, dated October 19, 1981). The purpose of the LAP is to identify laboratories capable of performing tests in accordance with the designated test methods and to give national recognition to those laboratories for their testing capabilities.

As previously announced in the *Federal Register* (47 FR 223, dated January 5, 1982), informal public workshops were held at NBS on February 23-24 and March 10-11, 1982, to provide interested parties an opportunity to participate in the development of technical requirements for this LAP. A copy of the minutes of those workshops is available for inspection and copying in the Central

Reference and Records Inspection Facility, Room 6628, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW, Washington, D.C. 20230.

**Accreditation Process**

The accreditation process for this LAP is described below. The description is followed by an appendix summarizing operational information for this LAP, including the frequency and nature of on-site visits, the available test methods, and the proficiency testing requirements.

Dated: September 3, 1982.

Ernest Ambler,

Director, National Bureau of Standards.

**Accreditation Process for the Acoustics LAP**

*Requesting An Application.* Any testing laboratory interested in becoming accredited for this LAP should contact the Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, D.C. 20234, (301) 921-3431. The Manager, Laboratory Accreditation will send an application package as explained below. All laboratories submitting applications postmarked by October 29, 1982, and accompanied by the requisite fee or purchase order will be scheduled for an initial on-site visit as part of the first group of laboratories considered for accreditation under this LAP. Applications received after this date will be included in subsequent groups of laboratories to be considered for accreditation. An application request letter should identify the specific test methods for which the laboratory is interested in being accredited. (see the Appendix for the test method list). The application package sent in response to the request letter will be tailored to the specific test methods requested. No commitment by the laboratory will be inferred by such a request. Likewise, the Manager, Laboratory Accreditation, will only send an application package, and will take no further action unless and until a formal application for accreditation contained in the application package is properly completed and returned.

*Application Package.* The application package includes an application form with a test method selection list and fee schedule, and the Acoustics LAP Handbook which describes requirements for accreditation.

*Fees.* In a separate notice appearing in this issue of the *Federal Register*, NBS announces the fees for the Acoustics LAP. The fees notice provides interested laboratories with the information

needed to calculate the annual fee associated with the scope of accreditation desired. This fee must be paid before any accreditation decision is made. Also, failure to pay an annual renewal fee will lead to automatic expiration of accreditation at the end of the laboratory's current accreditation period.

*Enrollment.* After payment of the required accreditation fee, the laboratory will be scheduled for an on-site visit and will be notified of any additional written information which must be supplied, and of any applicable proficiency testing requirements which must be completed for the evaluation.

*Basic Conditions for Accreditation.* In order for a laboratory to be accredited under the NVLAP procedures, it must agree in writing to the following basic conditions:

- (1) Be examined and audited, initially and on a continuing basis;
- (2) Pay accreditation fees and charges;
- (3) Avoid reference by itself and forbid others utilizing its services from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers, and packaging or the contents therein, or in any other way which might convey the concept of product certification by Department of Commerce (Note: A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.);
- (4) Maintain compliance with applicable general and specific criteria and with applicable requirements of the NVLAP Procedures (15 CFR Part 7a); and
- (5) Participate in proficiency testing that may be required for attaining or maintaining accreditation.

*Criteria.* The NVLAP general and specific criteria for evaluating laboratories, which are described in §§ 7a.19-7a.30 of the NVLAP Procedures (15 CFR 7a.19-7a.30), address a laboratory's organizational structure, technical management, professional and ethical business practices, and system for assuring the quality of test results. The criteria also address aspects of a laboratory directly related to the reliable performance of each test method for which the laboratory desires accreditation, including staff competence and training, facilities and equipment, test plans, calibration procedures, recordkeeping, data handling procedures, and quality control checks and audits.

**On-site Visits.** Regularly scheduled on-site visits are conducted to assess a laboratory's compliance with the NVLAP criteria. In addition, monitoring visits of limited scope are used to assure that accredited laboratories continue to comply with the criteria or to resolve any testing problems that an accredited laboratory may appear to have. The on-site assessor will conduct an exit interview with the laboratory's management at the conclusion of an on-site visit to summarize his or her findings. Each laboratory is notified whenever deficiencies are identified and is given an opportunity to correct them before formal accreditation recommendations are prepared or any action is commenced to revoke accreditation. The laboratory must permit the on-site assessor to review and examine any records or other documents required by the criteria. Also, if a hearing under 5 U.S.C. 556 has been instituted under the NVLAP Procedures, the laboratory must permit NBS personnel to review and copy any records or other documents required by the criteria. Failure of the laboratory to cooperate with the on-site assessor will be grounds for the initiation of adverse accreditation action.

**Proficiency Testing.** Proficiency testing is an integral part of the NVLAP accreditation process. While the existence of facilities, equipment, and personnel which satisfy the criteria indicates a laboratory's overall capability to obtain good results, an analysis of actual test results for certain test methods is also necessary to determine if the overall capability does in fact produce the desired results. A laboratory's failure to participate fully in the conduct of required proficiency testing may also be grounds for the initiation of adverse accreditation action.

**Evaluation and Recommendations.** An evaluation team composed primarily of peers in the applicable testing areas uses the following information to review each laboratory:

- (1) Written information supplied by the laboratory;
- (2) Results of proficiency testing; and
- (3) Written reports of the assessor regarding on-site visits to the laboratory.

If additional deficiencies are identified beyond those cited during the on-site visit, the laboratory is given written notification of those deficiencies and a reasonable period (ordinarily 30 days) in which to correct or resolve them. Upon completion of the review of the above information and the laboratory's response to any notification of deficiencies, the evaluation team will

make an accreditation recommendation for the laboratory.

**Accreditation Decision.** Based on the recommendations of the evaluation team, a decision is made whether to grant or deny initial accreditation for new laboratories or renewal for currently accredited laboratories. The laboratory is notified by letter of the decision. If accreditation denial is proposed, the notification letter states the reason.

**Appeals.** When denial of accreditation is proposed, a laboratory has 30 days from the date of receipt of the notification to request a hearing. The notification will specify to whom a request for a hearing should be sent. If a hearing is not requested, the denial becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

**Accreditation Period.** Laboratories are granted accreditation for one year with individual laboratory anniversary dates occurring on the first of January, April, July, or October. A laboratory will be assigned one of these anniversary dates which is closest to the time that the decision to grant accreditation is made but in no case shall the anniversary date be less than 12 months from the date of the decision.

**Accreditation Renewal.** Each accredited laboratory is sent a renewal application form before its current accreditation expires (anniversary date). If acted upon promptly by the laboratory, the lead time will be sufficient to complete the renewal evaluation before the current accreditation expires. The laboratory may use the renewal application form to add or drop test methods for the new accreditation period.

**Termination.** Any accredited laboratory may voluntarily terminate its accreditation at any time. Likewise, an applicant laboratory may voluntarily terminate its application at any time prior to the completion of action on the application. The matter of refunds is covered in section 7a.15 of the NVLAP Procedures (15 CFR 7a.15).

**Revocation.** If the Director of NBS or his designee finds that an accredited laboratory has violated the terms of its accreditation, the Director or his designee may, after consultation with the laboratory, notify that laboratory that he proposes to revoke its accreditation. The Laboratory has 30 days in which to appeal a proposed revocation by requesting a hearing. A proposed revocation will specify to whom a request for a hearing should be sent. If the hearing is not requested, the revocation becomes final. If a hearing is requested, it is held pursuant to U.S.C. 556.

**Public Notification.** Accreditation actions are published in the Federal Register within 30 days of such action and in NVLAP quarterly and annual reports.

**Compliance with Existing Laws.** NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, state, and local statutes, ordinances, or regulations that may be applicable to its operations, including consumer protection and antitrust laws.

#### Appendix—Operational Information for the Acoustics LAP

**On-site Visits.** Regularly scheduled on-site visits will occur every two years. In addition, laboratories will be subject to monitoring visits.

**Test Methods.** The test methods included in the Acoustics LAP are listed below.

TABLE 1

NVLAP code	Test method designation	Short title
08/P01	ANSI/ASTM C367-78.	Strength Properties, Prefabricated Architectural Acoustical Materials.
08/P02*	ANSI/ASTM C384-77.	Impedance and Absorption of Acoustical Materials.
08/P03*	ANSI/ASTM C423-81.	Sound Absorption and Sound Absorption Coefficients.
08/P04*	ASTM C522-80	Airflow Resistance of Acoustical Materials.
08/P05	ASTM C523-88 (81)	Light Reflectance of Acoustical Materials.
08/P06*	ANSI/ASTM E90-82.	Airborne Sound Transmission Loss of Building Partitions.
08/P07	ANSI/ASTM E482-82.	Impact Sound Transmission Through Floor-Ceiling Assemblies.
08/P08	ANSI/ASTM E596-78.	Noise Reduction of Sound-Isolating Enclosures.
08/P09*	ASTM E756-82	Vibration Damping Properties of Materials.
08/P10*	ANSI S1.31-80 <sup>1</sup>	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms.
08/P11*	ANSI S1.31-80 <sup>1</sup> (direct method only).	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (direct method only).
08/P12*	ANSI S1.31-80 <sup>1</sup> (comparison method only).	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (comparison method only).

TABLE 1—Continued

NVLAP code	Test method designation	Short title
08/P13*	ANSI S1.32-80 <sup>1</sup>	Sound Power Levels, Discrete-Frequency and Narrow-Band Noise Sources in Reverberation Rooms.
08/P14*	ANSI S1.35-79 <sup>1</sup>	Sound Power Levels, Noise Sources in Anechoic and Semi-Anechoic Rooms.
08/P15*	ANSI S1.35-79 <sup>1</sup> (anechoic room method only).	Sound Power Levels, Noise Sources in Anechoic Rooms.
08/P16*	ANSI S1.35-79 <sup>1</sup> (semi-anechoic room method only).	Sound Power Levels, Noise Sources in Semi-Anechoic Rooms.
08/P17*	ISO 3741-75 <sup>2</sup>	Sound Power Levels, Broad-Band Sources in Reverberation Rooms.
08/P18*	ISO 3741-75 <sup>2</sup> (direct method only).	Sound Power Levels, Broad-Band Sources in Reverberation Rooms (direct method only).
08/P19*	ISO 3741-75 <sup>2</sup> (comparison method only).	Sound Power Levels, Broad-Band Sources in Reverberation Rooms (comparison method only).
08/P20*	ISO 3742-75 <sup>4</sup>	Sound Power Levels, Discrete-Frequency and Narrow-Band Sources in Reverberation Rooms.
08/P21*	ISO 3745-77 <sup>3</sup>	Sound Power Levels, of Noise Sources in Anechoic and Semi-Anechoic Rooms.
08/P22*	ISO 3745-77 <sup>3</sup> (anechoic room method only).	Sound Power Levels of Noise Sources in Anechoic Rooms.
08/P23*	ISO 3745-77 <sup>3</sup> (semi-anechoic room method only).	Sound Power Levels of Noise Sources in Semi-Anechoic Rooms.
08/E01	ANSI B71.1-80 (para. 9).	Sound Level Tests; Power Lawn Mowers, Lawn and Garden Tractors and Lawn Tractors.
08/E02	ANSI S1.29-79 <sup>5</sup>	Measurement of Noise Emitted by Computer and Business Equipment.
08/E03*	ANSI S1.34-80	Sound Power Levels, Noise Sources over a Reflecting Plane.
08/E04*	ANSI S3.19-75	Noise Protection, Hearing Protectors and Earplugs.
08/E05	ANSI S5.1-71	Measurement of Sound from Pneumatic Equipment.
08/E06	ANSI S5.1-71 (small machines only).	Measurement of Sound from Pneumatic Equipment (small machines only).

TABLE 1—Continued

NVLAP code	Test method designation	Short title
08/E07	ANSI S5.1-71 (portable compressors and large items of pneumatic plant only).	Measurement of Sound from Pneumatic Equipment (portable compressors and large items of pneumatic plant only).
08/E08	ANSI S5.1-71 (stationary plant equipment only).	Measurement of Sound from Pneumatic Equipment (stationary plant equipment only).
08/E09	ISO 362-81	Noise Emitted by Accelerating Road Vehicles.
08/E10	ISO 512-79	Sound Pressure Levels, Vehicle Signalling Devices.
08/E11*	ISO 3744-81	Sound Power Levels of Noise Sources Over a Reflecting Plane.
08/E12	ISO 5130-82	Noise Emitted by Stationary Road Vehicles.
08/E13	SAE J192a-75	Exterior Sound Level of Snowmobiles.
08/E14	SAE J1161-76	Sound Level Measurement Procedure for Snow Vehicles.
08/E15	Title 40, CFR, Part 205.	Transportation Equipment Noise Emission Measurements.
08/E16	Title 40, CFR, Part 205 (Subpart B only).	Transportation Equipment Noise Emission Measurements (Subpart B only).
08/E17	Title 40, CFR, Part 205 (Subpart D only).	Transportation Equipment Noise Emission Measurements (Subpart D only).
08/E18	Title 40, CFR, Part 205 (Subpart E only).	Transportation Equipment Noise Emission Measurements (Subpart E only).
08/E19	Title 40, CFR, Part 205 (Subpart F only).	Transportation Equipment Noise Emission Measurements (Subpart F only).
08/E20	AMCA Test Code 300-1987.	Test Code for Sound Ratings.
08/E21	AMA-1-II-67 <sup>6</sup>	Ceiling Sound Transmission Test by Two-Room Method.
08/E22	EEC 81/334 (Annex I, para. 5.2) <sup>7</sup>	Sound Levels on Motor Vehicles.
08/E23	EEC 70/388 (Annex I, paras. 1.2.1, 1.2.2, 1.2.3, and 2) <sup>7</sup>	Type Approval of an Audible Warning Device.
08/E24	TRIAS 20-1980 <sup>8</sup>	Noise Test Procedures for Motor Vehicles.
08/E25	TRIAS 21-1979 <sup>8</sup>	Horn Sound Level Test Procedure for Motor Vehicles.
08/E26	ECE Regulation No. 28 <sup>9</sup>	Sound Levels of Vehicle Audible Warning Devices.

\*Proficiency testing required.

<sup>1</sup>The laboratory will be accredited for only the frequency range for which its test room is qualified.<sup>2</sup>Accreditation for this test method also requires accreditation for ANSI S1.31. Also, accreditation for ANSI S1.32 will be only for the frequency range for which the laboratory's test room is qualified.<sup>3</sup>The laboratory will be accredited for only the frequency range for which its test room is qualified.

\*Accreditation for this test method also requires accreditation for ISO 3741. Also, accreditation for ISO 3742 will be only for the frequency range for which the laboratory's test room is qualified.

<sup>4</sup>Accreditation for this test method also requires accreditation for one or more of the following methods: ISO 3741, ISO 3742, ISO 3743, ISO 3744, and ISO 3745.<sup>5</sup>Adopted by the Ceiling and Interior Systems Contractors Association.<sup>6</sup>Council of European Communities.<sup>7</sup>Ministry of Transport, Japan Automobile Importation Association.<sup>8</sup>United Nations regulation.

**Proficiency Testing Requirements.** For the Acoustics LAP, proficiency testing is required for the tests shown with an asterisk (\*) in Table 1 above.

Periodically each laboratory will be sent test samples, data sheets, and an information package containing instructions for specimen preparation, conditioning, mounting, and testing. Although it is generally required that the test be conducted in accordance with the applicable test method, the number of replicate measurements, special conditions of temperature and humidity, and other parameters are sometimes specified to ensure uniformity in procedures and test conditions among participants. Completed data sheets must be returned to NBS for analysis by the date specified on the sheets.

Alternatively, an assessor may bring to the laboratory a specimen such as a calibrated sound source for testing during the course of the on-site visit. As explained above, special testing conditions may be specified to ensure uniformity among participants.

Because of the difficulties in selecting and distributing appropriate samples, proficiency testing for some test methods may periodically be waived.

[FR Doc. 82-24791 Filed 9-9-82; 8:45 am]

BILLING CODE 3510-13-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjusting the Import Restraint Levels for Certain Cotton and Wool Textile Products From Macau

September 7, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** (1) Increasing by the application of swing and carryforward the levels of restraint established for men's and boys' cotton knit shirts in Category 338 from 129,548 to 146,389 dozen and wool sweaters in Category 445/446 from 69,279 to 74,170 dozen. The increased level for Category 445/446 reflects a deduction of 4,116 dozen representing carryforward used during 1981. (2) Reducing to account for carryforward used during 1981 the levels established for women's, girls', and infants' cotton knit shirts and blouses in Category 339 from 551,193 to 543,465 dozen and for cotton trousers in Category 347/348 from 295,773 to 279,070 dozen. These adjustments apply to goods produced or manufactured in Macau and exported to

the United States during the twelve-month period which began on January 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

**SUMMARY:** The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal, concerning products, produced or manufactured in Macau, provides for percentage increases in certain specific ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the succeeding year's level. Pursuant to the terms of the bilateral agreement, as amended, the levels of restraint established for Categories 338, 339, 347/348, and 445/446 are being adjusted for the twelve-month period which began on January 1, 1982.

**EFFECTIVE DATE:** September 13, 1982.

**FOR FURTHER INFORMATION CONTACT:** Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On December 14, 1981, there was published in the *Federal Register* (46 FR 60872) a letter dated December 9, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, including Categories 338, 339, 347/348, and 445/446, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the levels of restraint established for Categories 338, 339, 347/348, and 445/446 to the designated amounts.

Walter C. Lenahan,  
Acting Chairman, Committee for the  
Implementation of Textile Agreements.

September 7, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: On December 9, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 of cotton, wool, and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Effective on September 13, 1982, paragraph 1 of the directive of December 9, 1981 is amended to include the following adjusted levels of restraint for cotton and wool textile products in Categories 338, 339, 347/348, and 445/446, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982:

ADJUSTED 12-MONTH LEVEL OF RESTRAINT<sup>1</sup>

Category	Dozens
338.....	146,389
339.....	543,465
347/348.....	279,070
445/446.....	74,170

<sup>1</sup>The levels of restraint have not been adjusted to reflect any imports after December 31, 1981.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton and wool textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commission of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

Acting Chairman, Committee for the  
Implementation of Textile Agreements.

[FR Doc. 82-24880 Filed 9-9-82; 8:45 am]

BILLING CODE 3510-25-M

<sup>1</sup>The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

**Adjusting Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From India**

September 7, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Granting an increase for swing for cotton, wool, and man-made fiber textile products in Categories 330-369, 431-469, and 630-669, as a group, produced or manufactured in India and exported during the agreement year which began on January 1, 1982, increasing the group level from 46,406,111 square yards equivalent to 51,046,722 square yards equivalent.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

**SUMMARY:** The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India provides for percentage increases in certain categories (swing). Pursuant to the terms of the bilateral agreement and at the request of the Government of India, the import restraint level established for Categories 330-369, 431-469, and 630-669, as a group, is being increased to 51,046,722 square yards equivalent for the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. The increase is applicable only to visaed, mill-made products.

**EFFECTIVE DATE:** September 13, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On December 18, 1981 a letter dated December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the *Federal Register* (46 FR 61685), which established import restraint levels for certain specified categories of cotton, wool, and man-made fiber textile products, including Categories 330-369, 431-469, and 630-669, as a group, produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in Categories 330-369, 431-469, and 630-669, as a group, produced or manufactured in India, in excess of the designated, adjusted level of restraint, during the twelve-month period which began on January 1, 1982.

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 7, 1982.

Committee for the Implementation of Textile Agreements,

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: On December 15, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on September 13, 1982, to amend the twelve-month level of restraint established for cotton, wool, and man-made fiber textile products in Categories 330-369, 431-469, and 630-669, as a group, accompanied by a visa, to the following:

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, which provide, in part, that: (1) Within the aggregate, group limits may be exceeded by designated percentages; (2) specific limits may be exceeded by various percentages subject to various provisions of the agreement; (3) consultation levels may be increased upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

#### AMENDED 12-MONTH LEVEL OF RESTRAINT<sup>1</sup>

Category	Square yards equivalent
330-369, 431-469 and 630-669.....	51,046,722

<sup>1</sup> The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

The actions taken with respect to the Government of India and with respect to imports of cotton, wool, and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-24882 Filed 9-9-82; 8:45 am]

BILLING CODE 3510-25-M

#### Announcing Increases in the Import Restraint Level for Certain Man-Made Fiber Apparel Products From the Socialist Republic of Romania

September 3, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Increasing the import level for man-made fiber woven suits in Category 643pt./644pt. from 22,683 dozen to 24,258 dozen, produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1982 by the application of carryforward.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981, (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

**SUMMARY:** The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania provides, among other things, for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. At the request of the Government of the Socialist Republic of Romania, an increase for carryforward is being applied to the level of restraint

for man-made fiber textile products in Category 643pt./644pt.

**EFFECTIVE DATE:** September 10, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On April 1, 1982 there was published in the Federal Register (47 FR 13856) a letter dated March 25, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of wool and man-made fiber textile products, including Category 643pt./644pt, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983. In accordance with the terms of the bilateral agreement, as amended, and at the request of the Government of the Socialist Republic of Romania, the United States Government has agreed to increase the level for man-made fiber textile products in Category 643pt./644pt. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level to 24,258 dozen.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 3, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: On March 25, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on April 1, 1982 and extending through March 31, 1983 of wool and man-made fiber textile products, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and Socialist Republic of Romania, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Effective on September 10, 1982, paragraph 1 of the directive of March 25, 1982 is amended to include an adjusted twelve-month level of restraint of 24,258 dozen<sup>2</sup> for man-made fiber textile products in Category 643pt./644pt.,<sup>3</sup> produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1982.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-24676 Filed 9-9-82; 8:45 am]

BILLING CODE 3510-25-M

### Controlling Imports of Certain Wool Apparel Products From the Socialist Republic of Romania

September 3, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Controlling at a level of 320,018 square yards equivalent imports of men's and boys' wool coats in Category 433/434, produced or manufactured in Romania and exported during the agreement year which began on April 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, (47 FR 20654))

**SUMMARY:** Under the terms of the Bilateral Wool and Man-made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, the United States has decided to control imports of wool textile products in Category 433/434 in the same manner as other categories are currently being controlled.

**EFFECTIVE DATE:** September 10, 1982.

<sup>2</sup> The level of restraint has not been adjusted to reflect any imports after March 31, 1982.

<sup>3</sup> In Categories 643 and 644, only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060.

**FOR FURTHER INFORMATION CONTACT:** Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On April 1, 1982, there was published in the *Federal Register* (47 FR 13856) a letter dated March 25, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of wool and man-made fiber textile products, produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983. The letter published below amends the directive of March 25, 1982 to include an import control level of 320,018 square yards equivalent for wool textile products in category 433/434. The control level has not been adjusted to reflect any imports during the period which began on April 1, 1982. As the data become available, charges will be made for the period which began on April 1, 1982 and extends to the effective date of this action, as well as for goods exported after the effective date of this action.

Paul T. O'Day,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

September 3, 1982.

Committee for the Implementation of Textile Agreements

*Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 25, 1982 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain wool and man-made fiber textile products, produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1982.

Effective September 10, 1982, paragraph 1 of the directive of March 25, 1982 is amended to include a level of restraint for wool textile products in Category 433/434 of 320,018 square yards equivalent.<sup>1</sup>

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool textile products from Romania has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary to the implementation of such

<sup>1</sup> The levels of restraint has not been adjusted to reflect any imports after March 31, 1982.

actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-24861 Filed 9-9-82; 8:45 am]

BILLING CODE 3510-25-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Viral and Rickettsial Diseases.

Date of meeting: 14-15 October 1982.

Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0830 to 1330 hrs on 14 October for the administrative review and discussion of the scientific research program of the Viral & Rickettsial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330 to 1630 hrs on 14 October and from 0900 to 1200 hrs on 15 October for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/567-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,  
*Colonel, MC, Deputy Commander.*

[FR Doc. 82-24820 Filed 9-9-82; 8:45 am]

BILLING CODE 3710-92-M

**Corps of Engineers, Department of the Army**

**Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Flood Protection and Water Supply Study for the City of Hays, Kansas**

**AGENCY:** Army Corps of Engineers, Kansas City District, DOD.

**ACTION:** Notice of intent to prepare a DEIS.

**SUMMARY:**

1. The primary purpose of this study is to provide flood protection along Lincoln Draw and a portion of Big Creek as it relates to Lincoln Draw in Hays, Kansas. Reasonable alternatives for flood protection that will be studied include:
  - a. No Action.
  - b. Channel diversion.
  - c. Detention.
  - d. Channel modification.
  - e. Non-structural measures.
2. A secondary purpose of this study is water supply for the city of Hays. Presently, the city obtains its water supply from the Smoky Hill River alluvium located approximately 11 miles south of the city. Peak demand days are a source of concern to the city and existing water rights prevent greater use of this alluvium. Reasonable alternatives for water supply that will be studied include:
  - a. No Action.
  - b. Saline River alluvium.
  - c. Single purpose water supply lake.
  - d. Recycling water.
  - e. Water conservation.
3. Scoping Process:
  - a. Public Involvement: A public meeting is tentatively scheduled for 27 October 1982 in the city of Hays. Subsequent public meetings may be held to provide additional information for the Draft Feasibility Report and DEIS. These documents will be distributed to Federal/state agencies and the interested public for review and comment. The participation of the public and Governmental agencies is invited during all stages of the planning process.
  - b. Environmental consultation and review will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and other applicable laws, regulations, and guidelines.

**ADDRESS:** Questions concerning the proposed study and the DEIS should be directed to Mr. Dick Taylor, Chief, Environmental Resources Branch, Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. Phone: (816) 374-3672 or FTS 758-3672.

Dated: September 2, 1982.

**David L. Day,**  
*Acting Chief, Planning Division.*

[FR Doc. 82-24835 Filed 9-9-82; 8:45 am]

**BILLING CODE 3710-KN-M**

**Department of the Navy**

**Notice of Payment of Senior Executive Service Bonuses**

The Department of the Navy will make Senior Executive Service Bonus payments on or before September 30, 1982.

Dated: September 3, 1982.

**F. N. Ottie,**  
*Lieutenant Commander, JAGC, U.S. Navy,*  
*Alternate Federal Register Liaison Officer.*

[FR Doc. 82-24847 Filed 9-9-82; 8:45 am]

**BILLING CODE 3810-AE-M**

**Intent To Hold a Public Review Meeting for the Draft Environmental Impact Statement for Alternative Location of a Landing Craft Air Cushion (LCAC) Operational Base on the West Coast of the United States**

Basing options for siting the Department of the Navy's proposed Landing Craft Air Cushion (LCAC) operational base on the west coast of the United States are discussed in a Draft Environmental Impact Statement (DEIS) that was made available to the public on August 27, 1982. The LCAC base is projected to provide support for 54 LCAC and associated functions. The DEIS discusses candidate sites within a 50-mile radius of the Naval Amphibious Base, Coronado, California, presents two significant candidates at Marine Corps Base, Camp Pendleton, California, and describes potential project impacts, as well as the no-action alternative. Environmental consequences of the proposed action's LCAC site construction/operation will: (1) Primarily affect ambient noise levels, vegetation, and wildlife associated with the specific alternative base site and attendant overland training area, and (2) affect ambient noise levels in the vicinity of existing amphibious training beaches at Silver Strand and San Clemente Island, California.

The LCAC base will consist of an approximately 30-acre parking apron

connected to the beach by an access ramp, a large hanger-type building, a control tower, and administrative and support offices. Also on the site will be a washdown rack to remove salt and sand from the LCAC, a fueling facility, a fire station, and an automobile parking area.

In accordance with Council of Environmental Quality regulations, a public review meeting will be held September 23, 1982, at 7:00 p.m. at the North River Road Neighborhood Center, 5306 North River Road, San Luis Rey, California. The purpose of this meeting will be to present a summary of the DEIS and to receive oral and/or written comments from the public. It is requested that persons desiring to make oral comments submit their intentions either in writing or by telephone to the contact listed below. Oral statements will be limited to five minutes, and lengthy or technical statements are requested to be submitted in writing.

The DEIS is available for public review at the following locations:

San Diego Association of Governments  
Fallbrook Library  
Oceanside City Library  
Oceanside Chamber of Commerce  
San Diego City Library  
Naval Facilities Engineering Command,  
Western Division, San Diego Branch

The Hearing Officer will be Commander Larry Ayres, CEC, USN, telephone (415) 877-7492.

Please address any correspondence or inquiries concerning the public review meeting to the following contact: Mr. T. J. Peeling, Code 2022E, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332; Telephone: (202) 325-7342/4.

Dated: September 3, 1982.

**F. N. Ottie,**  
*Lieutenant Commander, JAGC, U.S. Navy,*  
*Alternate Federal Register Liaison Officer.*

[FR Doc. 82-24848 Filed 9-9-82; 8:45 am]

**BILLING CODE 3810-AE-M**

**DEPARTMENT OF EDUCATION**

**Advisory Council on Educational Statistics; Meetings**

**AGENCY:** Advisory Council on Educational Statistics

**ACTION:** Notice of Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Educational Statistics. This notice also describes the functions of the

council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATE:** October 14 and 15, 1982.

**ADDRESS:** Room 823, 1200 19th St., NW, Washington, D.C. 20036.

**FOR FURTHER INFORMATION CONTACT:**

Theodore H. Drews, Executive Director, 400 Maryland Avenue SW, (Presidential Bldg. 205), Washington, D.C. 20202, Telephone (301) 436-7876.

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, P.L. 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes:

The swearing-in of three new members of the advisory Council.

A report by the Administrator, National Center for Education Statistics, on recent activities of the National Center.

An update on the National Center's development of a program of cooperative surveys and joint ventures.

The Center will report, generally, on its program of study of teacher supply and demand, and specifically on its plans and progress in response to a Council resolution for a study of compensation systems.

A report and discussion of the Center's State Assistance Program.

A report on the work of the Federal Education Data Acquisition Council.

A report on the Center's response to the new management initiatives.

Such new business as the chairman or the membership may put before the Council.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Executive Director, Advisory Council on Education Statistics, 6525 Belcrest Rd., (Presidential Bldg., Room 205), Hyattsville, Maryland.

Dated: September 4, 1982.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 82-24789 Filed 9-9-82; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RO80-7-001; RO81-65-000; RO81-73-001; and RO82-43-000]

#### Twin Montana, Inc. et. al.; Stripper Well Exemption; Notice Requiring Filing

August 30, 1982.

Each of the above-captioned cases involves an alleged violation of the stripper well exemption under the Mandatory Petroleum Price Regulations.<sup>1</sup> At issue is whether Federal Energy Administration (now Department of Energy (DOE)) Ruling 1974-29<sup>2</sup> lawfully prohibited the inclusion of injection wells in the well count for purposes of applying the stripper well exemption.<sup>3</sup> The Commission proceedings on the stripper well issue (and related issues, if any) were suspended because this very issue was the subject of ongoing litigation in the federal courts.

Recently, the Temporary Emergency Court of Appeals issued a decision in *In Re The Department of Energy Stripper Well Exemption Litigation*, No. 10-39 (July 29, 1982), ruling on this issue. In order to provide the participants an opportunity to comment on the effect of the TECA decision on their respective cases, within 10 days of the issuance of this notice each participant shall file a statement responding to the following:

Is the July 29, 1982 TECA decision dispositive of the question raised in the Commission proceeding as to whether DOE correctly found that the recipient of the remedial order misapplied the crude oil price regulations and charged unlawful prices? If not, explain in detail how the TECA decision is distinguishable or why it is otherwise not dispositive.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-24892 Filed 9-9-82; 8:45 am]

BILLING CODE 6717-01-M

#### Office of Fossil Energy

##### Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public

<sup>1</sup> 10 CFR Part 212.

<sup>2</sup> 39 FR 44414 (December 24, 1974).

<sup>3</sup> See *Twin Montana, Inc.*, 17 FERC ¶ 61,166 (1981); *Sierra Petroleum Co., Inc.*, 18 FERC ¶ 61,309 (1982); and *Okmar Oil Company*, Docket No. RO82-43-000, Order Granting Motion For Deferral of Review of Remedial Order (July 20, 1982).

Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities.

Date and Time: Tuesday, September 28, 1982, 9:00 a.m. to noon.

Place: Rough Rider Room, State Capitol, Bismarck, ND 58505.

Contact: Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, 1000 Independence Ave., SW, Forrestal Building, Room 4D-024, Washington, DC 20585, Telephone: 202-252-8990.

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to the development of alternative fuels.

**Tentative Agenda:**

- Department's roles, responsibilities and participation
  - Discussions on the Great Plains Gasification Project
  - Public comment (10 minute rule)
- Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at the address or telephone number listed above. Request must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on September 3, 1982.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 82-24855 Filed 9-9-82; 8:45 am]

BILLING CODE 6450-01-M

#### Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice hereby is provided of a meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA), which will be held on September 23 and 24, 1982, at the National Art Center, corner of Queen and Elgin Streets, Ottawa, Canada, beginning at 9:00 a.m. on September 23. This meeting is being held in order to

permit representatives of some of the members of Subcommittee A to participate in a meeting of the Joint Government/Industry Design Group for the preparation of the fourth IEA allocation systems test (AST-4). The expected participants at the meeting are representatives of the Governments of Canada, Denmark, Germany, Japan, The Netherlands, Sweden and the United States, representatives of the IEA Secretariat and representatives of the following members of Subcommittee A:

British Petroleum Co. Ltd.  
Exxon Corporation  
Mobil Oil Corporation  
Shell International Petroleum Company Ltd.  
Statoil  
Texaco.

The meeting will be open to representatives of all members of Subcommittee A.

The Agenda for the meeting is:

1. Preparation of the fourth test of the IEA allocation system:
  - Testing of Pricing Principles;
  - Other Matters Arising from the Third Meeting of the Group.
2. Future Meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 3, 1982.

Thomas C. Newkirk,

Acting Deputy General Counsel for Regulation.

[FR Doc. 82-24854 Filed 9-9-82; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59099; TSH FRL 2206-3]

### Polyacrylate Copolymer; Premanufacture Exemption Application

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the *Federal Register*

of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

**DATE:** Written comments by: September 27, 1982.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-59099]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

### TME 82-46

*Close of Review Period.* October 14, 1982.

*Manufacturer.* Calgon Corporation.  
*Chemical.* (G) Polyacrylate copolymer.

*Use/Production.* (G) Water treatment. Prod. range: 6 mos.—15,000 lbs.

*Toxicity Data.* Acute oral: < 5 gm/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Manufacture: a total of 30 workers may have dermal exposure during product dilution.

*Environmental Release/Disposal.* No data submitted.

Dated: September 7, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-24861 Filed 9-9-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51430; TSH-FRL 2206-2]

### Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of fifteen PMNs and provides a summary of each.

**DATES:** Close of Review Period:

PMN 82-627, 82-628 and 82-629—  
November 24, 1982

PMN 82-630, 82-631, 82-632, 82-633, 82-634, 82-635, 82-636, 82-637 and 82-638—November 27, 1982

PMN 82-639 and 82-640—November 28, 1982

PMN 82-641—November 29, 1982

Written comments by:

PMN 82-627, 82-628 and 82-629—  
October 25, 1982

PMN 82-630, 82-631, 82-632, 82-633, 82-634, 82-635, 82-636, 82-637 and 82-638—October 28, 1982

PMN 82-639 and 82-640—October 29, 1982

PMN 82-641—October 30, 1982.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51430]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

### PMN 82-627

*Manufacturer.* Confidential.  
*Chemical.* (G) Modified polyester.  
*Use/Production.* Confidential. Prod. range: 40,000-2,000,000 lbs/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture and processing: dermal, a total of 12 workers, up to 63 da/yr.

*Environmental Release/Disposal.* Minimal. Disposal by incineration.

**PMN 82-628**

*Manufacturer.* Reliance Universal, Inc.

*Chemical.* (G) Polyacrylate.

*Use/Production.* (S) Furniture finishes. Prod. range: 1,800-15,900 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, processing and use: dermal, a total of 9 workers, up to 8 hrs/da, up to 260 da/yr.

*Environmental Release/Disposal.* No release. Disposal by approved landfill.

**PMN 82-629**

*Manufacturer.* Confidential.

*Chemical.* (G) Dimethyl hydantoin, formaldehyde, toluene sulfonamide condensation product.

*Use/Production.* (S) Paint. Prod. range: 500-25,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: inhalation, a total of 3 workers, up to 8 hrs/da, up to 20 da/yr.

*Environmental Release/Disposal.* 10-100 kg/yr released to air. Disposal by approved landfill.

**PMN 82-630**

*Manufacturer.* Confidential.

*Chemical.* (G) Unsaturated alkyl fatty amine.

*Use/Production.* (G) Chemical intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: inhalation, a total of 4 workers, up to 8 hrs/da, up to 15 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air, water and land. Disposal by publicly owned treatment works (POTW), on-site sewer facilities, incineration, municipal treatment facility and reactor scrubber systems.

**PMN 82-631**

*Manufacturer.* Confidential.

*Chemical.* (G) Unsaturated amine adduct.

*Use/Production.* (G) Manufacturing aid in film processing. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* No data submitted.

*Environmental Release/Disposal.* No data submitted.

**PMN 82-632**

*Manufacturer.* Confidential.

*Chemical.* (G) Fatty secondary amide.

*Use/Production.* (G) Manufacturing aid in plastics processing. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 15 da/yr.

*Environmental Release/Disposal.*

Less than 10 kg/yr released to air, water and land. Disposal by POTW, on-site sewer treatment facilities, incineration, municipal sewer treatment facility and reactor scrubber systems.

**PMN 82-633**

*Manufacturer.* Confidential.

*Chemical.* (G) Fatty secondary amide.

*Use/Production.* (G) Manufacturing aid in plastics processing. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 15 da/yr.

*Environmental Release/Disposal.*

Less than 10 kg/yr released to air, water and land. Disposal by POTW, on-site sewer treatment facilities, incineration, municipal sewer treatment facility and reactor scrubber systems.

**PMN 82-634**

*Manufacturer.* Confidential.

*Chemical.* (G) Fatty secondary amide.

*Use/Production.* (G) Manufacturing aid in plastics processing. Prod. range: Confidential.

*Toxicity Data.* Acute oral: > 5.0 g/kg; Skin irritation index: 1.8.

*Exposure.* Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 15 da/yr.

*Environmental Release/Disposal.*

Less than 10 kg/yr released to air, water and land. Disposal by POTW, on-site sewer treatment facilities, incineration, municipal sewer treatment facility and reactor scrubber systems.

**PMN 82-635**

*Manufacturer.* Confidential.

*Chemical.* (G) Alkyl acid esters.

*Use/Production.* (G) Cosmetic additive. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 12 da/yr.

*Environmental Release/Disposal.* 10-

100 kg/yr released to air and water .5 hr/da, 6 da/yr. Disposal by POTW, incineration, scrubber systems and publicly owned water treatment facility.

**PMN 82-636**

*Manufacturer.* Confidential.

*Chemical.* (G) Alkyl ester.

*Use/Production.* (G) Cosmetic additive. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 12 da/yr.

*Environmental Release/Disposal.* 10-100 kg/yr released to air, water and land .5 hr/da, 6 da/yr. Disposal by POTW, incineration and scrubber systems.

**PMN 82-637**

*Manufacturer.* S.C. Johnson and Son, Inc.

*Chemical.* (G) Stearyl methacrylate co-polymer.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**PMN 82-638**

*Manufacturer.* Crown Zellerbach.

*Chemical.* (S) Ethanol, 2,2'-[sulfonyl bis (4,1-phenyleneoxy)] bis.

*Use/Production.* (S) Monomer and chemical intermediate. Prod. range: Confidential.

*Toxicity Data.* Acute oral: > 15,000 mg/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Manufacture: dermal and inhalation.

*Environmental Release/Disposal.* Confidential. Disposal by biological treatment system.

**PMN 82-639**

*Manufacturer.* Calgon Corporation.

*Chemical.* (G) Polyacrylate copolymer.

*Use/Production.* (G) Water treatment. Prod. range: 20,000-300,000 kg/yr.

*Toxicity Data.* Acute oral: > 5 g/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Manufacture, use and disposal: dermal, a total of 12 workers, up to 24 hrs/da, up to 40 da/yr.

*Environmental Release/Disposal.* 10-100 kg/yr released to water.

**PMN 82-640**

*Manufacturer.* Confidential.

*Chemical.* (G) Amino modified polyester.

*Use/Production.* (S) Coatings. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* None.

*Environmental Release/Disposal.* No release.

**PMN 82-641**

*Manufacturer.* American Cyanamid Company.

*Chemical.* (G) Substituted ammonium sulfonate.

*Use/Production.* (G) Resin curing catalyst. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

**Exposure.** Manufacture and use: dermal, a total of 58 workers, up to 24 hrs/da, up to 150 da/yr.

**Environmental Release/Disposal.** Disposal by biological treatment system.

Dated: September 7, 1982.

**Woodson W. Bercaw,**

*Acting Director, Management Support Division.*

[FR Doc. 82-24860 Filed 9-9-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2206-1]

**Availability of Environmental Impact Statements Filed August 30 Through September 3, 1982 Pursuant to 40 CFR Part 1506.9**

**RESPONSIBLE AGENCY:** Office of Federal Activities, General Information, 382-5075 or 382-5076.

**Department of Interior:**

EIS: 820573, Draft, BLM, CA, California Desert Plan and Eastern San Diego Co. MFP, 1982 Amendments, Due: Nov. 15, 1982

EIS No. 820575, Final, BLM, NM, West Socorro Rangeland Mgmt. Plan, Catron/Cibola/Valencia/Socorro Cos, Due: Oct. 12, 1982

**Department of Transportation:**

EIS No. 820569, Final, FHW, MN, TH-610 & TH-252, Construction/Upgrading, Anoka & Hennepin Counties, Due: Oct. 12, 1982

EIS No. 820572, Draft, FHW, IN, E 96th St. Reconstruction, Keystone Ave. to I-69, Hamilton/Marion Cos, Due: Oct. 25, 1982

**Environmental Protection Agency:**

EIS No. 820567, Final, EPA, CA, PAC, San Francisco Channel Bar Dredge Disposal Site, Designation, Due: Oct. 12, 1982

EIS No. 820574, Draft, EPA, SEV, REG, Metallic Mineral Processing Plants, Standards of Performance, Due: Nov. 8, 1982

**Department of Housing and Urban Development:**

EIS No. 820570, DSUpl, CDB, CO, Pueblo Downtown Hotel and Convention Center, UDAG, Pueblo County, Due: Oct. 25, 1982

EIS No. 820571, Final, HUD, ND, Country Oaks Estates PUD, 2nd Addition, Mortgage Insurance, Stark Co., Due: Oct. 12, 1982

**State Department:**

EIS No. 820576, Draft, STA, SEV, PRO, Cannabis Eradication in Foreign Western Hemisphere Nations, Due: Oct. 25, 1982

**Nuclear Regulatory Commission:**

EIS No. 820568, Final, NRC, OH, Perry Nuclear Power Plant, Units 1 and 2, License, Lake County, Due: Oct. 12, 1982

**Amended Notices:**

EIS No. 810720, Draft, EPA, WV, Little Kanawha/Burnsville Dam Area, Upshur County, Published 1 FR 9/11/81—Officially Withdrawn, Due:

EIS No. 820556, Draft, USN, CA, Landing Craft Cushion Operational Base, Construction Licenses, Published 1 FR 8/18/82—Review period reestablished

due to noncompletion of distribution, Due: Oct. 18, 1982

EIS No. 770026, DSUpl, COE, NB, Papillion Creek and Tributaries Flood Control, Douglas and Sarpy Cos., Published FR 1/21/77—Officially Withdrawn.

Dated: September 7, 1982.

**Paul C. Cahill,**

*Director, Office of Federal Activities.*

[FR Doc. 82-24913 Filed 9-9-82; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL COMMUNICATIONS COMMISSION**

**Telecommunications Industry Advisory Group Plant Accounts Subcommittee Meetings**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of meetings of the Telecommunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee scheduled to meet on Tuesday, September 21 and Thursday, October 14, 1982. Both meetings will be open to the public. The September 21st meeting will be held at 9:30 a.m. at the North Shore Hilton located at Gulf Street and Skokie Boulevard in Skokie, Illinois. The agenda is as follows:

- I. General Administrative Matters
- II. Review of Minutes of Previous Meeting
- III. Report by Subcommittee Members
- IV. Discussion of Reports
- V. Further Assignments
- VI. Other Business
- VII. Presentation of Oral Statements
- VIII. Adjournment

The October 14th meeting will be held at 9:30 a.m. in Room P-180 (Building Manager's Conference Room) located at the State of Michigan Plaza, 1200 6th Street, Detroit, Michigan. The agenda is as follows:

- I. General Administrative Matters
- II. Review of Minutes of Previous Meeting
- III. Report by Subcommittee Members
- IV. Discussion of Reports
- V. Further Assignments
- VI. Other Business
- VII. Presentation of Oral Statements
- VIII. Adjournment

With prior approval of Subcommittee Chairman Ralph Peluso, oral statements, while not favored or encouraged, may be allowed at the meetings if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Peluso (202/887-

3266) at least five days prior to the meeting date.

**William J. Tricarico,**  
*Secretary, Federal Communications Commission.*

[FR Doc. 82-24808 Filed 9-9-82; 8:45am]

BILLING CODE 6712-01-M

**FEDERAL MARITIME COMMISSION**

[Docket Nos. 771 and 775]

**Banana Distributors, Inc. v. Grace Line, Inc. et al.; Notice of Proposed Action**

On May 4, 1959, the Federal Maritime Board issued its Supplemental Report in subject proceeding (5 F.M.B. 615). Among other things, the Board directed that Grace Line file forward booking contracts together with related criteria and regulations under which the contracts are awarded. This obligation was subsequently assumed by Grace-Prudential Line, then Prudential Line and currently Delta Steamship Lines, the ultimate successor in interest to the respondent.

Upon review of this matter the Commission preliminarily has determined that the continued filing of such materials serves no regulatory purpose and imposes an unnecessary burden on Delta. Accordingly, the Commission hereby gives notice that it intends to vacate so much of its order in this proceeding which directs the filing of the foregoing documents (fifth ordering paragraph). Interested persons may comment on this proposed action on or before October 1, 1982. Comments should be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

By the Commission.

**Francis C. Hurney,**  
*Secretary.*

[FR Doc. 82-24863 Filed 9-9-82; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL RESERVE SYSTEM**

**Acquisition of Bank Shares by Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated

for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Mashall & Ilsley Corporation*, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of The First National Bank of West Bend, West Bend, Wisconsin. Comments on this application must be received not later than October 3, 1982.

**B. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Landmark Bancshares Corporation*, St. Louis, Missouri; to acquire 100 percent of the voting shares of Landmark Bank of St. Louis, National Association, St. Louis, Missouri. Comments on this application must be received not later than October 3, 1982.

**C. Secretary, Board of Governors of the Federal Reserve System**, Washington, D.C. 20551:

1. *U.S. Bancorp*, Portland, Oregon; to acquire 100 per cent of the voting shares or assets of Newport State Bank, Newport, Oregon. This application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than October 3, 1982.

Board of Governors of the Federal Reserve System, September 3, 1982.

Dolores S. Smith,

*Assistant Secretary of the Board.*

[FR Doc. 82-24792 Filed 9-9-82; 8:45 am]

BILLING CODE 6210-01-M

## FEDERAL TRADE COMMISSION

### Schedule for awarding SES Bonuses and Announcement of PRB Board Members

The Federal Trade Commission plans to award bonuses to Senior Executive Service members on or about October 1, 1982.

The Federal Trade Commission has two Performance Review Boards. The members of the first Board are: Fred McChesney, Wendy Gramm, Wallace Snyder, Barry Rubin, and, Walter Winslow.

The members of the second Board are: James Williams, Amanda Pedersen, Ronald Bond, and Barbara Clark.

For further information please call Stephen C. Benowitz, Director of Personnel, Federal Trade Commission, (202) 523-3986.

Stephen C. Benowitz,  
*Director of Personnel.*

[FR Doc. 82-24809 Filed 9-9-82; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Services Administration

#### Availability of Assistance Under the Maternal and Child Health Services Federal Set-Aside Program

**AGENCY:** Health Services Administration, Public Health Service, HHS.

**ACTION:** Notice of availability of grants.

**SUMMARY:** The Bureau of Community Health Services (BCHS), Health Services Administration, announces that applications for awards are now being accepted from Maternal and Child Health (MCH) and Crippled Children's (CC) State Agencies and from institutions of higher learning for grant awards under section 502(a) of the Social Security Act (42 U.S.C. 702(a)) for the provision of preventive health and health promotion activities.

**DATE:** Applications must be received by the close of business on September 15, 1982.

**ADDRESS:** Completed applications should be mailed to the following address: Office of Maternal and Child Health, Room 7-39, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** Miss Mary Egan, Deputy Associate Bureau Director, Office of Maternal and Child Health, Bureau of Community Health Services, Room 7-39, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone number 301 443-2250. Application kits are available from this office.

**SUPPLEMENTARY INFORMATION:** On July 18, 1982, the Congress enacted the "Urgent Supplemental Appropriations Act, 1982" (Pub. L. 97-216, which appropriates and additional \$26,230,000 for the Maternal and Child Health Services Block Grant. From these funds, BCHS has earmarked \$300,000 to support an anticipated three new preventive health and health promotion demonstration projects.

The MCH and CC State Agencies and institutions of higher learning are eligible to apply for these awards under the applicable regulations at 42 CFR 51a, Subparts B and D (as amended on June 25, 1982, 47 FR 27824), respectively.

Preventive health and health promotion activities include, but are not limited to the following areas:

1. Prevention of low birth weight.
2. Developing personal responsibility in pre-adolescent children for their own health.
3. Adolescent health and social, behavioral, family and school related problems (the new morbidity).
4. Violence in children and youths.
5. Community organization for a targeted prevention effort for mothers and children.
6. Implementing successful demonstrations on a community base.

Dated: August 31, 1982.

John H. Kelso,

*Acting Administrator.*

[FR Doc. 82-24839 Filed 9-9-82; 8:45 am]

BILLING CODE 4160-16-M

## Public Health Service

### Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicide and Contaminants; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants scheduled to meet at the National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, Building 101, Conference Center, on September 28 and 29, 1982.

**Purpose:** The Advisory Committee was formally chartered and notice of its establishment was published at 46 FR 19602 on March 31, 1981. The basic objective of the Committee as set forth in the charter is to review and oversee the Epidemiology Study of Air Force Ranch Hand Personnel and to provide technical assistance, as needed, to the Air Force. **Agenda:** The meeting will be open to the public September 28, 1982, from 10:30 a.m. to 5:00 p.m. and September 29, 1982, from 9:00 a.m. to 12:00 p.m.

The Preliminary agenda is as follows:

- Review progress of the questionnaire phase of the study.
- Review progress of the medical examination phases of the study.
- Initial review of the mortality phase of the study.

Persons who are planning to attend the meetings are asked to contact Ms. Bonnie Jefferson, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, phone number (919) 541-3267 or FTS 629-3267, so she may ensure that there will be seating for all interested participants.

The Executive Secretary, Maureen E. Corcoran, Office of the General Counsel, Department of Health and Human Services, Room 707F, HHH Bldg., 200 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245-6318, may be contacted for general information and transcripts of the meeting.

Dated: September 1, 1982.

John A. Moore,

*Chairman, Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants.*

[FR Doc. 82-24857 Filed 9-9-82; 8:45 am]

BILLING CODE 4190-11-M

#### Title XXVII of Pub. L. 97-35, National Health Service Corps; Health Professions Education; and Nurse Training; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of August 3, 1982, by the Secretary of Health and Human Services to the Assistant Secretary for Health (47 FR 34856, Aug. 11, 1982), the Assistant Secretary for Health has delegated to the Administrator, Health Resources Administration, with authority to redelegate, all of the following authorities under Title XXVII of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981:

1. Authority under Title XXVII, Chapter 1, Section 2702(c) of Public Law 97-35 (42 U.S.C. 254e note), to evaluate the criteria pertaining to the designation of health manpower shortage areas.

2. Authority under Title XXVII, Chapter 2, Section 2724(b) and Section 2724(c) of Public Law 97-35 (42 U.S.C. 293a), to release all recipients of grants, loan guarantees, and interest subsidies under Sections 720(a) and 726 of the Public Health Service Act from any contractual obligation to fulfill enrollment increases.

3. Authority under Title XXVII, Chapter 2, Section 2747 of Public Law 97-35 (42 U.S.C. 295h note), providing for a physician study.

4. Authority Under Title XXVII, Chapter 3, Section 2751 of Public Law 97-35 (42 U.S.C. 296a note), to waive the enforcement of assurances given by any nursing school under Section

802(b)(2)(D) of the Public Health Service Act.

The delegation to the Administrator, Health Resources Administration, became effective on August 25, 1982.

Dated: August 25, 1982.

Edward N. Brandt, Jr.,

*Assistant Secretary for Health.*

[FR Doc. 82-24856 Filed 9-9-82; 8:45 am]

BILLING CODE 4160-15-M

#### Office of the Secretary

##### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on September 3.

##### Public Health Service

###### *National Institutes of Health*

Subject: National Research Service Award—Research Training, Competing, and Noncompeting Applications (0925-0022)—Revision  
Respondents: Universities and teaching hospitals

Subject: Identification of Variables Associated with Maintenance of Nonsmoking in Ex-Smokers (0925-0145)—Revision  
Respondents: Individuals

OMB Desk Officer: Richard Eisinger

###### *Health Services Administration*

Subject: Quarterly Debt Management Report—for the Health Professionals Student Loan Program—New  
Respondents: Educational institutions  
OMB Desk Officer: Richard Eisinger

##### Social Security Administration

Subject: Low Income Home Energy Assistance Annual Monthly Estimate of Obligations (SSA-35)—New  
Respondents: State and local governments

Subject: Aid to Families with Dependent Children Employment Search Program Recordkeeping Requirements—New  
Respondents: State and local governments

OMB Desk Officer: Milo Sunderhauf

##### Office of Human Development Services

Subject: Financial Reporting Form SF-269 (Protection and Advocacy Program) (0980-0054)—Extension

Respondents: State agencies administering the Developmental Disabilities Program  
Subject: Financial Reporting Form SF-269 (Basic State Grant Program) (0980-0055)—Extension  
Respondents: State agencies administering the Developmental Disabilities Program  
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201  
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn.: (name of OMB Desk Officer)

Dated: September 7, 1982.

Dale W. Sopper,

*Assistant Secretary for Management and Budget.*

[FR Doc. 82-24912 Filed 9-9-82; 8:45 am]

BILLING CODE 4150-04-M

#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

##### Revision of Service Management Plan

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice.

SUMMARY: The Service has updated the Service Management Plan, (SMP) the foundation for planning and managing Fish and Wildlife Service (FWS) activities for the next 5-10 years. This notice provides a summary of the revised SMP and announces its availability. The plan will not remain static. As with future revisions the following changes incorporate new fish and wildlife resource issues, and provide further needed direction and guidance resulting from new policies and strategies.

DATES: The public is invited to submit comments on the SMP at any time.

ADDRESSES: Copies may be obtained from, and comments directed to, Director, U.S. Fish and Wildlife Service, Office of Planning and Budget, 18th and C Streets, NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:**

Bill Shake, National Planning Coordinator, Division of Program Plans, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Room 3344, Washington, D.C. 20240. [202-343-4329]

**SUPPLEMENTARY INFORMATION:****Overview**

The efficiency and effectiveness of an agency is reflected in its planning and decision-making processes. The SMP is the foundation for planning and managing the FWS activities. It describes authorities and sources thereof, provides basic information on the organizational and program structure, discusses constraints and influences under which the FWS operates, and makes assumptions and predictions about social/economic/demographic trends likely to affect fish, wildlife and their habitat in the future. The SMP forms the basis from which the programs in the FWS develop their Program Management Document, (PMD) and their annual budget requests.

The SMP is a broad-based, cross program statement of the FWS's direction for the next decade. A mission statement is included along with a discussion of goals, policies and strategies. Included within the time frame of the plan are management guidance (five years) and planning outlook (ten years). These policies provide direction for the development of program goals and objectives and guide their use in Service activities.

**Service Mission**

It is the mission of the FWS to "provide the federal leadership to conserve, protect and enhance fish and wildlife and their habitats for the continuing benefits of people." Each of the FWS's 11 programs has a Service goal that supports this mission.

**National Policy Guidance**

The SMP identifies policies which provide managers with guidance in planning and decision-making as they strive to accomplish goals and objectives. The policies express the Service's position relative to issues of concern within or outside of the agency some of which may be international in scope. The policies address fish and wildlife habitat management, operations, and planning and decision-making. The fish and wildlife and habitat management/operations policies provide direction on the relative ranking of types of ecosystems, species and their habitats. The policies also provide broad guidelines for the implementation of programs and functions supporting fish and wildlife management. Those

guidelines include: management of lands; law enforcement; information and education; cooperation and coordination between other agencies and interested individuals; and recognition of the traditional State role and responsibility for management of resident fish and wildlife. The planning and decision-making policies include an interdisciplinary approach to planning, compliance with the National Environmental Policy Act (NEPA), coordination with other nations and agencies who have interests similar to the FWS, and recognition that the interested public needs to be informed about Service activities so they may express their views.

**Strategy**

The strategy section of the SMP defines how the Service intends to implement policies and achieve goals and objectives. It is divided into four parts: a future outlook section which briefly describes expected social and economic trends which could affect fish and wildlife resources; a section describing the Service's planning system and its linkages to the decision-making process; a section describing Important Resource Problems (IRPs); and a description of the strategies which the Service intends to pursue.

Any consideration of the future of fish and wildlife must take into account the socioeconomic influences that are most likely to affect fish and wildlife. Trends anticipated for the next ten years and beyond were analysed. In brief: the "Problem Identification-Future Outlook" section discusses: demographic and economic outlook; population projections; natural resource economics and water resource development.

Most activities for Service supports have been in existence for many years, several for more than a century. The Service functions under a complex set of laws, regulations and orders which impact the way it does business. One of the problems most encountered by Federal agencies is that people want more done than available funds permit. Choices must be made about what is most important. Effective prioritization is vitally important if the Service is to fulfill its obligations. The SMP identifies how the Service determines its priorities. One means of assigning priorities is to examine the Federal role in the management of fish and wildlife and habitat. The following items are discussed as measures of the validity of Federal involvement: major international responsibilities are involved; resource dependency crosses State lines; results of an activity are freely available to all; size and scope of

Federal agencies make them more efficient at performing certain tasks; States are unable or unwilling to take the necessary action; specific federal involvement is required by Federal law; statutory authority rests with the Federal agency.

The Service has also been operating and setting priorities on the basis of various specific program criteria. For example, endangered species and habitat preservation have been among the highest priorities of the Service. Activities such as refuge operations, law enforcement and fishery management have also been the foundation of the Service's responsibilities for fish and wildlife resources. Concomitantly with SMP development, the Service looked at ways to refine the understanding of these priorities. What species of fish and wildlife need management attention? What are the key problems restricting achievement of objectives? Are some problems of greater concern than others due to imminent threats or specific stresses on the environment? These and many other questions have continued to challenge Service managers, particularly when it has been necessary to determine where available money and personnel should be utilized. In sum, the FWS planning system is designed to put all the pieces together and provide a means to consistently manage the Nation's resources.

The Strategy Section addresses items of concern to the resources and management of the Service, and also identifies those ongoing efforts which need increased emphasis. The fish and wildlife and habitat operational strategies emphasize the following:

- To devote sufficient time and personnel and funds to the lands and waters managed by the Service so their full potential is realized;
- To regulate uses of federally protected or managed fish and wildlife species in conformance with the requirements of law; and,
- To provide scientifically based information and support so the public and private sectors may conserve, protect and enhance populations and habitats of species of special emphasis.

The administration strategies recognize that a basic component of agency effectiveness is its quality and strength of available guidance. The Service has recognized the need for an effective:

- Organizational structure;
- Planning, budgeting and evaluation systems; and,
- Employee development mechanism

### Agency Roles and Responsibilities

The agency roles and responsibilities section of the SMP identifies and defines intradepartmental relationships which may have a profound effect on the conduct of the Service's activities. Specifically discussed are the relationships of the following Department of the Interior officials with the Service: Secretary of the Interior; Assistant Secretary, Fish, Wildlife and Parks; and other Assistant Secretaries in the Department of the Interior.

The Director of the FWS is accountable for the performance of the Service. The decisions he makes must be in the best interest of the Nation's fish and wildlife resources; have been arrived at with full consideration of alternatives; represent the most effective course of action; and be in accord with Executive policy and/or regulatory controls. The FWS Directorate serves as an advisory group to the Director, reviews matters of Servicewide importance to the Director, identifies resource problems and develops strategies to resolve them.

The Service operates under a program management structure to accomplish its goals and objectives. To facilitate this concept and move decision-making closer to the public, the Service is organized so as to emphasize decentralized management. The Washington Office provides policy and program direction through Program Managers. Operations are carried out by seven regional directors and an Associate Director for Research.

### Factors Influencing the Services' Activities

This section of the SMP outlines the primarily external factors which guide and shape the program responsibilities of the Service. Legally, the Service is responsible for fish and wildlife to varying degrees under assorted international treaties, Federal statutes, Executive orders, regulations, and cooperative agreements or memoranda of understanding. These responsibilities can be influenced by Congressional preferences, the President, the courts, other Federal agencies, State agencies, Indian tribal agencies, the interests of private groups and the general public.

Many FWS programs involve interaction with other Federal agencies; the FWS functions as the technical advisor and the provider of fish and wildlife technical expertise. Common FWS activities including other Federal agencies include investigation of applications for Corps of Engineers and Environmental Protection Agency permits, Fish and Wildlife Coordination

Act reports on Federal water projects and participation in preparation and review of other agencies' Environmental Impact Statements.

The States and the Service stand as full partners in wildlife conservation. It is no longer necessary for the Federal Government to perform many of the tasks carried out in the past. The capability as well as the responsibility of the states to perform those tasks effectively is clear. Even where the Federal government has ultimate responsibility for wildlife resources, the skills of the States can and should be applied to specific management functions.

Not only has the amount of public interest in and concern for fish and wildlife increased in recent years but the diversity of concern voiced by interest groups and the public has broadened tremendously. One major wildlife issue is the public's attitude toward consumptive wildlife use, particularly hunting and the harvest of furbearers and marine mammals. Other issues have been identified, such as public perceptions about endangered species, habitat protection and other management issues. These factors will influence what the Service does in the years ahead. In order to achieve its mission, the Service will expend more effort involving the public in the decision-making process. The Service's overriding philosophy will remain unchanged. It is the purpose of this Service to ensure the continued well being of the Nation's fish and wildlife habitat for future generations.

Dated: August 23, 1982.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 82-23813 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-55-M

### Identification of National Species of Special Emphasis

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** Notice is given that the U.S. Fish and Wildlife Service (FWS) has initiated a planning process that recently resulted in the identification of fish, wildlife, and plant species of high biological, legal, and public interest. Those species, designated as national species of special emphasis, merit special effort and attention by the FWS at the national level, and will be the focus of planning efforts during the first cycle of the Service's regional resource planning process (46 FR 37984, July 23, 1981). A list of those species, further

information about the planning process, and opportunities for public participation are contained in this notice.

**DATE:** In order to be considered in this cycle of the planning process, comments on the list of national species of special emphasis should be provided to the Service by October 1, 1982.

**ADDRESS:** Interested parties should send comments to: Director, U.S. Fish and Wildlife Service, Office of Planning and Budget, 18th and C Streets, NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** National Planning Coordinator, U.S. Fish and Wildlife Service (PL), 18th and C Streets, NW. (Room 2558), Washington, D.C. 20240, telephone (202) 343-4633.

**SUPPLEMENTARY INFORMATION:** The Fish and Wildlife Service (FWS) has recently developed and is now implementing a Servicewide planning system. That system is composed of a number of planning documents and processes that allow the Service to coordinate its activities geographically, programmatically, and hierarchically. An integral part of that system, that links national direction with field operations, is regional resource planning. Regional resource planning is an iterative process consisting of 7 steps. The steps are: (1) Conduct preplanning; (2) undertake resource analysis; (3) establish fish and wildlife objectives; (4) analyze problems; (5) develop, evaluate, and select strategies; (6) develop operational plans; and, (7) produce a Regional Resource Plan (RRP). Specific outputs of this process include: Identification of regional fish and wildlife objectives; identification and analysis of factors which may be impeding accomplishment of those objectives; evaluation and selection of means (strategies) to resolve those problems; and, identification of specific operational activities to implement the strategies. Additionally, RRP's provide an analytical base for decision-making, afford a means of communicating decisions, and facilitate coordination with other agencies and the public. RRP's will also play an important role in budget development.

This first cycle of the RRP process began in December of 1981 and is scheduled for completion in the spring of 1983. The completion of step 2 of the process resulted in the identification of approximately 1,000 regional species of special emphasis. By definition, species of special emphasis are: "Those fish, wildlife, and plant species of special biological, legal, or public interest, upon which FWS effort and attention is

focussed." That list of species has been evaluated from a national perspective resulting in the attached list of 48 species. National species of special emphasis were selected from among those identified by the Regions using several biological, political, social, and economic criteria. Such factors affecting a species as population decline or threatened or endangered status; conflicts in use or demand among different constituent groups, public agencies, States, or nations; degree of public interest; and, economic value, were all considered in culling the regional list of species. In future planning cycles additional national species of special emphasis will be identified while some presently designated species may be deleted from the list. Likewise, the selection criteria used to identify species will be continually evaluated and modified to reflect changes in our current view of a species status.

Also included on the list are species groups. A species group is defined as: "A group of species of special emphasis which share taxonomic and/or habitat characteristics and as a group is of national interest to the Service."

The list of national species (and species groups) of special emphasis will be used to further focus the regional planning effort during this first planning cycle. They will also be used as an aid in formulating the Service's budget and act as the foundation for objective setting. It is important to stress, however, that the designation of national species of special emphasis is solely for internal planning and budgetary purposes of the Service and does not create any regulation of the species.

By this notice, the Fish and Wildlife Service solicits comments from Federal and State agencies, and other interested parties regarding the list of national species of special emphasis.

#### National Species and Species Groups of Special Emphasis

##### Mammals #

1. Coyote (*Canis latrans*)
2. Gray wolf (*Canis lupus*) (Eastern and Rocky Mountain populations)
3. Polar bear (*Thalarctos maritimus*)
4. Grizzly bear (*Ursus arctos horribilis*) (Lower 48 States population)
5. Black-footed ferret (*Mustela nigripes*)
6. Sea otter (*Enhydra lutrus*)
7. Walrus (*Odobenus rosmarus*)
8. West Indian (Florida) manatee (*Trichechus manatus*)

##### Birds

9. Brown pelican (*Pelecanus occidentalis*)  
Surface feeding duck "group"
10. Wood duck (*Aix sponsa*)

11. Mallard (*Anas platyrhynchos*)
12. Black duck (*Anas rubripes*)
13. White-fronted goose (*Anser albifrons*)  
Bay duck "group"
14. Redhead (*Aythya americana*)
15. Canvasback (*Aythya valisineria*)
16. Brant (*Branta bernicla*)
17. Canada goose (*Branta canadensis*)
18. Snow goose (*Chen caerulescens*)
19. Trumpeter swan (*Cygnus buccinator*)
20. Tundra swan (*Cygnus columbianus*)
21. California condor (*Gymnogyps californianus*)
22. Osprey (*Pandion haliaetus*)
23. Golden eagle (*Aquila chrysaetos*)
24. Bald eagle (*Haliaeetus leucocephalus*)
25. Peregrine falcon (*Falco peregrinus*)
26. Attwater's greater prairie chicken (*Tympanuchus cupido attwateri*)
27. Masked bobwhite (*Colinus virginianus ridgwayi*)  
\*Heron and allies "group"
28. Yuma clapper rail (*Rallus longirostris obsoletus*)
29. Light-footed clapper rail (*Rallus longirostris levipes*)
30. Whooping crane (*Grus americana*)
31. Sandhill crane (*Grus canadensis*)  
Shorebird "group"
32. American woodcock (*Philohela minor*)  
\*Seabird "group"
33. Gull and tern "group"
34. Least tern (*Sterna antillarum*)
35. California least tern (*Sterna antillarum browni*)
36. White-winged dove (*Zenaida asiatica*)
37. Mourning dove (*Zenaida macroura*)
38. Red-cockaded woodpecker (*Picoides borealis*)
39. Kirtland's warbler (*Dendroica kirtlandii*)  
\*Hawaiian forest bird "group"
40. \*Hawaiian water bird "group"
41. \*Blackbird and starling "group"
42. \*Songbird "group"

##### Reptiles

39. American alligator (*Alligator mississippiensis*)  
\*Sea turtle "group"

##### Fish

40. Sea lamprey (*Petromyzon marinus*)  
\*Shad "group"
41. \*Stream trout "group"
42. Cutthroat trout (*Salmo clarki*)
43. Atlantic salmon (*Salmo salar*) (Northeastern United States Pacific salmon "group")
44. Chinook (*Oncorhynchus tshawytscha*)
45. Coho (*Oncorhynchus kisutch*)
46. Steelhead/Rainbow trout (*Salmo gairdneri*) (Pacific Northwest and Alaska populations)
47. Lake trout (*Salvelinus namaycush*) (Great Lakes populations)
48. Cui-ui (*Chasmistes cujus*)
49. Striped bass (*Morone saxatilis*)  
\*Upper Colorado River endangered fish "group"
50. \*Desert endangered fish "group"
51. \*Exotic fish "group"

##### Molluscs

- \*Endangered freshwater mollusc "group"

##### Plants

- \*Southwest cactus "group"

\*Denotes national species group of special emphasis for which no individual national species of special emphasis have yet been identified.

#The list is sequenced taxonomically following the references cited below (within class for animals). Priority of management concern was not considered in the ordering of the list.

The following sources were used to compile this list:

- Mammals:** Neuner, A. M. and T. J. Berger. 1982. Checklist of North American mammals of the United States and the U.S. Territories. Association of Systematics Collections. Lawrence, Kansas.
- Birds:** Neuner, A. M. and T. J. Berger. 1982. Checklist of birds of the United States and U.S. Territories. Association of Systematics Collections. Lawrence, Kansas.
- Reptiles and Amphibians:** Neuner, A. M. and T. J. Berger. 1982. Checklist of reptiles and amphibians of the United States and U.S. Territories. Association of Systematics Collections. Lawrence, Kansas.
- Fish:** Lee, D. S., C. R. Gilbert, C. H. Hocutt, R. E. Jenkins, D. E. McAllister and J. R. Stauffer Jr. 1980, et seq. Atlas of North American freshwater fishes. N. C. State Mus. Nat. Hist., Raleigh. i-x. + 854 pp.
- Plants:** Kartesz, J. T. and R. Kartesz. 1980. A synonymized checklist of the vascular flora of the United States, Canada, and Greenland. Volume II, The Biota of North America. The University of North Carolina Press, Chapel Hill. i-xlviii. + 500.
- Dated: August 23, 1982.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 82-24819 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-55-M

#### Bureau of Land Management

#### California Wilderness Inventory; Change to the Final Intensive Wilderness Inventory Decision Pertaining to Public Lands Administered by BLM California, Outside the California Desert Conservation Area.

**Summary:** This notice is to advise the public of the revision of the Final Intensive Wilderness Inventory Decisions for public lands administered by the California State Office of the Bureau of Land Management.

**Background:** On August 28, 1980 I announced amended Final Intensive Wilderness Inventory Decisions in response to formal protests of the January 7, 1980 inventory decisions. That announcement of August 28, 1980 and publication of the amended decision in the Federal Register dated August 28, 1980 began a 30-day appeal period.

Two appeals were received during that appeal period. The appeals were filed on Inventory Units CA-020-211 and CA-020-609. These appeals were

forwarded to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subpart E.

IBLA's findings vacated the BLM's published inventory decisions on Units CA-020-211 and CA-020-609 and remanded the decisions to BLM to resolve conflicts between the maps and narratives concerning whether roads shown on the maps were excluded from the WSA boundaries.

As a result of the IBLA decision (81-62), I am announcing an amendment to the Final Intensive Inventory Decision, with a revision to the Narrative Assessment of the Physical Boundaries and Natural Condition, of Units CA-020-211 and CA-020-609. These amended decisions are contained in a report titled "Amendment to the Final Intensive Wilderness Inventory Decision for Inventory Units CA-020-211 and CA-020-609."

Copies of these amended decisions are available from the Bureau of Land Management (Wilderness), Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

#### Decision

The Inventory Decisions are summarized as follows:

CA-020-211, Tule Mountain—16,950 acres.

CA-020-609, Five Springs—47,160 acres.

These units were determined to have the qualities necessary for them to qualify as wilderness study areas in a report and Federal Register Notice dated August 28, 1980. A 30-day appeal period followed. The units were appealed and, in an Interior Board of Land Appeals Decision 81-62, the board determined that there were inconsistencies between the maps and narratives describing these areas. They vacated the decisions and remanded the case to BLM to fix the inconsistencies.

We have rewritten the narratives to make it clear that roads shown on the maps which enter the units are nonwilderness corridors (cherry systems) that are outside the boundaries of the WSAs. We have also removed any reference to these roads from the Natural Condition segments of the narratives.

The Tule Mountain Intensive Inventory Unit, CA-020-211, and Five Springs Intensive Inventory Unit, CA-020-609, meet the criteria for further consideration as wilderness study areas.

The amended inventory narratives for these WSA's are:

#### Amendment to the Final Intensive Wilderness Inventory Decision for Inventory Unit CA-020-211 (Tule Mountain)

##### I. Physical Boundaries

As a result of a formal appeal and decision by the U.S. Department of the Interior Board of Land Appeals (Docket No. IBLA-81-62), the previous description of the boundaries was found to be inadequate. Two roads were shown leading to Tule Mountain at the center of the WSA. The decision was to remand the case file to BLM to allow it to redraw the boundaries of the Tule Mountain Unit. Accordingly, the physical boundaries narrative for Unit CA-020-211 is revised as follows:

This unit lies entirely in California, about 15 miles south and a little east of Alturas. The boundaries include the Southern Pacific Railroad on the west and northwest, the Tule Mountain Access Road on the east and northeast, with the northern Moon Lake Access Road forming the southern boundary. The two roads shown on the August 1980 inventory map that approach Tule Mountain in the center of the map, one from Section 8 on the west side of the unit and one from Section 19 on the southeast side of the unit, are designated as nonwilderness corridors (cherry systems) and are excluded from the area considered for wilderness values.

##### II. Land Ownership

The 16,950 acres of contiguous public land encloses four scattered non-public tracts totalling 880 acres.

##### III. Description of Environment

Elevation within the unit ranges from 4,900 feet in the north and east to 7,100 feet on the Tule Mountain Summit. Tule Mountain, a broad, conical mountain with three small prominent peaks, is the unit's prominent landmark. The terrain slopes gradually downward to the east and west, threaded with drainages cut by intermittent streams. Sagebrush-juniper communities dominate the unit with ponderosa pine and mountain mahogany found within various draws. The eastern half of the unit has very heavy juniper cover.

##### IV. Natural Condition

As a result of the changes in the Physical Boundary section resulting from U.S. Department of the Interior Board of Land Appeals Decision (Docket No. IBLA-81-62), the previous description of Natural Condition is revised as follows:

Man's influence has not significantly degraded the natural integrity of the area. A few miles of ways and fence

line, and an occasional reservoir are evident, but the topography and vegetation absorbs their impacts well.

##### V. Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation

The predominant natural character of the unit, topographic variation, including peaks and numerous drainages, as well as moderate to heavy juniper cover provide excellent opportunities for a visitor to experience solitude within the Tule Mountain Unit.

##### VI. Summary of Public Comments

A large number of comments were received, some supporting and others conflicting with the Bureau's finding. Some comments questioned our road determination, however, further field examination supported our original determinations. Other comments mentioned factors that are not relevant to the assessment of wilderness characteristics, including road closures, range facility needs, and remoteness from population centers. Information received in protests address factors that supported the unit as meeting WSA criteria. Further field examinations verified that the unit did have sufficient topographic and vegetative features to offer outstanding opportunities for solitude. The unit is now identified as a WSA.

#### Amendment to the Final Intensive Wilderness Inventory Decision for Inventory Unit CA-020-609 (Five Springs)

##### I. Physical Boundaries

As a result of a formal appeal and decision by the U.S. Department of the Interior Board of Land Appeals (Docket No. IBLA-81-62), the previous description of the boundaries was found to be inadequate. The element of confusion was two roads appearing along the periphery of the southern part of the unit. It is unclear if they had been excluded from the WSA boundaries. In order to clear up the confusion, the physical boundaries narrative for Unit CA-020-609 is revised as follows:

This unit is located primarily in California, although a small part is in Nevada. It is about 28 miles east and a little north of Susanville. The Smoke Creek Ranch Road forms most of the southern boundary with a portion of the southeastern boundary delineated by a service road for an underground telephone cable. An access road along the base of Five Springs Mountain constitutes the southwestern boundary, the Shinn Ranch Road forms the northwestern boundary, and an access

road along the base of Cherry Mountain, roughly parallel to Smoke Creek, is the northeast boundary while private land forms the eastern boundary. The two roads shown on the August 1980 inventory map, one from Section 16 along the southwest side of the unit and one from Section 28 along the southeast side of the unit, are designated as nonwilderness corridors (cherry systems) and are excluded from the area considered for wilderness values.

## II. Land Ownership

The unit contains approximately 47,160 acres of contiguous public land surrounding nine scattered non-public inholdings totalling 1,880 acres.

## III. Description of Environment

Five Spring Mountains, Cherry Mountain, and Rush Creek Mountains form gently sloping to moderately steep slopes with well defined drainages and numerous basalt outcrops, talus slopes, and some rocky cliffs. The elevation ranges from about 4,500 feet on the western edge of the unit to 8,291 feet at the summit of Cherry Mountain. Rush Creek and Stony Creek are perennial streams originating in and flowing out of the unit. Ephemeral streams carry water at times while numerous springs provide additional water sources. Vegetation consists mainly of sage-grass communities with small areas of riparian and native meadow vegetation along Stony Creek and Rush Creek and around springs.

## IV. Natural Condition

As a result of the changes in the Physical Boundary section resulting from U.S. Department of the Interior Board of Land Appeals Decision (Docket No. IBLA-81-62), the previous description of Natural Condition is revised as follows:

Some ways, reservoirs, and fences have low to moderate impact on the natural character of small areas along the periphery of the unit. However, most of the unit has no intrusions and retains its natural integrity.

## V. Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation

The unit's varied topography features and long size provide outstanding opportunities for solitude. The rocky bluffs and canyons interconnected with the three mountain ranges provide numerous physical barriers that would keep users separated from contact with other visitors. The size of the area, freedom of movement, and topographic diversity also offer good opportunities for various types of primitive and

unconfined recreation such as hiking, horseback riding, rockhounding, exploring, wildlife observation and study, and antelope, deer, and game bird hunting.

## VI. Summary of Public Comments

Comments both supported and conflicted with the inventory findings. Road determinations were questioned and appropriate changes made as a result of the information. WSA criteria was supported on a number of non-related factors—lack of visitation, remoteness, closeness to other WSAs, archaeological and scenic values, and wilderness complexes. Proposed pipelines were addressed. Protest letters supported the unit as meeting WSA criteria, based upon its large size and topographic diversity. After further field examinations, we are in agreement; the unit offers outstanding opportunities for solitude and primitive types of recreation. The unit is now identified as a WSA.

## Right to Appeal

The publication of this Federal Register notice starts a 30-day appeal period. This appeal period applies to the amended Intensive Inventory Decisions on Units CA-020-211 and CA-020-609. No other part of California Final Intensive Wilderness Inventory is open to appeal.

An appeal from either of these decisions may be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subpart E. If an appeal is taken, the notice of appeal must be filed in this office, Bureau of Land Management, State Director, Room E-2841, 2800 Cottage Way, Sacramento, California 95825. A copy of the notice of appeal and of any statement of reasons, written arguments, or briefs must be served on the Associate Solicitor, Division of Energy and Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, within 15 days of the filing of any specific document.

Ed Hastey,

State Director.

[FR Doc. 82-24818 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[A-13140]

## Arizona; Public Lands Exchange in Mohave County

AGENCY: Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Realty Action—Exchange, Public Lands in Mohave County, Arizona.

**SUMMARY:** The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

### Gila and Salt River Meridian, Arizona

T. 40 N., R. 15 W.,

Sec. 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 7, SE $\frac{1}{4}$ ;

Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ;

Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 18, Lots 1, 2, & 3, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Comprising 1107.87 acres, more or less.

The above described lands are immediately adjacent to an additional 903.74 acres, more or less, of public lands that were classified for exchange on January 19, 1980. Together the selected public land totals 2011.61 acres, more or less.

In exchange for these lands, the Federal government will acquire non-Federal land described as follows:

### Gila and Salt River Meridian, Arizona

T. 25 N., R. 21 W.,

Sec. 7, Lots 1 thru 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;

T. 26 N., R. 21 W.,

Sec. 19, Lots 1 thru 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;

Sec. 29, All;

Sec. 31, Lots 1 thru 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ .

Comprising 2546.96 acres, more or less.

The purpose of the exchange is to acquire the non-Federal lands which contain crucial bighorn sheep habitat, including lambing grounds, within the Black Mountains northwest of Kingman, Arizona. The selected public lands are situated near the communities of Beaver Dam and Littlefield, Arizona, and provide opportunities for community expansion.

The purpose of this Notice of Realty Action is two-fold. First, this action will provide a response period of forty-five (45) days during which Public comments will be accepted. Secondly, this action, as provided in 43 CFR 2201.1(b), shall segregate the public lands, as described in this Notice, to the extent that they will not be subject to appropriation under the public land laws, including the mining laws, subject to any prior valid rights. The segregative effect shall terminate either upon publication in the Federal Register of a termination of the segregation or two years from the date of this publication, whichever occurs first. This action is necessary to avoid the occurrence of nuisance mining claims that could encumber the Federal

lands while the preparation of an environmental assessment is ongoing.

Upon completion of the environmental assessment, a final Notice of Realty Action will be issued. The Notice will provide a final description of the lands and interests to be exchanged and notations of any reservations, terms and conditions to be reserved.

**SUPPLEMENTARY INFORMATION:** Detailed information concerning this action or the exchange proposal may be obtained by contacting the Area Manager, Shivwits Resource Area, 196 East Tabernacle, P.O. Box 250, St. George, Utah 84770 (801-628-1691).

For a period of forty-five (45) days interested parties may submit comments to the District Manager, Arizona Strip District, 196 East Tabernacle, P.O. Box 250, St. George, Utah 84770.

Dated: August 24, 1982.

**Billy R. Templeton,**  
District Manager.

[FR Doc. 82-24823 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

#### [Group 724]

#### California; Filing of Plat of Survey

September 1, 1982.

1. This plat of survey of the following described land accepted August 10, 1982, will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, California

T. 13 N., R. 13 E.,  
Sec. 1.

2. This plat, representing the dependent resurvey of the west half of the south boundary of section 1, Township 13 North, Range 13 East, Mount Diablo Meridian.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open file and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

**Herman J. Lyttge,**  
Chief, Records & Data Management Section.

[FR Doc. 82-24824 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

#### [ES 31550, Survey Group 154]

#### Florida; Filing of Plat of Survey

1. On February 22, 1982, the plat representing the survey of two islands within the San Carlos Bay, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on (45 days from date of publication).

Tallahassee Meridian, Florida

T. 45 S., R. 23 E.,  
Tract Nos. 37 and 38.

2. The formation of the island Tract Nos. 37 and 38 are similar to the adjacent surveyed islands and mainland.

The island Tract No. 37 rises approximately 2 feet above the ordinary high water mark of San Carlos Bay. Timber consists of gumbo limbo, buttonwood, Jamaica dogwood, with red and black mangrove in the center. The island is composed of shell and humus, with an undergrowth of native grasses.

The island Tract No. 38 rises approximately 3 feet above the ordinary high water mark of San Carlos Bay. Timber consists of gumbo limbo, Australian pine and buttonwood, with red and black mangrove in the center. The island is composed of sand and shell. The undergrowth consists of prickly pear and spider lily.

3. The islands are depicted on the U.S. Coast Survey map entitled, "Map of San Carlos Bay", surveyed by F. W. Dorr, in 1858. This map, together with the stable formation of the islands and the trees thereon, attest to the fact that the islands were in existence, above the ordinary high water mark, on March 3, 1845, when Florida was admitted to the Union, and at all subsequent dates.

4. Tract Nos. 37 and 38 were found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are therefore held to be public land.

5. Except for valid existing rights, these islands will not be subject to application, petition, location, selection, or any other type of appropriation under any public law, until a further order is issued.

6. All inquiries relating to these islands should be sent to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street,

Alexandria, Virginia 22304 on or before December 9, 1982.

**Jeff O. Holdren**

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-24821 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

#### [ES 28368]

#### Wisconsin; Recordable Disclaimer

Notice is hereby given that pursuant to Section 315 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2770, 43 U.S.C. 1745), The Jones & Laughlin Steel Corporation has made application for a recordable disclaimer of interest to the mineral rights, including the right to enter upon the land and remove any minerals therein without compensation, for the following described lands:

#### Fourth Principal Meridian, Wisconsin

T. 41 N., R. 1 W.,

Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$  (EXCEPT that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  described as follows:

Commencing at the intersection of the north and south quarter-line of said Section Twenty-nine (29) with the south line of the town highway as it now exists on the ground (almost entirely south of the north line of said Section twenty-nine (29)), from said intersection thence south a distance of eight (8) feet along said north and south one-quarter line to a point; thence parallel with the south line of said town highway toward the east, a distance of sixty (60) rods to a point; thence north a distance of eight (8) feet to a point on the south line of said town highway; thence toward the west along the south line of said town highway as it actually exists to the place of beginning; intending hereby to convey a strip of land averaging eight (8) feet wide and sixty (60) rods long adjoining on the south, said town highway as it actually exists on the ground.);

E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and, East 15 acres of the W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , being the same property described in those two certain deeds recorded in the Office of the Register of Deeds of Ashland County, Wisconsin in book 159 of Deeds at page 292 and in book 162 of Deeds at page 99.);

SW $\frac{1}{4}$ NE $\frac{1}{4}$  (EXCEPT 2 acres in the northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  described as follows: Commencing at the Northwest corner of the above described forty, thence running South 254 feet, thence East 330 feet, thence North 240 feet, thence West 354 feet to the place of beginning.);

N $\frac{1}{2}$ NW $\frac{1}{4}$  (LESS that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying and being on the East side of the Town Highway running North and South through the middle of said Section, as described in Volume 114 of Deeds, Page 287, Office of Register of Deeds, Ashland County, Wisconsin); and, S $\frac{1}{2}$ NW $\frac{1}{4}$ .

1. These lands were patented to the Wisconsin Central Railroad Company on November 23, 1882, in accordance with the provisions of the Act of May 5, 1864, under Railroad Patent Number 11. Said patent contained the following reservation: "Yet excepting and excluding, 'All Mineral Lands', should any such be found to exist in the tracts embraced in the foregoing descriptions."

2. In support of this application, the following is submitted:

a. In accordance with the applicable case law, and pursuant to Departmental interpretations concerning same, the United States makes no claim to any minerals in the land included in the above referenced patent, by virtue of said attempted mineral exclusion.

b. Therefore, upon issuance of the subject patent to the Wisconsin Central Railroad Company, all right, title and interest, in and to the lands so patented, vested in the patentee, and became subject to the laws of the State of Wisconsin, the attempted mineral land exclusion notwithstanding.

3. The purpose of this notice is to afford any person or persons having a valid protest to the above action an opportunity to submit such protest to the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2846, on or before December 9, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-24822 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

### Burley District Grazing Advisory Board; Meeting

In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Burley District Grazing Advisory Board will meet on October 14, 1982.

The meeting will convene at 9:00 A.M., in the Conference Room of Bureau of Land Management Office at 200 South Oakley Highway Burley, Idaho.

Agenda items for the meeting will include: (1) Review of final allocation of range betterment funds for FY 83 and use of the funds; (2) Review of progress on Cassia RMP; (3) Review of new allotment management plan proposals; (4) Update on prescription burns and modified suppression plans; (5) Report on progress of implementation of range improvement maintenance policy; (6) Discussion of proposed antelope release

areas; (7) Review of Asset Management Program.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:30 and 3:30 p.m. or they may file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, by October 8, 1982. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproductions (during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday) within 30 days following the meeting.

Dated: September 1, 1982.  
Nick James Cozakos,  
District Manager.  
[FR Doc. 82-24902 Filed 9-9-82; 8:45 am]  
BILLING CODE 4310-84-M

### Construction of a Gas Treatment Plant and Ancillary Facilities; Environmental Assessment; Meeting

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Public Scoping Meetings to assist in preparing an Environmental Assessment (EA) on the construction of a gas treatment plant and ancillary facilities for the Road Hollow Unit in Lincoln County, Wyoming.

**SUMMARY:** This notice describes the action to be analyzed in the EA, the area that would most likely be affected; preliminary issues and concerns; the scoping process to be used, with special emphasis on a specific public meeting; and the location of BLM Contact for further information.

**SUPPLEMENTARY INFORMATION:** The action to be analyzed in the EA consists of the construction, operation, and eventual abandonment of a plant to process up to 80 million cubic feet per day of wellhead gas to pipeline quality. This will involve removing water, gas condensate, and Hydrogen Sulfide (H<sub>2</sub>S), a toxic gas. The percentage of H<sub>2</sub>S is low (0.6%) but still represents a potential hazard to public health and safety and must be removed. Sulfur and gas condensate will be produced and must be transported from the area. Water and electricity will be consumed by the operation and must be provided to the area.

Drilling and completion of the wells which will supply the plant will be analyzed by Minerals Management Service (MMS) in an EA which will be incorporated into this EA.

The proposed project will take place mostly on public lands administered by the BLM and require rights-of-way for the specific project components.

### Geographic Area

The area to be analyzed for environmental effects is the southwest portion of Lincoln County, Wyoming. Socioeconomic impacts will be analyzed for all surrounding communities which may be affected.

### Issues and Concerns

Important issues and concerns which have been identified to date include:

1. Potential socioeconomic impacts on Kemmerer, Wyoming.
2. Potential impacts on terrestrial and aquatic wildlife and their habitat.
3. Potential health and safety problems associated with H<sub>2</sub>S in natural gas.
4. Potential impacts to air quality and water quality.
5. Potential impacts on land use.

The public is encouraged to present their ideas at the scoping meeting on these and other issues and concerns. All issues and concerns identified in the scoping process will be considered in preparation of the EA.

### Scope of Analysis

Should the scoping process or the EA reveal the potential for significant impacts, an Environmental Impact Statement (EIS) would be prepared. Should an EIS be prepared, additional scoping meetings would not be held. The decision to prepare an EIS would be posted in the Federal Register.

**DATE:** A public scoping meeting will be held on November 9, 1982, at 7:00 p.m. at the Senior Citizens Friendship Center in Kemmerer, Wyoming, for the purpose of identifying issues and concerns for the EA.

### FOR FURTHER INFORMATION CONTACT:

Information and materials providing a description of the project are available for review at the following locations:

Bureau of Land Management, Rock Springs District Office, North Highway 191, Rock Springs, Wyoming 82901

Bureau of Land Management, Kemmerer Area Office, Highway 189, Kemmerer, Wyoming 83101

In addition, copies of a public scoping document will be available after October 12, 1982 by writing to the

following address: Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Rock Springs, WY 82901.

You may submit written comments to this address if you will be unable to attend the public meeting. In order to be considered in determining the scope of the EA, written comments must be received no later than November 5, 1982.

Donald H. Sweep,

Rock Springs District Manager.

[FR Doc. 82-24832 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

### Helicopter Use in Wild Horse Gatherings; Notice of Meeting

Notice is hereby given in accordance with Public Law 92-195 that a meeting to discuss the use of helicopters in gathering wild horses will be held at 1:00 p.m. on September 30, 1982 in the Vale District Office, 100 Oregon Street, East, Vale, Oregon 97918. The use of helicopters to gather wild horses throughout the Vale District in fiscal year 1983, as well as other aspects of the gathering and adoption process will be discussed.

The Vale District plans to gather approximately 300 horses in FY 1983 from the Three Fingers and Jackies Butte Herd Management Areas. Additional public notice will be given prior to the actual gatherings.

Dated: August 31, 1982.

David Lodzinski,

Acting Vale District Manager.

[FR Doc. 82-24845 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[A 17936]

### Arizona; Order Providing for Opening of Lands to Entry

September 2, 1982.

1. The lands described below were acquired by the United States in accordance with the Act of Congress approved February 26, 1931, 45 Stat. 1421, 40 U.S.C. sec. 258A (1964) and the acts supplementary thereto and amendatory thereof; and under further authority of the Colorado River Basin Salinity Control Act of June 24, 1974, 88 Stat. 266, 43 U.S.C. sec. 1571 *et seq.*, which Act authorized the acquisition of lands for the construction, operation, maintenance, and control of well fields, for use in connection with the Colorado River Basin Salinity Control Program, and for such other uses as may be authorized by law. The condemnation action was filed in 1976 (United States of America v. 21,415.65 acres of Land, more or less, in the County of Yuma,

State of Arizona, et al, Civil No. 76-716-726) for the ascertainment and award of just compensation to the parties in interest on the following described lands:

#### Gila and Salt River Meridian, Arizona

T. 10 S., R. 23 W.,

Sec. 33, Lots 5, 6, 7, 8, 9, 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,

Sec. 34, Lots 1, 2.

T. 10 S., R. 24 W.,

Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ .

T. 11 S., R. 23 W.,

Sec. 1, Lots 9, 10, 11, 12, S $\frac{1}{2}$ SW $\frac{1}{4}$ ,

Sec. 2, Lots 6, 7, 8, 9, 13, 14, SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 3, Lots 4, 7, 8, 9, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 4, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 5, Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 7, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;

Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17;

Sec. 18, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;

Sec. 19, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;

Secs. 20, 21, 22, 23, 24, 25, 26, 27;

Sec. 28, Lots 1, 2, 3, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 29, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 30, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 33, Lot 1;

Sec. 34, Lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 35, Lots 1, 2, 3, 4, N $\frac{1}{2}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 36, Lots 1, 2, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .

T. 11 S., R. 24 W.,

Sec. 1, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 2, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  except the north and east 73 feet and the south and west 20 feet, Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$  except the north and west 73 feet and the south and east 20 feet;

Sec. 12, N $\frac{1}{2}$ ;

Sec. 15, Lot 1, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  excepting  $\frac{1}{6}$  of all gas, oil, metals and mineral rights reserved to the State of Arizona;

Sec. 22, Lots 1, 2, 3;

Sec. 23, Lots 1, 2, 3, 4, N $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ ;

Sec. 24, N $\frac{1}{2}$ , excepting  $\frac{1}{6}$  of all gas, oil, metals and mineral rights reserved by the State of Arizona; Lots 1, 2, 3, 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 25, Lot 1.

T. 12 S., R. 23 W.,

Sec. 1, Lots 1, 2.

The areas described aggregate approximately 21,415.65 acres more or less in Yuma County.

2. At 10 a.m., on November 17, 1982, the lands described in paragraph 1 shall be open to mineral leasing under the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351), *et seq.*, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. No applications will be accepted prior to November 17, 1982. All applications received on November 17, 1982 prior to 10 a.m., will be considered as simultaneously filed as of 10 a.m. on November 17, 1982 and a drawing will be held in accordance with 43 CFR 1821.2-3, if necessary. Those received

after 10 a.m. shall be considered in the order of filing.

3. The above-described lands will remain closed to all other forms of appropriation.

Linda Kipp,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-24836 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. AZ-020-82-0001]

### Arizona; Land Closure Order—Public Land in Pinal County, Ariz.

The following described lands are hereby temporarily closed to camping for the protection of public health and safety under provisions of 43 CFR 8364.1.

#### Township 1 North, Range 8 East, G&SRM

Public Lands Within Sections 1 through 3, 7 through 11, 14, 15, 23, 26, 27, 35, and 36.

Containing Approximately 3,900 Acres.

The public lands involved are within and adjacent to areas of expanding urban development. Unregulated and extended overnight camping use is not consistent with the orderly growth of the communities and presents health and safety problems.

Information concerning this closure is available at the Phoenix District Office; Bureau of Land Management; 2929 West Clarendon Avenue; Phoenix, Arizona.

Any person who knowingly and willfully violates this closure order shall be fined not more than \$1,000 or imprisoned not more than 12 months, or both. 43 CFR 8364.2.

Dated: September 2, 1982.

William K. Barker,

District Manager.

[FR Doc. 82-24833 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[Exchange I-8267]

### Public Lands in Bingham County; Notice of Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 3 S., R. 31 E., B.M., Idaho,  
Sec. 27: E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  160 acres.

In exchange for these lands the federal government will acquire 160 acres of non-federal land in Bingham County from Wulf Lebrecht described as follows:

T. 1 N., R. 32 E., B.M., Idaho,  
Sec. 19: S $\frac{1}{2}$ NE $\frac{1}{4}$ .

20: S $\frac{1}{2}$ NW $\frac{1}{4}$  160 acres.

The purpose of the exchange is to:

1. Consolidate the public land in order to better manage it.
2. Allow agricultural development of public land by transferring the subject parcel to a private party.
3. Provide long-term benefits to the government, i.e., livestock forage, wildlife habitat.

This exchange is consistent with the Bureau's planning for the land involved and has been discussed with the Bingham County Commissioners. The public interest will be well served by making the exchange.

The value of the lands to be exchanged are approximately equal. Full equalization of values will be achieved by payment to the United States, by Wulf Lebrecht, of funds in an amount not to exceed 25% of the total value of the lands to be transferred out of Federal ownership.

A patent for the public land, when issued will be subject to the following conditions:

1. A right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 USC 945.

2. All valid existing rights and reservations of record. Both parties will reserve all minerals; only surface ownership will be exchanged.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

For a period of 45 days interested parties may submit comments to the District Manager of the Idaho Falls District office, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be evaluated by the District Manager, who may modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department.

Dated: September 2, 1982.

O'dell A. Frandsen,  
District Manager.

[FR Doc. 82-24837 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[ES 15334, Survey Group 166]

### Florida; Notice of Filing of Plat of Survey

1. On October 4, 1979, the plat representing the dependent resurvey of portions of the west boundary of T. 10 S., R. 27 E.; the survey of a portion of the west boundary of T. 10 S., R. 27 E., and

the survey of islands in the St. Johns River (Rat Island and Buzzard Island) not included in the original surveys, T. 10 S., Rs. 26 and 27 E., Tallahassee Meridian, Florida, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m. on October 25, 1982.

#### Tallahassee Meridian, Florida

T. 10 S., R. 26 E.,

Sec. 40.

T. 10 S., R. 27 E.,

Secs. 51 and 52.

2. The islands described above are similar in elevation and character to the adjacent surveyed lands. The soil composition of the islands is of a black muck.

The elevation of Sec. 40, T. 10 S., R. 26 E., and Sec. 51, T. 10 S., R. 27 E., (Rat Island) is 1 to 2 feet above the ordinary tide of the St. Johns River. Timber consists of ash, oak, maple, black gum, elm, cypress, and cabbage palm, with an undergrowth of young timber and vines.

The character of Sec. 52, T. 10 S., R. 27 E., (Buzzard Island) is similar to Rat Island, however the elevation is slightly lower. Timber consists of maple, bay and elm, with a dense undergrowth of vines and young timber.

3. The islands were found to be over 50% swampland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Title to these islands inured to the State of Florida as of that date; therefore, they are open only to selection by the State under that Act.

4. All inquiries relating to these islands should be sent to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before October 25, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-24828 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-18729]

### Idaho; Notice of Filing of State Indemnity Selection Application

September 2, 1982.

The Idaho State Land Department has filed, on April 30, 1982, a petition for classification and application to acquire the lands described below, pursuant to Section 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), in lieu of certain school lands that were encumbered by other rights or reservations before the State's title

could attach. The application has been assigned the serial number I-18729.

The filing of this application for selection under the provisions of Subpart 2621 of Title 43 Code of Federal Regulations shall segregate these lands from settlement, sale, locations or entry under the public land laws, including the mining laws, but not the mineral leasing laws or the Geothermal Steam Act.

The lands included in this application are located in Benewah, Bonner, Boundary, Clearwater, Kootenai and Latah Counties, Idaho, and are described as follows:

#### Boise Meridian

T. 37 N., R. 6 E.,

Sec. 1, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  NE $\frac{1}{4}$ .

T. 40 N., R. 1 E.,

Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 62 N., R. 3 E.,

Sec. 10, lots 1,2,3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 44 N., R. 2 W.,

Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 14, lot 1.

T. 48 N., R. 1 W.,

Sec. 10, lots 3,4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 11, lots 1,2,3.

T. 49 N., R. 3 W.,

Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 53 N., R. 5 W.,

Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 55 N., R. 3 W.,

Sec. 9, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 56 N., R. 2 W.,

Sec. 7, lots 2,3,4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 18, lots 1 to 4 incl., E $\frac{1}{2}$ W $\frac{1}{2}$ .

T. 56 N., R. 3 W.,

Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 59 N., R. 1 W.,

Sec. 2, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .

T. 60 N., R. 1 W.,

Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 63 N., R. 4 W.,

Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The total area aggregates 3,048.78 acres.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 82-24838 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-7317]

### Idaho; Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

September 3, 1982.

Notice of an application, serial number I-7317, for withdrawal and

reservation of lands was posted in the Land Office records September 27, 1973. A notice was not published in the *Federal Register*. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on October 8, 1982, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are all public lands  $\frac{1}{2}$  mile on either side of the Salmon River in the following Townships and Ranges:

**Boise Meridian**

*Nez Perce and Payette—National Forest*

- T. 24 N., R. 2 E.,  
Secs. 12, 13, 14, 15, 17, 18, 20, 21, 22.  
T. 24 N., R. 3 E.,  
Secs. 7, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22.  
T. 24 N., R. 4 E.,  
Secs. 1, 2, 3, 4, 7, 8, 9, 16, 17, 18.  
T. 25 N., R. 4 E.,  
Secs. 34, 35, 36.  
T. 25 N., R. 5 E.,  
Secs. 5 and 6.  
T. 25 N., R. 5 E.,  
Sec. 31, all.

The area described is in Idaho County.

William E. Ireland,  
Chief, Lands Section.

[FR Doc. 82-24844 Filed 9-9-82; 8:45 am]  
BILLING CODE 4310-84-M

[1-18000]

**Bannock County, Idaho; Exchange of Public and Private Lands; Notice of Issuance of Land Exchange Conveyance Document**

September 3, 1982.

The United States has issued an exchange conveyance document to William G. and Margaret Anne Katsilometes, Route 5, Box 254, Pocatello, Idaho 83201, for the following-described lands under Section 206 of the Federal Land Policy and Management Act of 1976.

**Boise Meridian, Idaho**

- T. 7 S., R. 35 E.  
Sec. 21, lot 3.

Comprising 19.16 acres of public land

In exchange for these lands, the United States acquired the following-described lands:

**Boise Meridian, Idaho**

- T. 6 S., R. 36 E.  
Sec. 20, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Comprising 120.00 acres of private land

The purpose of this exchange was to acquire the non-Federal land which has high public value for recreational uses and livestock grazing. The public

interest was well served through completion of this exchange.

The values of the Federal public land and the non-Federal land in the exchange were both appraised at the equal value of \$24,000.00.

Louis B. Bellesi,  
Chief, Division of Operations.

[FR Doc. 82-24840 Filed 9-9-82; 8:45 am]  
BILLING CODE 4310-84-M

**Nevada; Order Providing for Opening of Land; Correction**

In FR Doc. 82-22978, page 36712 of the issue published on Monday, August 23, 1982 the following should be inserted as the next to last paragraph:

At 9:00 a.m. on September 22, 1982, the land shall be open to location and entry under the United States mining and mineral leasing laws.

Wm. J. Malencik,  
Chief, Division of Operations.

August 31, 1982.  
[FR Doc. 82-24903 Filed 9-9-82; 8:45 am]  
BILLING CODE 4310-84-M

**Nevada; Realty Action Exchange of Public and Private Lands in Elko County; Correction**

The last paragraph of FR Doc. 82-21293, appearing on Pages 34200 and 34201 of the issue of Friday, August 6, 1982 is hereby corrected to read as follows:

Publication of this Notice of Realty Action in the *Federal Register* will segregate the public land described herein from all appropriations under the public land laws except exchanges. The land will also be segregated from the mining laws, but not the mineral leasing laws. The segregation will remain in effect for a period of two (2) years or until issuance of patent or other document of conveyance to such lands, whichever comes first.

Wm. J. Malencik,  
Chief, Division of Operations.

August 30, 1982.  
[FR Doc. 82-24904 Filed 9-9-82; 8:45 am]  
BILLING CODE 4310-84-M

**Realty Action (M-54382) Exchange of Public Lands in Missoula, Granite, Powell, and Lewis and Clark Counties, Montana**

**SUMMARY:** The following described lands are being studied for their disposal suitability by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

**Principal Meridian**

- T. 11 N., R. 17 W.,  
Sec. 2: Lots 1 & 2  
T. 12 N., R. 16 W.,  
Sec. 7: NE $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
T. 13 N., R. 16 W.,  
Sec. 4: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$   
Sec. 29: NE $\frac{1}{4}$ SW $\frac{1}{4}$   
Sec. 30: Lots 2 & 4  
Sec. 31: Lot, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$   
T. 13 N., R. 17 W.,  
Sec. 2: Lot 1  
Sec. 4: Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 10: E $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Sec. 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$   
T. 13 N., R. 18 W.,  
Sec. 24: N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$   
Sec. 25: Lot 1  
Sec. 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$   
Sec. 35: NW $\frac{1}{4}$ NE $\frac{1}{4}$   
T. 14 N., R. 15 W.,  
Sec. 17: NE $\frac{1}{4}$ SE $\frac{1}{4}$   
T. 14 N., R. 16 W.,  
Sec. 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
T. 12 N., R. 14 W.,  
Sec. 8: S $\frac{1}{2}$   
T. 12 N., R. 15 W.,  
Sec. 34: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
T. 11 N., R. 10 W.,  
Sec. 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
T. 14 N., R. 10 W.,  
Sec. 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$   
T. 14 N., R. 11 W.,  
Sec. 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$   
T. 14 N., R. 12 W.,  
Sec. 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$   
Aggregating 2,101.7 acres of public land.

In exchange for these lands, the United States Government will acquire the following described lands:

**Principal Meridian**

- T. 12 N., R. 15 W.,  
Sec. 30: SW $\frac{1}{4}$ SE $\frac{1}{4}$   
T. 11 N., R. 10 W.,  
Sec. 15: All  
T. 12 N., R. 10 W.,  
Sec. 25: N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
T. 14 N., R. 10 W.,  
Sec. 19: All (lotted)  
Sec. 30: Portions of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NE $\frac{1}{4}$  which lie north of the northerly right-of-way line of Montana State Highway 200, excepting that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  deeded to State of Montana Highway Commission.  
T. 14 N., R. 8 W.,  
Sec. 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Aggregating 1,975.6 acres of private land.

**DATES:** For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this

realty action will become the final determination of this Department.

**FOR FURTHER INFORMATION CONTACT:**

Information related to this exchange, including the preliminary report and environmental assessment, is available for review at the Garnet Resource Area Office, 715 Kensington, (Box 4427), Missoula, Montana 59806.

**SUPPLEMENTARY INFORMATION:** The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The purpose of the exchange is to facilitate multiple use management of the public lands and acquire private lands which will benefit and support a multiple use federal program and the economy. The multiple use values include, but are not limited to, expansion of contiguous big game and nongame wildlife habitat, acquisition of summer elk and yearlong lynx habitat, acquisition of critical elk and mule deer winter range, and primary access and trailhead to a walk-in hunting area. The exchange will facilitate grazing administration, benefit forest management, aid in coordination of all resource programs, and allow a wider range of management alternatives. There are also significant economic benefits to the public by consolidation of public lands, with reduced need for surveys and easements. In return, approximately 2,100 acres, 29 small and isolated tracts, would be transferred to adjoining private ownership. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with local officials. The terms, conditions, and reservations of the exchange are:

1. Both the surface and mineral estates will be exchanged on at least 640 acres; on the remaining land only the surface estate will be exchanged.
2. The lands will be exchanged subject to all valid, existing rights (e.g., rights-of-way, easements, and leases of record).
3. The United States will reserve an easement for the road, also used as a segment of the snowmobile trail system, in T. 12. N., R. 14 W., Section 8, SW $\frac{1}{4}$ .
4. Value equalization may be made by cash payment or acreage adjustment.
5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

Dated: September 2, 1982.

Jack A. McIntosh,  
District Manager, Butte District.

[FR Doc. 82-24900 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

**[ES 30681, Survey Group 99]**

**Wisconsin; Notice of Filing of Plat of Survey**

1. On December 5, 1979, a plat representing a dependent resurvey of a portion of the Fourth Standard Parallel North through Ranges 7 and 8 W., between Townships 40 and 41 N., designed to restore the corners in their true original location according to the best available evidence, and the survey of an island in Sec. 1, T. 40 N., R. 8 W., Fourth Principal Meridian, Wisconsin, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on December 9, 1982.

The new acreage and lotting of Sec. 1 is shown below.

**Fourth Principal Meridian, Wisconsin**

T. 40 N., R. 8 W.,

Sec. 1, Lot 4 (3.69 acres).

2. The Lot No. 4, Sec. 1 is similar in all respects to that of the adjacent surveyed islands, rising from the ordinary high water mark of Squaw Lake to an elevation of approximately 10 feet. Timber consists of white and red pine, basswood and aspen, with undergrowth of alder, small trees and native grasses. Borings of the pine trees showed several to be up to 45 years old. The soil composition is glacial till with a moderate amount of organic matter incorporated in the top layer.

The Lot described above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

3. Except for valid existing rights, the Lot described above will not be subject to application, petition, selection, or any other type of appropriation under any other public land laws, until a further order is issued.

4. All inquiries relating to this island should be sent to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before December 9, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-24830 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

**[ES 31551, Survey Group 89]**

**Wisconsin; Notice of Filing of Plat of Survey**

1. On March 11, 1982, the plat representing the dependent resurvey of a portion of the North boundary, a portion of the subdivisional lines designed to restore the corners in their true original locations, and reestablishment of the record meander lines to include lands omitted from the original survey in Secs. 2 and 11, and a partial subdivision of Sec. 2, T. 39 N., R. 13 E., Fourth Principal Meridian, Wisconsin, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on December 9, 1982.

The land listed below describes the area omitted from the original survey.

**Fourth Principal Meridian, Wisconsin**

T. 39 N., R. 13 E.,

Sec. 2, Lots 6, 7, 8, and 9;

Sec. 11, Lots 9, 10, 11, 12, and 13.

2. The lands within the survey consist of rolling hills ranging up to 100 feet above portions of swamp and marsh. Timber consists of maple, aspen, and pine in the upland areas with balsam fir and cedar in the lowlands. Many stumps were found indicating logging at some time in the past, several indicating trees over 130 years old. The soil varies from muck in the lowlands to stony loam in the uplands.

3. Lots 6, 8, 9, Sec. 2 and Lots 9, 10, and 13, Sec. 11 were found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

4. Lot 7, Sec. 2, and Lots 11 and 12, Sec. 11 were found to be over 50% swamp and overflowed within the purview of the Act mentioned above. Title to these lots inured to the State of Wisconsin as of that date; therefore, they are open only to selection by the State under that Act.

5. Except for valid existing rights, the islands will not be subject to application, petition, location, or selection under any public law until a further order is issued.

6. All inquiries relating to these lands should be sent to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before December 9, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-24829 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[ES 30593, Survey Group 99]

**Wisconsin; Notice of Filing of Plat of Survey**

1. On December 5, 1979, the plat representing a depending resurvey of a portion of the south boundary, a portion of the subdivisional lines; the reestablishment of a portion of the record meander line, a survey of a portion of the present shoreline of Gurno Lake, the apportionment of the shoreline frontage to original Lot 3, in Sec. 33, and the survey of the section subdivision lines of section 33, T. 40 N., R. 8 W., Fourth Principal Meridian, Wisconsin, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on December 9, 1982.

2. The land is nearly level in most of the section to gently rolling in the southeast portion. The elevation ranges from 1310 to 1400 feet above sea level with both upland and swampland areas throughout. The soil in the upland area is composed of sand and gravelly clay loam. This area is forested with red and sugar maple, white and red oak, paper birch, aspen, basswood, scattered white and Norway pine, and fir. Undergrowth in the upland area consists of blackberry and raspberry briars, young timber, native grasses, blueberry, and hazelnut brush. The soil in the lowland areas consists of peat and muskeg, composed entirely of organic matter upon a clay-gravel base. Black spruce is found in pure stands in lowland boggy sites with scattered spots of tamarack and fir.

3. All inquires relating to these lands should be sent to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before December 9, 1982

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-24827 Filed 9-9-82; 6:45 am]

BILLING CODE 4310-84-M

[W-4471-C]

**Wyoming; Proposed Continuation of Public Water Reserves**

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing Public Water Reserves, withdrawn by the Executive and Secretarial Orders, as indicated below, be continued in part as to the following described lands for a period of 20-years, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, U.S.C.

1714. The purpose of the withdrawal is to protect existing permanent water sources.

**Sixth Principal Meridian, Wyoming**

1. Public Water Reserve No. 3, withdrawn by Executive Order of April 19, 1912, as modified July 24, 1913, March 3, 1933, and November 16, 1933.

T. 16 N., R. 99 W.,  
Sec. 6, lot 4.  
T. 20 N., R. 99 W.,  
Sec. 6, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 22 N., R. 100 W.,  
Sec. 18, lot 6, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 23 N., R. 100 W.,  
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 25 N., R. 100 W.,  
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 23 N., R. 101 W.,  
Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 25 N., R. 101 W.,  
Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 17 N., R. 102 W.,  
Sec. 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 23 N., R. 102 W.,  
Sec. 3, lot 3;  
Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 24 N., R. 102 W.,  
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 14 N., R. 103 W.,  
Sec. 7, lots 5, and 11.  
T. 23 N., R. 103 W.,  
Sec. 6, lots 3, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 7, lot 3, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 8, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, N $\frac{1}{2}$ S $\frac{1}{2}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 19, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 24 N., R. 103 W.,  
Sec. 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 23 N., R. 104 W.,  
Sec. 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 24 N., R. 104 W.,  
Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 30, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 31, lot 4;

Sec. 32, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 13 N., R. 105 W.,  
Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 7, lot 1;  
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 17 N., R. 105 W.,  
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 21 N., R. 105 W.,  
Sec. 32, W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 4,756.63 acres in Sweetwater County, Wyoming.

2. Public Water Reserve No. 18, withdrawn by Executive Order of March 21, 1914.

T. 26 N., R. 97 W.,  
Sec. 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40 acres in Sweetwater County, Wyoming.

3. Public Water Reserve No. 32, withdrawn by Executive Order of February 29, 1916.

T. 18 N., R. 97 W.,  
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 23 N., R. 100 W.,  
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described contains 200.00 acres in Sweetwater County, Wyoming.

4. Public Water Reserve No. 149, withdrawn by Executive Order of February 14, 1933.

T. 12 N., R. 106 W.,  
Sec. 3, lot 9;  
Sec. 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 79.91 acres in Sweetwater County, Wyoming.

5. Public Water Reserve No. 107, withdrawn by Secretarial Order of January 18, 1930.

T. 12 N., R. 111 W.,  
Sec. 13, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40.00 acres in Sweetwater County, Wyoming.

6. Public Water Reserve No. 107, withdrawn by Secretarial Order of April 15, 1931.

T. 28 N., R. 100 W.,  
Sec. 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described contains 40.00 acres in Sweetwater County, Wyoming.

7. Public Water Reserve No. 107, withdrawn by Secretarial Order of April 8, 1932.

T. 13 N., R. 111 W.,  
Sec. 3, lot 7.

The area described contains 40.03 acres in Sweetwater County, Wyoming.

8. Public Water Reserve No. 107, withdrawn by Secretarial Order of February 15, 1933.

T. 12 N., R. 101 W.,  
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described contains 80 acres in Sweetwater County, Wyoming.

9. Public Water Reserve No. 107, withdrawn by Secretarial Order of November 19, 1934.

T. 14 N., R. 111 W.,  
Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 80 acres in Sweetwater County, Wyoming.

10. Public Water Reserve No. 107, withdrawn by Secretarial Order of January 18, 1935.

T. 12 N., R. 103 W.,  
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 40 acres in Sweetwater County, Wyoming.

11. Public Water Reserve No. 107, withdrawn by Secretarial Order of March 28, 1935.

T. 13 N., R. 107 W.,  
Sec. 21, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described contains 40 acres in Sweetwater County, Wyoming.

12. Public Water Reserve No. 107, withdrawn by Bureau of Land Management Order of September 8, 1955.

T. 14 N., R. 120 W.,  
Sec. 14, E $\frac{1}{2}$ NW $\frac{1}{4}$ .

The area described contains 80 acres in Uinta County, Wyoming.

13. Public Water Reserve No. 107, withdrawn by Bureau of Land Management Order of October 23, 1956.

T. 24 N., R. 109 W.,  
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 40 acres in Sweetwater County, Wyoming.

14. Public Water Reserve No. 107, withdrawn by Bureau of Land Management Order of May 12, 1959.

T. 22 N., R. 99 W.,  
Sec. 8, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40 acres in Sweetwater County, Wyoming.

15. Public Water Reserve No. 107, withdrawn by Bureau of Land Management Order of August 21, 1959.

T. 14 N., R. 109 W.,  
Sec. 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 80 acres in Sweetwater County, Wyoming.

16. Public Water Reserve No. 107, withdrawn by Bureau of Land Management Order of December 10, 1959.

T. 23 N., R. 106 W.,  
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 23 N., R. 107 W.,

Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 80 acres in Sweetwater County, Wyoming.

Upon the Secretary's approval of the Public Land Order, all of the lands

described above will be opened to nonmetalliferous mineral location, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

17. The following lands were withdrawn by Public Water Reserve No. 107, established by Executive Order of April 17, 1926, but were not previously noted on the official land office records. Upon the Secretary's approval of the Public Land Order, the following described lands will be segregated from the operations of the public land laws generally. The lands have been and will continue to be open to mineral location and mineral leasing, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

T. 17 N., R. 95 W.,  
Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 17 N., R. 96 W.,  
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 21 N., R. 97 W.,  
Sec. 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 22 N., R. 97 W.,  
Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 22 N., R. 98 W.,  
Sec. 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 25 N., R. 98 W.,  
Sec. 18, lot 1, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 15 N., R. 99 W.,  
Sec. 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 20 N., R. 99 W.,  
Sec. 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 22 N., R. 99 W.,  
Sec. 14, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 23 N., R. 99 W.,  
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 14 N., R. 100 W.,  
Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 16 N., R. 100 W.,  
Sec. 14, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 17 N., R. 100 W.,  
Sec. 18, lot 8.

T. 20 N., R. 100 W.,  
Sec. 30, lots 5, 6, and N $\frac{1}{2}$  of lot 7.

T. 22 N., R. 100 W.,  
Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 24 N., R. 100 W.,  
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 26 N., R. 100 W.,  
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 12 N., R. 101 W.,  
Sec. 18, lots 5, 6, and 15;  
Sec. 19, lot 8.

T. 13 N., R. 101 W.,  
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 17 N., R. 101 W.,  
Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 18 N., R. 101 W.,

Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 21 N., R. 101 W.,  
Sec. 18, lot 2, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 22 N., R. 101 W.,  
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 24 N., R. 101 W.,  
Sec. 4, lot 6, and E $\frac{1}{2}$  of lot 7;  
Sec. 5, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 25 N., R. 101 W.,  
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 22, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 26 N., R. 101 W.,  
Sec. 6, lot 1;  
Sec. 31, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 27 N., R. 101 W.,  
Sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 12 N., R. 102 W.,  
Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 13, lot 1;

Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 15, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 21, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 22, lot 8.

T. 13 N., R. 102 W.,  
Sec. 11, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 20, lot 1;

Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 30, lot 5;

Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 32, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 34, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 14 N., R. 102 W.,  
Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 17 N., R. 102 W.,  
Sec. 2, lot 2.

T. 23 N., R. 102 W.,  
Sec. 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 17, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 24 N., R. 102 W.,  
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 25 N., R. 102 W.,  
Sec. 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 26 N., R. 102 W.,  
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 27 N., R. 102 W.,  
Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 28 N., R. 102 W.,  
Sec. 2, lot 2;

Sec. 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 29 N., R. 102 W.,  
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 12 N., R. 103 W.,  
Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 3, lot 7;

Sec. 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 6, lot 8, 9, and 10;

Sec. 8, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

- Sec. 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 15, lot 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 22, lot 8.  
 T. 13 N., R. 103 W.,  
 Sec. 5, lot 6;  
 Sec. 6, lot 14;  
 Sec. 23, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 25, lot 2, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 31, lot 12;  
 Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 34, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 36, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 14 N., R. 103 W.,  
 Sec. 3, lot 6;  
 Sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 17 N., R. 103 W.,  
 Sec. 4, lot 3;  
 Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 24 N., R. 103 W.,  
 Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
 E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 25 N., R. 103 W.,  
 Sec. 18, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 29 N., R. 103 W.,  
 Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 30 N., R. 103 W.,  
 Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 12 N., R. 104 W.,  
 Sec. 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 13 N., R. 104 W.,  
 Sec. 7, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 14 N., R. 104 W.,  
 Sec. 21, lot 2, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 24, lot 3;  
 Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 16 N., R. 104 W.,  
 Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 17 N., R. 104 W.,  
 Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 18, lot 5;  
 Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 18 N., R. 104 W.,  
 Sec. 18, lot 6;  
 Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 23 N., R. 104 W.,  
 Sec. 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 24 N., R. 104 W.,  
 Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 11, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 29 N., R. 104 W.,  
 Sec. 1, lot 1;  
 Sec. 26, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 12 N., R. 105 W.,  
 Sec. 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 13 N., R. 105 W.,  
 Sec. 6, lot 10;  
 Sec. 12, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 20, lot 4;  
 Sec. 21, lot 9;  
 Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 15 N., R. 105 W.,  
 Sec. 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 10, NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 18, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 21 N., R. 105 W.,  
 Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 23 N., R. 105 W.,  
 Sec. 12, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 and E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 24 N., R. 105 W.,  
 Sec. 1, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 30 N., R. 105 W.,  
 Sec. 2, S $\frac{1}{2}$  of lot 2, and N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 14, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 12 N., R. 106 W.,  
 Sec. 2, lot 7;  
 Sec. 5, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 13 N., R. 106 W.,  
 Sec. 12, lot 37-E;  
 Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 23, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
 and S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 36, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 T. 14 N., R. 106 W.,  
 Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 27, N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 15 N., R. 106 W.,  
 Sec. 2, lot 3;  
 Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 30, lot 1.  
 T. 21 N., R. 107 W.,  
 Sec. 24 SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 27 N., R. 107 W.,  
 Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ N  
 W $\frac{1}{4}$ ;  
 Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 24 N., R. 109 W.,  
 Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 12 N., R. 110 W.,  
 Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 14 N., R. 110 W.,  
 Sec. 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 8, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 9, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 25, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 15 N., R. 110 W.,  
 Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 25 N., R. 110 W.,  
 Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 12 N., R. 111 W.,  
 Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 13 N., R. 111 W.,  
 Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 5, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 14 N., R. 111 W.,  
 Sec. 3, lot 5, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 16, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 18, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 22, lot 1, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 32, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 15 N., R. 111 W.,  
 Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 21 N., R. 112 W.,  
 Sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 20, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 13 N., R. 112 W.,  
 Sec. 17, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 24, N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 T. 14 N., R. 112 W.,  
 Sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 12 N., R. 113 W.,  
 Sec. 13, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 21, lot 4;  
 Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 13 N., R. 113 W.,  
 Sec. 3, lot 7, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 14 N., R. 113 W.,  
 Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 12 N., R. 114 W.,  
 Sec. 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 The area described contains 9,747.13 acres  
 in Fremont, Sublette, Sweetwater, and Uinta  
 Counties, Wyoming.
18. The following Public Water  
 Reserves will remain segregated from  
 nonmetalliferous location. These lands  
 are within an established developed  
 public Recreation Area. (Fourteen Mile  
 Recreation Area).  
 T. 21 N., R. 105 W.,  
 Sec. 32, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and  
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 The area described contains 130.00 acres in  
 Sweetwater County, Wyoming.
- Notice is hereby given, that a public  
 meeting may be afforded in connection  
 with the proposed withdrawal  
 continuation. All interested persons who  
 desire a meeting to be held on the  
 proposal must submit a written request  
 for a meeting to the undersigned on or  
 before December 9, 1982. Upon the  
 determination by the State Director,  
 Bureau of Land Management, that a  
 public meeting shall be held, a notice  
 stating the time and place of the  
 meeting, shall be published in the  
**Federal Register** and in at least one  
 newspaper having a general circulation  
 in the vicinity of lands involved, at least  
 30-days before the scheduled date of the  
 meeting. All persons who wish to submit  
 comments, suggestions, or objections in  
 connection with the proposed  
 withdrawal continuation may present  
 their views in writing to the undersigned  
 authorized officer of the BLM on or  
 before December 9, 1982.
- The authorized officer of the BLM will  
 undertake such investigations as are  
 necessary and prepare a report for  
 consideration of the Office of the  
 Secretary of the Interior. The final  
 determination on the continuation of the  
 withdrawal will be published in the  
**Federal Register**. The existing  
 withdrawals will continue until such  
 final determination is made.

All communications in connection with the proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-24896 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 82-29]

**Final Riley Grazing Management Environmental Impact Statement; Notice of Availability**

**AGENCY:** Bureau of Land Management, Interior.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Impact Statement for the Riley EIS area. The proposal involves implementing a livestock grazing program on public lands within the Riley EIS area of the Burns District in central Oregon.

Public reading copies will be available for review at the following locations:

- Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon
- Bureau of Land Management, Burns District Office, 745 Alvord St., Burns, Oregon
- Library, University of Oregon, Eugene, Oregon
- Central Oregon Community College, College Way, Bend, Oregon
- Library, Portland State University, 727 SW Harrison, Portland, Oregon
- Harney County Library, 80 West D, Burns, Oregon
- Library, Oregon State University, Corvallis, Oregon

A limited number of copies are available upon request to the BLM Oregon State Office or the Burns District Office.

Comments for the District Manager's consideration in development of the decision will be accepted until October 30, 1982.

Comments on the final EIS may be sent to: Burns District Office, 74 S. Alvord St., Burns, Oregon 97720.

Dated: August 24, 1982.

Stanley D. Butzer,

Chief, Division of Resources.

[FR Doc. 82-24879 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

**New Mexico San Juan Basin, Scope of Pending Environmental Impact Studies; Correction**

**AGENCY:** Bureau of Land Management.

**ACTION:** To correct information in three Federal Register NOTICES on the scope of pending environmental impact studies in the San Juan Basin in New Mexico and to change the contact for each.

**SUMMARY:** On November 13, 1980, volume 45, no. 221, page 74998, the Bureau of Land Management (BLM) gave notice of its intent to prepare an environmental impact statement on four related actions in the San Juan Basin of northwestern New Mexico. On December 9, 1980, volume 45, no. 238, page 81128 and on February 6, 1981, volume 46, no. 25, page 11366, the Bureau of Land Management announced scoping meetings on the New Mexico Generating Station and the San Juan Basin Cumulative Overview.

To ensure that the public is fully informed about the status of the documents discussed in those notices, the Bureau of Land Management is taking this opportunity to correct two minor points which appeared in some or all of those notices and to change the contact person for these documents.

1. Contrary to the notices, the environmental study documents will not cover the proposed Multiple Resource Program. This is due to recent decisions included in the Chaco/San Juan MFP planning update. The Multiple Resource Program and associated construction of a visitor center and office complex at Pierre's Site will not be considered in a time frame which would allow it to be included in the Cumulative Overview preparation. This does not mean that on-the-ground management will not occur. On-the-ground management by BLM personnel will continue.

2. The earlier notices describe the Cumulative Overview as an Environmental Impact Statement. It would be more accurate to say that the Cumulative Overview is not an EIS but a separate document which will be filed with and considered a part of the three site specific EIS's.

The revised contact list for each of the documents is as follows:

1. San Juan Basin Cumulative Overview; Contact: Bob Armstrong, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501; (505) 988-6226 FTS 476-6226.
2. New Mexico Generating Station EIS; Contact: Leslie Cone, Bureau of Land Management, New Mexico State Office,

P.O. Box 1449, Santa Fe, New Mexico 87501; (505) 988-6187 FTS 476-6187.

3. Wilderness Study Areas (WSA's) EIS; Contact: Sarah Spurrier, Bureau of Land Management, Albuquerque District Office, 3550 Pan American Freeway Albuquerque, New Mexico 87107; (505) 766-2455 FTS 474-2455.
4. San Juan River Regional Coal Leasing EIS; Contact: Lee Larson, Bureau of Land Management, Farmington Resource Area Headquarters, La Plata Highway, Farmington, New Mexico 87401; (505) 325-3581 FTS (505) 325-3581.

**DATE:** Effective date is the date of publication of this notice (September 10, 1982).

**ADDRESS:** Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501.

**FOR FURTHER INFORMATION CONTACT:**

Gene Day, Bureau of Land Management, New Mexico State Office; Telephone number: Comm. (505) 988-6226 FTS 476-6226.

Charles W. Luscher,  
State Director.

[FR Doc. 82-24841 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

**Wind Energy Resource Competitive Rights-of-Way Sale; San Gorgonio Pass**

Notice is hereby given that approximately 1,366 acres of public land in six (6) parcels within the San Gorgonio Pass in Riverside County, California, will be offered competitively for sale under the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1976) through sealed and oral bids to the qualified responsible bidder of the highest cash amount per acre per year.

Bids will be accepted only on parcels identified in Alternative 2 of the San Gorgonio Pass Wind Energy Project Final Environmental Impact Statement (EIS) and only the qualified applicants for each parcel will be allowed to submit bids as recorded in the final decision issued July 26, 1982. Except as herein modified, procedures for the sale shall be as stated in the February 25, 1982 Federal Register (Vol. 47, No. 36, pages 8253 and 8254).

Right-of-way grants will contain, but will not be limited to, the terms and conditions found in the February 25, 1982 Federal Register NOTICE and the Environmental Impact Statement. The order of bid will be as follows:

Parcel name	Legal description	Qualified bidders
Whitewater Floodplain 20/28	T. 3 S., R. 4 E., SBM; Portions of Secs. 20 and 28, approximately 625 acres.	Windfarms Ltd., U.S. Windpower, Inc., Southern California Edison Co., PanAero Corp.
Whitewater Floodplain 22	T. 3 S., R. 4 E., SBM; within SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ ; Sec. 22, approximately 166 acres.	Do.
Whitewater Floodplain 14	T. 3 S., R. 3 E., SBM; within E $\frac{1}{4}$ E $\frac{1}{4}$ Sec. 14, approximately 63 acres.	Do.
Whitewater Hill	T. 3 S., R. 3 E., SBM; within the S $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ S $\frac{1}{4}$ , Sec. 12, approximately 35 acres.	Windfarms Ltd., U.S. Windpower, Inc., Southern California Edison Company, San Geronio Farms, Inc.
Alta Mesa	T. 3 S., R. 3 E., SBM; portion of N $\frac{1}{4}$ , Sec. 4, approximately 68 acres.	U.S. Windpower, Inc., PanAero Corp., Windfarms, Ltd.
North Whitewater	T. 2 S., R. 3 E., SBM; portions of Secs. 27, 33, 34, approximately 409 acres.	Windfarms, Ltd., U.S. Windpower Inc., Southern California Edison Company, PanAero Corp., City of Riverside.

Portions of the sale area are contained within a Recreation and Public Purposes (R&PP) application received from the City of Palm Springs. The Bureau's proposed decision issued on July 30, 1982 denied the application and established a 30-day comment period prior to the initial decision. In the event a protest is filed on either the proposed and/or initial classification decisions, the award of right-of-way grants on the parcels affected by the protest will be delayed until a final decision by the Secretary of the Interior.

Bids will be submitted for each parcel in sealed envelopes. Only those bids received by the Bureau of Land Management at the California State Office, 2800 Cottage Way, Sacramento, California 95825 prior to 10:00 a.m. on October 13, 1982 will be considered. Each bid shall be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount bid and shall be enclosed in a sealed envelope clearly marked "San Geronio Pass Wind Energy Project: Parcel Name: \_\_\_\_\_, Riverside County." No bids will be accepted which are below the following values:

	Acre/ year
Whitewater Floodplain 20/28	\$86.40
Whitewater Floodplain 22	86.40
Whitewater Floodplain 14	57.60
Whitewater Hill	57.60
Alta Mesa	57.60
North Whitewater	57.60

Rental payments for the North Whitewater parcel will not be assessed for that portion of the parcel which is located within the Whitewater Wilderness Study Area (WSA) until such time Congress decides upon the WSA's Wilderness suitability.

In addition, successful bidders shall agree to pay to the United States a royalty of 2 percent of the gross revenue received from the sale of energy or the

value of the energy produced from the wind resource under the grant if the annual rental payment is less than the royalty. If the royalty provision becomes applicable within the year, the rental payment for that year shall be applied toward the royalty payment. The royalty shall be due and payable monthly on the last day of the month next following the month in which production is obtained, unless the United States designates a later time.

Rentals and royalties hereunder may be readjusted in accordance with the Federal Land Policy and Management Act and regulations to rates not in excess of the rates provided therein, and not less than twenty years from the effective date of the grant.

The sealed bids shall be opened and publicly declared at the beginning of the oral bidding. The purpose of the oral bid is to allow each qualified participant submitting a sealed bid to revise their bid. Oral bidding will begin at 11:00 a.m. on October 13, 1982 in Room W-2142 at the Federal Building, 2800 Cottage Way, Sacramento, California 95825. If two or more sealed bids for the same amount are received and no oral bids are received, then the apparent high bidder shall be determined by a drawing. At the termination of all oral bidding the apparent high bidders will be declared for each parcel.

Any person declared to have entered the approved high qualifying oral bid shall submit payment by cash, personal check, bank draft, money order or any combination thereof, any additional amount necessary to bring the amount tendered with their sealed bid up to one-fifth of the amount of the oral bid, immediately following the close of the sale.

The terms and conditions applicable to the bidding process are:

1. The declared high bidder shall submit the remainder of the full bid price within eleven months from the date the right-of-way grant is issued. Failure to submit the full bid price prior to the deadline shall result in

cancellation of the grant and the deposit shall be forfeited.

2. The United States may reject the highest qualified bid and release the bidder from his obligation and withdraw the parcel if he determines that consummation of the bidding process would be inconsistent with the provisions of any existing law or collusive or other activities have hindered or restrained free and open bidding or consummation of the bidding process would encourage or promote speculation on public lands.

For further information contact the California State Office, Division of Operations, Room E-2605, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4431.

Dated: September 1, 1982.

Ed Hastey,

State Director, Bureau of Land Management.

[FR Doc. 82-24846 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

#### [OR 5052]

#### Oregon; Termination of Disposal Classification

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the Federal Register on June 18, 1970 (35 FR 10044), approximately 18,497.84 acres of public lands, pursuant to Section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), and to the regulations in 43 CFR 2460, were classified for disposal by exchange under the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended. The lands are located in Harney and Malheur Counties, Oregon.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification as to the lands referred to in paragraph 1, is terminated upon publication of this notice in the Federal Register.

3. The following described lands are in the process of being conveyed from United States ownership and will not be open to operation of the public land laws generally, including the mining laws:

#### Willamette Meridian

T. 23 S., R. 38 E.,

Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 24, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 23 S., R. 39 E.,

Sec. 7, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 16, S $\frac{1}{2}$ ;

Sec. 17;

Sec. 18, Lot 4 and E $\frac{1}{2}$ ;

Sec. 19, Lots 1 to 10, inclusive, NE $\frac{1}{4}$ , and

N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 20, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 21, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, Lots 2 to 9, inclusive, and S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
The area described aggregates 3,719.95 acres in Malheur County, Oregon.

4. At 9:30 a.m., on October 18, 1982, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the following described lands will be open to operation of the public land laws. All valid applications received at or prior to 9:30 a.m., on October 18, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

**Willamette Meridian**

T. 23 S., R. 39 E.,  
Sec. 19, Lot 11.

The area described contains 40.00 acres in Malheur County.

5. At 9:30 a.m., on October 18, 1982, the lands referred to in paragraph 1, except as provided in paragraph 3, will be open to location under the United States mining laws. The lands referred to in paragraph 1, have been and continue to be open to applications and offers under the mineral leasing laws.

6. The surface estate of the lands referred to in paragraph 1, except the lands described in paragraphs 3 and 4, have been conveyed out of United States ownership.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 1, 1982.

Steve R. Drossos,

Acting State Director.

[FR Doc. 24905 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

**[OR 9041]**

**Oregon; Order Providing for the Opening of Public Lands**

1. The following identified Secretarial Orders of Interpretation of Public Water Reserve No. 107 are hereby revoked insofar as they affect the following described lands which do not meet the criteria of the Executive Order of April 17, 1926:

**Willamette Meridian**

*Interpretation No. 24 of June 9, 1926*

T. 24 S., R. 20 E.,  
Sec. 2, W $\frac{1}{2}$ ;  
Sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 4, W $\frac{1}{2}$ E $\frac{1}{2}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, E $\frac{1}{2}$ ;  
Sec. 10, W $\frac{1}{2}$ E $\frac{1}{2}$  and W $\frac{1}{2}$ .

*Interpretation No. 41 of February 17, 1927*

T. 35 S., R. 25 E.,  
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Interpretation No. 98 of May 3, 1929*

T. 40 S., R. 22 E.,

Sec. 13, E $\frac{1}{2}$ E $\frac{1}{2}$ .  
T. 40 S., R. 23 E.,  
Sec. 7, lots 3, 4, 5, and 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 17, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 18, lots 1 to 6, inclusive, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ .

*Interpretation No. 124 of March 17, 1930*

T. 38 S., R. 22 E.,  
Sec. 24, E $\frac{1}{2}$ SW $\frac{1}{4}$ .

*Interpretation No. 160 of April 8, 1932*

T. 41 S., R. 24 E.,  
Sec. 21, N $\frac{1}{2}$  of lot 1, SW $\frac{1}{4}$  of lot 1, N $\frac{1}{2}$ SE $\frac{1}{4}$  of lot 1, and SW $\frac{1}{4}$ SE $\frac{1}{4}$  of lot 1;  
Sec. 22, N $\frac{1}{2}$  of lot 4, N $\frac{1}{2}$ SW $\frac{1}{4}$  of lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$  of lot 4, and SE $\frac{1}{4}$  of lot 4.

**Fremont National Forest**

T. 30 S., R. 14 E.,  
Sec. 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

*Interpretation No. 177 of February 15, 1933*

T. 38 S., R. 24 E.,  
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 36 S., R. 26 E.,  
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 41 S., R. 29 E.,  
Sec. 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

*Interpretation No. 184 of April 13, 1933*

T. 38 S., R. 26 E.,  
Sec. 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

*Interpretation No. 185 of May 6, 1933*

T. 40 S., R. 28 E.,  
Sec. 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 12, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 40 S., R. 29 E.,  
Sec. 6, lot 6, NE $\frac{1}{4}$  of lot 7, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 7, lots 1, 2, 3, and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 18, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

*Interpretation No. 188 of August 23, 1933*

T. 40 S., R. 25 E.,  
Sec. 35, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Interpretation No. 196 of February 3, 1934*

T. 36 S., R. 26 E.,  
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 38 S., R. 27 E.,  
Sec. 19, lots 1 and 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$ .

*Interpretation No. 208 of August 22, 1934*

T. 40 S., R. 25 E.,  
Sec. 23, W $\frac{1}{2}$ SE $\frac{1}{4}$ .

*Interpretation No. 211 of November 19, 1934*

T. 35 S., R. 24 E.,  
Sec. 9, all.  
T. 35 S., R. 27 E.,  
Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 38 S., R. 27 E.,  
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 39 S., R. 27 E.,  
Sec. 34, lots 11 to 18, inclusive.

*Interpretation No. 212 of January 18, 1935*

T. 36 S., R. 22 E.,  
Sec. 6, lots 6 and 7;  
Sec. 7, lots 3 and 4, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Interpretation No. 214 of March 28, 1935*

T. 41 S., R. 14 $\frac{1}{2}$  E.,  
Sec. 1, lots 1, 3, and 4, NE $\frac{1}{4}$  of lot 2, S $\frac{1}{2}$  of lot 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ .  
T. 40 S., R. 23 E.,  
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Interpretation No. 221 of November 7, 1935*

T. 38 S., R. 23 E.,  
Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 39 S., R. 23 E.,  
Sec. 3, lots 2 and 3.

*Interpretation No. 234 of November 16, 1937*

T. 40 S., R. 10 E.,  
Sec. 11, S $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 82 S., R. 23 E.,  
Sec. 13, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

**General Land Office Order of September 21, 1945**

T. 30 S., R. 23 E.,  
Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 7,716.95 acres in Lake County, Oregon.

2. The following described lands are included in the Hart Mountain National Antelope Refuge and remain segregated from operation of the public land laws generally, including the mining laws:

**Willamette Meridian**

T. 35 S., R. 25 E.,  
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 36 S., R. 26 E.,  
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 35 S., R. 27 E.,  
Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

3. At 9:30 a.m., on October 19, 1982, the land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 16, T. 30 S., R. 14 E., subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law will be open to such forms of disposition as may by law be made of national forest lands.

4. At 9:30 a.m., on October 19, 1982, the lands described in paragraph 1, except as provided in paragraphs 2 and 3, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:30 a.m., on October 19, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 9:30 a.m., on October 19, 1982, the lands described in paragraph 1, except as provided in paragraph 2, will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 2, 1982.

Steve R. Drossos,  
Acting State Director.

[FR Doc. 82-24906 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-84-M

### National Park Service

#### The Statue of Liberty-Ellis Island Centennial Commission; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Commission Act (Pub. L. 92-463), as amended, notice is hereby given that meetings of the Statue of Liberty-Ellis Island Centennial Commission will be held on September 15, 1982 at the New York Yacht Club, 37 W. 44th Street, New York, New York. These meetings are for the purpose of planning for the restoration and preservation of the Statue of Liberty and Ellis Island including reviewing and discussing the feasibility, reasonableness and practicality of proposals submitted for the leasing of structures on Ellis Island, including information given in confidence by the proposal applicants. In accordance with the determination of the Director, National Park Service, the meetings will be closed to the public pursuant to Title 5 U.S.C. 552b(c)(4). Further information with reference to these meetings can be obtained from Garnet Chapin, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240 (202-343-7343).

Dated: September 7, 1982.

Russell E. Dickenson,  
Director, National Park Service.

M. R. Tidwell,  
Deputy Solicitor.

[FR Doc. 82-24921 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-70-M

### Office of Surface Mining

#### Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been

submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jeffrey Hill, at 202-395-7340.

Title: 30 CFR Part 775 General Content Requirements for Permit Applications.

Bureau Form Number: None.

Frequency: Once Every Five Years.

Description of Respondents: Coal Mine Operators.

Annual Responses: 11,900.

Annual Burden Hours: 22,312.

Bureau clearance officer: Darlene Grose,  
202-343-5447.

Dated: August 27, 1982.

Ann L. Chapman,  
Acting Assistant Director, Management and Budget.

[FR Doc. 82-24899 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-05-M

### INTERSTATE COMMERCE COMMISSION

[Docket AB-167 (Sub-428N)]

#### Conrail Abandonment in Newark, NY; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate and decision authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 329.0, and milepost 330.0 in the County of Wayne, NY, a total distance of one mile effective on March 12, 1982.

The net liquidation value of this line is \$98,249. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-24871 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket AB-167 (Sub-190N)]

#### Conrail Abandonment Between State Line, PA, and Latimer, OH; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate and decision authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 141.3, near State Line, PA and milepost 147.3 near Latimer, OH, a total distance of 6.0 miles effective June 11, 1982.

The net liquidation value of this line is \$319,007. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-24870 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 180N)]

#### Conrail Abandonment Between Pymatuning and State Line, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate and decision authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 135.2, at Pymatuning and milepost 141.4 near State Line, PA, a total distance of 5.2 miles effective on June 11, 1982.

The net liquidation value of this line is \$273,167. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-24869 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

**Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)**

September 3, 1982.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43977, St. Louis Southwestern Railway Company (No. 1), reduced rates on grain and soybeans from Tucumcari, NM to Galveston, Houston, and Texas City, TX for export, in Supplement 6, ICC SSW 4918-A, effective September 20, 1982. Grounds for relief—Market Competition.

By the Commission.  
Agatha L. Mergonovich,  
Secretary.

[FR Doc. 82-24865 Filed 9-9-82; 8:45 am]  
BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-38)]

**Rail Carriers; Louisville and Nashville Railroad Company—Abandonment—in Fannin County, GA and Cherokee County, NC; Findings**

The Commission has found that the public convenience and necessity permit the Louisville and Nashville Railroad Company to abandon a 23.3 mile portion of its line of railroad between milepost KG-393.5 near Murphy Junction, in Fannin County, GA, and milepost KG-416.8 near Murphy, in Cherokee County, NC. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10 day period.

Information and procedures regarding financial assistance for continued rail services are contained in 49 U.S.C. 10905

and 49 CFR 1121.38.

Agatha L. Mergonovich,  
Secretary.

[FR Doc. 82-25067 Filed 9-9-82; 9:33 am]

BILLING CODE 7035-01-M

[Ex Parte 397 (Sub-253)]

**Rail Carriers, Burlington Northern Railroad Co. Exemption for Contract Tariff ICC-BN-C-0130 (Canned Food)**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of provisional exemption

**SUMMARY:** A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

**DATE:** Protests are due on or before September 21, 1982.

**ADDRESS:** An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Tom Smerdon, (202) 275-7277.

**SUPPLEMENTARY INFORMATION:** The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

The grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 2, 1982.

By the Commission, Division 1,  
Commissioners Sterrett, Simmons and  
Gradison. Commissioner Gradison did  
not participate.

Agatha L. Mergonovich,  
Secretary.

[FR Doc. 82-24874 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30015]

**Rail Carriers; Union Pacific Railroad Co. and Los Angeles & Salt Lake Railroad Company—Abandonment and Acquisition of Trackage Rights Over the Atchison, Topeka & Santa Fe Railway Co.; Notice of Exemption**

September 3, 1982

On August 12, 1982, as supplemented on August 26, 1982, Union Pacific Railroad Company (UP) and Los Angeles & Salt Lake Railroad Company (LA&SLR) filed a joint petition for exemption of their proposed relocation project under 49 CFR 1111.2(d)(5). See *Railroad Consolidation Procedures*, 366 I.C.C. 75, 94 (1982).

Under the proposed relocation project, LA&SLR will abandon its line of railroad between mileposts 56.62 and 58.96, a distance of 1.44 miles in the City of Riverside, Riverside County, CA and UP will discontinue operations over that line. That portion of the line from milepost 58.03 to 58.06 will be retained and reclassified as side trackage.

In order to continue moving its thorough traffic, UP will acquire trackage rights over the nearby line of Atchison, Topeka & Santa Fe Railway Company (AT&SF) between Riverside Junction and Riverside. UP, in pertinent part, is to pay 100 percent for modifications and extension of AT&SF facilities, replacement of storage track at Highgrove and future cross over and turnout for double track. Additionally UP will make payments as agreed between the parties.

There are no agency or nonagency stations located on the current line to be abandoned. Neither are there any shippers that are currently served by the trackage to be abandoned and hence, there will be no disruption of service as a result of the proposal.

Currently, there are two mainline operations through the City of Riverside, one by UP and the other by AT&SF. After the proposed abandonment and the shift of operations to the AT&SF trackage, only one mainline railroad transportation corridor will exist through the City of Riverside.

Abandonment will enhance the efficiency of UP's operation and improve safety factors. Presently, UP's operations lie within or are adjacent to several public roadways, causing carrier speed restrictions on freight train movements. Relocation will remove the speed restrictions.

This is a joint project involving the relocation of a line which is considered exempt since the relocation does not interrupt service to shippers (49 CFR

111.2(d)(5)). Consummation may occur upon publication of this notice.

Under 49 U.S.C. 10505(g)(2), the Commission cannot exempt a transaction if it will relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. Petitioners are agreeable to protect its employees as required in *Oregon Short Line R. Co.*

*Abandonment—Goshen*, 360 I.C.C. 91 (1979) (*Oregon III*). However this relocation project has two component parts, the abandonment to be followed by trackage rights. While *Oregon III* will be imposed with regard to the abandonment feature, the level of labor protections being imposed in the trackage rights transaction was developed in *Norfolk & Western Ry. Co.—Trackage Rights—BN*, (Mendocino) 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). As a condition to the use of the exemption, any employee affected by the abandonment transaction will be protected under the conditions set forth in *Oregon III* and any employee affected by the trackage rights will be protected under the conditions set forth in *Mendocino*. This will satisfy the statutory requirement of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy,  
Director, Office of Proceedings.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-24868 Filed 9-9-82; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

##### We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the

relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate the consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

##### It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administration requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3,  
Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,  
Secretary.

MC-FC-79970. By decision of August 20, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to COMMON CARRIERS, INC., of Certificate No. MC-139248 (Sub-No. 6)X issued April 22, 1982 to CONTRACT CARRIERS, INC. authorizing the transportation of commodities in bulk between points in WA, OR and ID. Representative: George R. LaBissoniere, Attorney, 15 S. Grady Way, Suite 239, Renton, WA 98055.

MC-FC-79967. By decision of 8-20-82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to WATERMELON CITY TRUCKING, INC., of Hope, AR of Certificate No. MC-153774 and Sub 1 issued to S & C TRANSPORTATION, INC., OF Conway, AR, authorizing food and related products, between Jackson, TN, on the one, hand, and, on the other, points in TN, AR, OH, KY, GA, IL, IN, MO, TX, and WV; such commodities as are dealt in or used by variety and department stores, between points in AR, KS, MO, OK, TN, and TX, on the one hand, and, on the other, points in the U.S. Representative: Thomas B. Staley, 1550

Tower Bldg., Little Rock, AR 72201. TA lease is sought. Transferee is not a carrier.

MC-FC-79971. By decision of 8/20/82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TYLER TRANSPORT LIMITED OF ACTON, of Ontario, Canada of Certificate No. MC-147090 Sub 1 issued to ANDRE R. DESJARDINO LIMITED of Cornwell, Ontario, Canada authorizing: Passengers and their baggage, in round-trip charter and special operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Michigan and New York and extending to points in the United States (except AK and HI). Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202. TA lease is not sought. Transferee is a carrier.

MC-FC-79978. By decision of August 20, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to QUABOAG TRANSFER, INC., of Spencer, MA, of the following authority issued to JADEEL TRUCKING, INC., of Tamarac, FL: Certificate No. MC-144225 (Sub-No. 2) authorizing the transportation of lumber and wood products between points in Hampden County, MA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, VA, and DC. Certificate No. MC-144225 (Sub-No. 4) authorizing the transportation of lumber and wood products between points in Hampden County, MA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, ME, MS, NH, NC, OH, RI, SC, TN, VT, WV; that portion of Permit No. MC-144225 (Sub-No. 3) which authorizes the transportation of lumber and wood products between points in the U.S. under a continuing contract or contracts with Pinkham Lumber Division of Great Northern-Nekoosa Corporation of Nashville Plantation, ME. Representative: Raymond P. Keigher, 401 East Jefferson Street, Suite 102, Rockville, MD 20850.

Note.—Transferee holds no authority from this Commission. TA has not been sought.

MC-FC-79983. By decision of 8-18-82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MOUNTAIN HIGH TRANSPORTATION, INC., of Denver, CO, of that portion of Certificate No. MC-134286 (Sub-No. 172)X, issued to ILLINI EXPRESS, INC., of Sioux City, IA, authorizing the transportation of (1)

*Food and related products, instruments and photographic goods, chemicals and related products, tobacco products, and such commodities as are dealt in by distribution consolidation warehouses* for the commodities described above, between points in Denver, Jefferson, Douglas, Arapahoe, Adams and Boulder Counties, CO, and Bernalillo and Sandoval Counties, NM, on the one hand, and, on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas and Louisiana; and (2) *Food and related products* (except in bulk), between points in Albany County, WY, on the one hand, and, on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas and Louisiana; Representative: Charles J. Kimball, 665 Capital Life Center, 1600 Sherman, Denver, CO 80203.

Notes.—Transferee holds no authority from the Commission. An application for TA has been filed.

MC-FC-80016. By decision of September 1, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to SAMUEL LEO DUTTON, d.b.a. LEO DUTTON & SONS, of Baltimore, MD, of Certificate No. MC-1813 (Sub-No. 1), issued to CLIPPER MOVING & STORAGE, INC., also of Baltimore, MD, which authorizes the transportation of *household goods*, between Baltimore, MD, and points within 6 miles of Baltimore, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, VA, and DC. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005.

Note.—Transferee is not a carrier.

#### Republication

MC-FC-79784. By decision of August 23, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 modified its prior decision published July 12, 1982, and approved the transfer to S.T.C. TRUCKING CO., INC., of Corriganville, MD, of Certificate No. MC-154569 (Sub-No. 4), issued to LEYDIG TRUCKING, INC., of Corriganville, MD, authorizing coal, between points in VA, on the one hand, and, on the other, points in PA, MD, and WV. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740.

MD-FC-79997. By decision of August 24, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to COAST TO COAST INTERNATIONAL TRANSPORT CORP. of Permit No. MC-146068 (Sub-No. P-

12)X issued May 20, 1982 to CONSOLIDATED CARRIERS INTERNATIONAL TRANSPORT CORPORATION authorizing the transportation of textile mill products and rubber and plastic products between points in the United States (except AK and HI) under continuing contract(s) with Wellman, Inc. of Boston, MA. Representative: Robert B. Walker, Esq., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004.

MC-FC-79985. By decision of August 25, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to N.D.E. TRUCKING CORP. of Certificate No. MC-86101 (Sub-No. 6F) issued November 19, 1974 and November 7, 1980, respectively to AFT SERVICES, INC. sererily authorizing the transportation of general commodities (with exceptions) (1) between points in that part of New York, NY, Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), and those points in New Jersey within 5 miles of New York, NY, and all of any municipality in New Jersey any part of which is within 5 miles of New York, NY, on the one hand, and, on the other, points in New York, and New Jersey, within 35 miles of Columbus Circle, New York, NY, and (2) between the facilities of Emery Air Freight Corp., at (a) Stewart Field, Newburgh, NY, and (b) Monticello Airport, Monticello, NY, on the one hand, and, on the other, Newark, NJ, restricted in (2)(a) and (b) to the transportation of traffic having a prior or subsequent movement by air. Representative: George A. Olsen, Registered Practitioner, P.O. Box 357, Gladstone, NJ 07934.

MC-FC-79986. By decision of August 25, 1982 issued under 49 U.S.C. 20926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to TRANSPORT CANORA LTEE, L'Acadie, Quebec, Canada, of Certificate No. MC-134847 (Sub-Nos. 2, 3, 7, and 9) issued December 21, 1971, September 19, 1973, July 9, 1974, and July 2, 1976, to BESSETTE TRANSPORT, INC., L'Acadie, Quebec, Canada, authorizing the transportation of (1) agricultural implements, agricultural machinery and farm machinery, and parts and accessories, with shipments of agricultural implements, agricultural machinery, and farm machinery from named points in PA to named NY ports of entry on the boundary line between

the United States and Canada; (2) slate from (a) ports of entry on the said boundary line in NY and VT to East Rutherford, NJ, and (b) named points in PA, NJ, NY, and VT, to named ports of entry in NY and VT on the said boundary line, subject to restriction; (3) agricultural, industrial, and construction machinery and equipment, and attachments for equipment designed for use with such machinery and equipment, such machinery and equipment as dealt in by lawn and garden dealers, and trailers designed for the transportation of such machinery, and attachments, accessories, parts, and supplies used in and for the manufacture, repair, and assembly of aforementioned commodities, subject to restrictions, from the facilities of the New Holland Division, Sperry Rand Corporation, at New Holland, Mountville, and Belleville, PA to ports of entry on the boundary line between the United States and Canada at named NY ports of entry, subject to restrictions; (4) slate, from Middle Granville, NY, and points in Rutland County, VT, to ports of entry on the boundary line between the United States and Canada at named NY and VT ports of entry; (5) lumber, from named ports of entry on the boundary line between the United States and Canada in NY, VT, and ME to points in ME, VT, CT, MA, RI, NY, NJ, PA, MD, DE, VA, WV, NC, and SC; (6) baled cotton rags, from New York, NY, Roselle Park, Passaic, and Jersey City, NJ, Lawrence, Worcester, Boston, and Framingham, MA, and Baltimore, MD, to ports of entry on the boundary line between the United States and Canada at named points in NY and VT, subject to restrictions. Transferee is not a carrier. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

MC-FC-79987. By decision of August 24, 1982 issued under 49 U.S.C. 10924 and the transfer rules at 49 C.F.R. 1133 Review Board Number 3 approved the transfer to ALL WAYS TRAVEL, INC. of License MC-130946F issued April 22, 1981 to MANCHESTER TRAVEL SERVICE, Ltd. authorizing the engagement in operations as a broker at Ballwin and DesPere, MO in arranging for the transportation of passengers and their baggage, in special and charter operations, beginning and ending at points in MO, IL, IN, KY, IA, AR, and TN and extending to points in the United States (including AK and HI). Representative: Ross G. Lavin, Attorney at Law, 705 Olive Street, Suite 1320, St. Louis, MO 63101.

MC-FC-79998. By decision of August 25, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132,

Review Board Number 3 approved the transfer to PRATT WELL SERVICE, INC., of Pratt, KS, of Certificate No. MC-138076 (Sub-No. 5), issued to HEAVY HAULING, INC., of Salina, KS, authorizing the transportation of (1) machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up thereof, between points in KS and OK. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612.

**Notes.**—Transferee holds no authority from this Commission. TA has not been sought.

MC-FC-80001. By decision of August 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 3 approved the transfer to R F FREIGHT LINES, INC., of Braintree, MA, of Certificate of Registration No. MC-98596 (Sub-No. 1) issued January 16, 1964, to D&S FREIGHT SERVICE, INC., of Boston, MA, authorizing the transportation of general commodities between points in Massachusetts. Representative: Lawrence T. Shields, Esq., 316 Summer Street, 5th Floor, Boston, MA 02210.

MC-FC-80006. By decision of August 25, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 3 approved the transfer to A. E. ENTERPRISE INC., d.b.a. SASNETT TRANSPORTATION SERVICE, of Ely, NV of Certificate No. MC-150171 issued to ED MARTIN, d.b.a. GOLD DUST LIMO SERVICE, of Wendover, NV authorizing the transportation of (1) *passengers and their baggage, and newspapers*, in the same vehicle with passengers, in special operations, and, (2) *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds*, between Salt Lake City, UT, and Wells, NV and points in their commercial zones, on the one hand, and, on the other, Wendover, NV, and points in its commercial zone. Representative: A. L. Sasnett, 1301 Aultman St., Ely, NV 89301.

**Note.**—TA lease is not sought. Transferee is not a carrier.

MC-FC-80007. By decision of August 24, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132.

Review Board Number 3 approved the transfer to ROBERT L. BROYLES, doing business as WESTERN AG DISTRIBUTORS of Permits No. MC-146192 (Sub-Nos. 2 and 3) issued January 23 and August, 28, 1981, to SANDHILLS GRAIN, INC. authorizing the transportation of (1) home decorating trimmings and accessories from Grand Island, NE, to Dallas, TX, and materials, supplies, and equipment used in the manufacture and distribution of home decorating trimmings and accessories between Grand Island, NE, and Traverse City, MI, under continuing contract(s) with Burwood Industries, Inc., (2) irrigation pipe and fittings from the facilities of Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc., at or near Grand Island, NE, to San Ysidro, CA, under continuing contract(s) with the Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc., (3) irrigation pipe and fittings (except iron and steel articles and earth drilling commodities) from the facilities of Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc., at or near Grand Island NE, to points in the United States except in Alaska and Hawaii and those in the Davenport, IA-Rock Island and Moline, IL commercial zone, and materials, supplies, and equipment used in the manufacture and distribution of irrigation pipe and fittings (except iron and steel articles, earth drilling commodities, and commodities in bulk) from Lewisport and Hawesville, KY, Oswego, NY, Lancaster, PA, Los Angeles, CA, and Seattle, WA, to the facilities of Heinzman Manufacturing Co., at or near Grand Island, NE, under continuing contract(s) with Heinzman Manufacturing Co., of Grand Island, NE, (4) home decorating trimmings and accessories (a) from Traverse City and Greenville, MI, to Grand Island, NE, under continuing contract(s) with Burnwood Industries, Inc., of Grand Island, NE, (b) from Traverse City, MI, to Grand Island, NE, and to Dallas and Big Springs, TX, under continuing contract(s) with Burnwood Industries, Inc., of Traverse City, MI, (c)(1) from Grand Island, NE, to points in 22 States and (2) materials, supplies and equipment used in the manufacture and distribution of the above commodities (except in bulk) from the previously indicated destinations to Grand Island, NE, under continuing contract(s) with Burnwood Industries, Inc., of Grand Island, NE, and (d) battery acids, brake fluids, gasoline antifreeze, windshield washer solutions, and lacquer (except commodities in bulk) from the facilities of Scholle Corp., at or near Garland, TX,

to points in 5 States and from the facilities of Scholle Corp. at or near Raytown, MO, to points in 4 States, under continuing contract(s) with Scholle Corp. Representative: Robert L. Broyles, P.O. Box 47, Dix, NE 69133.

[FR Doc. 82-24887 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

#### [Volume No. 293]

#### Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 7, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

**CANADIAN CARRIER APPLICANTS:** In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority*.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Williams, and Higgins.

Agatha L. Mergenovich,  
Secretary.

MC 103827 (Sub-3)X, filed August 24, 1982. Applicant: MOVERS WORLD, INC., 230 West 230 Street, Bronx, NY 10463. Representative: Kenneth M. Piken, 95-25 Queens Boulevard, Rego Park, NY 11374. Lead certificate: Broaden commodity description from household goods to "household goods, furniture and fixtures."

MC 128473 (Sub-26)X, filed August 27, 1982. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. Sub 21 permit: (1) eliminate the restrictions against commodities in bulk and in vehicles equipped with mechanical refrigeration, and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shipper.

MC 133811 (Sub-7)X, filed August 19, 1982. Applicant: H. E. McCONNELL AND H. E. McCONNELL, II, d.b.a. McCONNELL & SON TRUCKING COMPANY, P.O. Box 3308, North Little Rock, AR 72117. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. Lead and Sub 4F. Broaden to "ores and minerals" from bauxite ore in bulk, in dump vehicles, (lead), and to radial authority (lead and Sub 4F); remove restriction to transportation of traffic having prior movement by water (lead) and restrictions to named facilities (lead and Sub 4F).

MC 142549 (Sub-2)X, filed August 30, 1982. Applicant: WALNUT HILL WRECKER SERVICE, INC., 11239 Goodnight Lane, Dallas, TX 75229. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801. Lead and Sub 1 certificates: broaden to "transportation equipment" from (a) wrecked, disabled, or repossessed vehicles, and replacement vehicles, lead; and (b) wrecked, disabled, or repossessed vehicles, and replacement vehicles for wrecked, disabled, or repossessed vehicles, by use of wrecker equipment only, Sub 1.

MC 147524 (Sub-9)X, filed August 30, 1982. Applicant: SINED LEASING, INC., 106 High St., Mount Holly, NJ 08060. Representative: Daniel J. Sweeney & Steven J. Kalish, 1750 Pennsylvania Ave., NW., Washington, DC 20006. Subs 3F and 8X permits: (1) broaden corn products (Sub 3F) and liquid sugar, dry sugar, liquid corn syrup, dry flour, and dry corn starch, all in bulk, and dry flour, in bags (Sub 8X) to "farm products

and food and related products"; and (2) change the territorial description to between points in the United States, under continuing contract(s) with named shipper (Sub 3F).

[FR Doc. 82-24866 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 1 at (202) 275-7992.

### Volume No. OP1-151

Decided: September 1, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-161491, filed August 24, 1982.

Applicant: DATA SECURITIES COURIER CORP., 526 Revere Beach Blvd., Revere, MA 02151.

Representative: James R. Fitzpatrick (same address as applicant), (617) 289-5699. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between Boston, MA, on the one hand, and, on the other, points in CT, NY, and NH.

MC 163580, filed August 27, 1982. Applicant: CHARLES C. DANACHE, 530 E. Wardlow Road, Long Beach, CA 90807. Representative: Ronald C. Caligagan (same address as applicant), (213) 595-8531. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 163530, filed August 24, 1982. Applicant: JOHN SMYTH, d.b.a. J & J SMYTH TRUCKING, 74 Raffia Road, Enfield, CT 06083. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting, (1) for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in

which no one package exceeds 100 pounds, and (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 163601, filed August 27, 1982. Applicant: DANALYNN TRUCKING, 2403 Zion Street, Aurora, CO 80011. Representative: Robert W. Wright, 5711 Ammons Street, Arvada, CO 80002, (303) 424-1761. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Please direct status inquiries to Team 4 at (202) 275-7669.

#### Volume No. OP4-324

Decided: September 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Ewing, and Williams.

MC 150746 (Sub-13), filed August 25, 1982. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 29 S. La Salle St., Chicago, IL 60603, (312) 236-9375. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 117836 (Sub-17), filed August 19, 1982. Applicant: EDWARD J. STINSON, d.b.a. STINSON MOTOR LINES, Route 1, Box 256, Glen Rose, TX 76043. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35020, (205) 428-8629. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

#### Volume No. OP4-326

Decided: September 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Ewing, and Williams.

MC 163486, filed August 20, 1982. Applicant: BRUCE B. FODIMAN AND ERNIE J. RAFFAELE, d.b.a. METRO MESSENGER, 43 Crescent St., Stamford, CT 06906. Representative: Robert A. Martinik, Jr., 25 3rd St., Stamford, CT 06905, (203) 348-7300. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between Stamford, CT, on the one hand, and on the other, points in NY, NJ, ME, VT, NH, MA, RI, PA, MD, and DC.

Please direct status inquiries to Team 5 (202) 275-7281.

#### Volume No. OP5-180

Decided: August 31, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 142899 (Sub-4), filed July 30, 1982. Applicant: CORRUGATED CARRIERS, INC., 8998 L St., Suite 131, Omaha, NE 68127. Representative: Steven Crouse (Same address as applicant), (402) 339-6600. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 144598 (Sub-7), filed August 23, 1982. Applicant: C & J TRANSPORT, INC., Route 32, P.O. Box 42, N. Vassalboro, ME 03962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, NW., Washington, DC 20005, 202-296-3555. Transporting *general commodities* (except used household goods), hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161888 (Sub-1), filed August 23, 1982. Applicant: P & J TRUCK BROKERS, 7626 West 2940 South, Magna, UT. 84044. Representative: Grant L. Damron (same address as applicant), (801) 250 5569. As a *broker of general commodities* (except household goods), between points in the U.S., (except AK and HI).

MC 163398, filed August 16, 1982. Applicant: A-1 MID STATE STORAGE, INC., 118 North Lamine St., Sedalia, MO 65301. Representative: Fred E. Doty, 2802 Quail Run, Sedalia, MO 65301, (816) 826-1946. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense,

between points in the U.S. (except AK and HI).

MC 163449, filed August 18, 1982. Applicant: FOOTNER & CO., INC., 210 East Redwood Street, Baltimore, MD 21202. Representative: Roberto I. Gutierrez (same address as applicant), (301) 727-0732. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163498, filed August 19, 1982. Applicant: RELIABLE TRUCK BROKERS, INC., 271 North Ave., New Rochelle, NY 10801. Representative: Thomas P. Fleming (same address as applicant), 914-235-2300. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163518, filed August 23, 1982. Applicant: JOHN B. POOL, III, Rt. 1, Box 80, Brookneal, VA 24528. Representative: Irene Gebe, 635 S.E. 11th, Portland, OR 97214, (503) 233-5766. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, between points in the U.S. (except AK and HI).

#### Volume No. OP5-182

Decided: September 1, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 163489, filed August 20, 1982. Applicant: DONALD BALDWIN, d.b.a. TRAFFIC CONSULTANTS, 197 Leavenworth Rd., Shelton, CT 06484. Representative: Robin Baldwin, 37 Lane St., Shelton, CT 06484, (203) 929-1819. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 163569, filed August 26, 1982. Applicant: M & T TRANSPORTATION, INC., POB 204, Sauk Centre, MN 56378. Representative: Robert N. Maxwell, POB 2471, Fargo, ND 58108, (701) 237-4223. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163579, filed August 26, 1982. Applicant: ROBERT W. LANMAN, d.b.a. RWL ENTERPRISES, 1096 Riverbend Club Drive NW., Atlanta, GA 30339. Representative: Steven A. Lauer, 1019 19th Street NW., Suite 800, Washington, DC 20036, (202) 785-3420. As a *broker of general commodities* (except household

goods), between points in the U.S. (except AK and HI).

MC 163599, filed August 27, 1982. Applicant: JAMES H. HOLMES, 920 S. Robinson Dr., Waco, TX 76706. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112, (817) 457-0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-24872 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major

regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3, (202) 275-5223.

#### Volume No. OP3-138

Decided: September 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 15735 (Sub-53), filed August 23, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill, (same address as applicant), (312) 681-8378. Transporting *household goods*, between points in the U.S., under continuing contract(s) with General Dynamics Corp., of St. Louis, MO.

MC 36974 (Sub-15), filed August 23, 1982. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, NJ 07080. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *general commodities* (except household goods commodities in bulk, and classes A and B explosives), between points in NJ and NY, on the one hand, and, on the other, points in NY, NJ, CT, PA and DE.

MC 67234 (Sub-56), filed August 20, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette,

Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment because of size or weight), between points in the U.S., under continuing contract(s) with Minnesota Mining and Manufacturing Company (3M), of St. Paul, MN.

MC 99455 (Sub-15), filed August 24, 1982. Applicant: M. H. HILLERY, INC., 90 Western Ave., Allston, MA 02134. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145235 (Sub-13), filed August 19, 1982. Applicant: DUTCH MAID PRODUCE, INC., R.R. No. 2, Willard, OH 44890. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1514. Transporting *printed matter*, between points in the U.S. (except AK and HI).

MC 146765 (Sub-8), filed August 23, 1982. Applicant: DAYTON ENTERPRISES, INC., 110 First Ave., Clarence, IA 52216. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298-1094. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146695 (Sub-9), filed August 20, 1982. Applicant: YANKEE S & L, INC., d.b.a. YANKEE MOTOR FREIGHT, 1136 W. 500 So., Marion, IN 46952. Representative: M. H. Haisley (same address as applicant), (317) 674-7745. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 147364 (Sub-3), filed August 23, 1982. Applicant: P. W. McCULLERS TRUCK BROKERS, INC., 6010 Avery St., Orlando, FL 32808. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701, (305) 869-5936. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with W. R. Grace & Co., Construction Products Division, of Cambridge, MA.

MC 150275 (Sub-5), filed August 20, 1982. Applicant: UPPER CUMBERLAND FREIGHT, INC., Rt. 5, Box 122, Cookeville, TN 38501. Representative: Wayne E. Klinckhardt, 378 Scenic Dr., St. Louis, MO 63137, (314) 868-7027.

Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Whitson Distributing Co. of Cookeville, TN.

MC 151975 (Sub-6), filed August 23, 1982. Applicant: DIRECT DELIVERY, INC., 1239 Willingham Dr., East Point, A 30344. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451-2597. Transporting (1) *paper and paper products*, and (2) *plastic and plastic products*, between points in the U.S. (except AK and HI).

MC 153924 (Sub-1), filed August 23, 1982. Applicant: DONALD A. TUOZZO, d.b.a. DONALD A. TUOZZO TUCKING, 10907 Fruitwood Dr., Mitchellville, MD 20715. Representative: Donald A. Tuozzo (same address as applicant), (301) 262-5884. Transporting *printed matter*, between points in the U.S. (except AK and HI), under continuing contract(s) with Printers II, Inc., of Tuxedo, MD.

MC 154755 (Sub-1), filed August 20, 1982. Applicant: NORTHWEST IOWA TRANSPORTATION, INC., P.O. Box 278 Badger, IA 50516. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting *passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in IA and extending to points in the U.S.

MC 156314 (Sub-1), filed August 24, 1982. Applicant: AALCO MOVING & STORAGE, INC., d.b.a. WEST COAST MOVING SYSTEMS, 5747 Imperial Way, SW, Port Orchard, WA 98366. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods*, between points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 157384 (Sub-3), filed August 23, 1982. Applicant: BENNY WHITEHEAD, INC., P.O. Box 46, Eaufaula, AL 36027. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave. P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158394 (Sub-2), filed August 23, 1982. Applicant: SUNRUNNER TRANSPORTATION, INC., 2943 E. Weiding Rd., Tucson, AZ 85706. Representative: Barry Weintraub, 8133 Leesburg Pike, Suite 510, Vienna, VA 22180, (703) 442-8330. Transporting (1)

*general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Magma Copper Company, Subsidiary of Newport Mining Corporation, of San Manuel, AZ, and (2) *machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Gerald Division of General Instruments Corporation, of Tucson, AZ.

MC 159124 (Sub-2), filed August 23, 1982. Applicant: CANNONBALL EXPRESS, INC., 9100 "F" St., Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, ND, SD, NE, KS, MN, IA, MO, WI, IL, KY, IN, MI, and OH.

MC 159215 (Sub-1), filed August 16, 1982. Applicant: WELLS BUS SERVICE, INC., 121 Terrace Dr., Jackson, MN 56143. Representative: Steven C. Schoenebaum, 601 Locust, 1100 Carriers Bldg., Des Moines, IA 50309, (515) 283-2076. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Martin, Watonwan and Faribault Counties, MN, and Kossuth, Webster, Buena Vista, Cherokee, Plymouth, Lyon, Osceola, Sioux, O'Brien, Humboldt, and Pocahontas Counties, IA, and extending to points in the U.S. (except HI).

MC 159964, Filed August 23, 1982. Applicant: VARALLO FOODS, INC., d.b.a. VARALLO TRANSPORT, P.O. Box 40424, Nashville, TN 37204. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TN, on the one hand, and, on the other, points in AL, GA, KY, MS, MO, IL, IN, NC, OH, SC, TX, and LA.

MC 163355, filed August 23, 1982. Applicant: ABBOTT-NORTHWESTERN HOSPITAL, d.b.a. MINNEAPOLIS MEDICAL CENTER DISTRIBUTION AND TRUCKING, 1170 Eagan Industrial Road, Eagan, MN 55121. Representative: Stephen F. Grinnell, 1600 TFC Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *such commodities* as are dealt in by manufacturers and distributors of pharmaceuticals, medical supplies and food and related products used by the health care industry, between points in the U.S., under

continuing contract(s) with Travenol Laboratories, Inc., of Morton Grove, IL, and Fairview Community Hospitals, Inc., of Bloomington, MN.

MC 163494, filed August 20, 1982. Applicant: KILROY BROS., INC., 156 Arlington St., Hyde Park, MA 02136. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting (1) *household goods*, and (2) *furniture and fixtures*, between points in MA, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA.

MC 163495, filed August 20, 1982. Applicant: DONALD F. PACKER & BETTY M. PACKER, d.b.a. HUSBAND & WIFE, 3280 Bone Drive, Hood River, OR 97031. Representative: Donald F. Packer (same address as applicant), (503) 354-1494. Transporting (1) *food and related products*, and (2) *fertilizer and soil conditioners*, between points in Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Multnomah, Clackamas, Washington, Yamhill, Polk, and Marion Counties, OR, Yamima, Klickitat, Benton, Franklin, Walla Walla, Kittitas, Chelan Counties, WA, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, and AZ.

MC 163544, filed August 24, 1982. Applicant: VOLCO, INC., P.O. Box 448, Jerome, ID 83338. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and west of MN, WI, MI, IL, MO, AR and LA (except AK and HI).

Please direct status inquiries to Team 4 at (202) 275-7669.

#### Volume No. OP4-315

Decided: September 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Ewing, and Williams.

MC 163236, filed August 2, 1982. Applicant: B.C. TRANSPORTATION CORP., 1814 N 4th, P.O. Box 2041, Coeur d'Alene, ID 83814. Representative: Robert L. Ashburn, 2104 Nth 13th, Coeur D'Alene, ID 83814, (208) 667-0577. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN; Joan of Arc Co., Inc., of Peoria IL; Atlantic Cotton Mills, of Macon, GA; Equitable Bag Co., Inc., of Orange, TX; Standard Milling Company, of Kansas City, MO; American Can Company, of Sunnyside,

WA; Milne Fruite Products, Inc., of Prosser, WA; Ohio Pur Foods, Inc., of Akron, OH; Mazel Co., of Cleveland, OH; Revco D.S. Inc., of Twinsburg, OH; Hawkeye Products, of Coasta Masa, CA; Par Enterprises, of Anaheim, CA; and Toyota Industrial Trucks, U.S.A., Inc., of Carson, CA.

#### Volume No. OP4-325

Decided: September 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Ewing, and Williams.

MC 27126, (Sub-6), filed August 17, 1982. Applicant: CHECKER VAN & STORAGE OF OAKLAND, INC., 1199 Pine St., Oakland, CA 94607. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods*, between points in WA, OR, CA, NV, UT, AZ, NM, and ID.

MC 146016 (Sub-2), filed August 23, 1982. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 S. Ave., Middlesex, NJ 08846. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148766 (Sub-6), filed August 19, 1982. Applicant: SMITH MOTOR FREIGHT, INC., 9112 S. Villa, Oklahoma City, OK 73159. Representative: Michael H. Lennox, 5501 N. Triple X Rd., Choctaw, OK 73020, (405) 943-2477. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) Between Amarillo and Canadian, TX, serving all intermediate points, over U.S. Hwy 60, (2) Between Amarillo and Stratford, TX, serving all intermediate points: from Amarillo over U.S. Hwy 287 to Dumas, TX, then over U.S. Hwy 87 to junction U.S. Hwy 385, then over combined U.S. Hwys 87 and 385 to Dalhart, TX, then over U.S. Hwy 385 to Boise City, OK, then over U.S. Hwy 64 to Guymon, OK, and then over U.S. Hwy 54 to Stratford, TX, (3) Between Amarillo, TX and Boise City, OK, serving all intermediate points, over U.S. Hwy 287, and (4) Between Stratford, TX and Boise City, OK, serving all intermediate points: from Stratford, over U.S. Hwy 54 to Dalhart, TX, and then over U.S. Hwy 385 to Boise City.

Note.—Applicant intends to tack this authority with its present operating rights.

MC 154667 (Sub-11), filed August 16, 1982. Applicant: B.I. TRANSPORTATION, INC., P.O. Box

691, Burlington, NC 27215.

Representative: J. Franklin Fricks, Jr. (same address as applicant) (919) 228-2239. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ford Motor Company of Dearborn, MI.

MC 161926, filed August 18, 1982.

Applicant: ROBERT HARTZLER, 229 Miller St. West Liberty, OH 43357. Representative: Steven R. Fansler, 127 N. Detroit St., West Liberty, OH 43357 (513) 465-5056. Transporting *clay, concrete, glass or stone products*, between points in IL, on the one hand, and, on the other, points in Logan and Miami Counties, OH, under continuing contract(s) with Hobart Corporation, of West Liberty, OH.

MC 162156, filed August 19, 1982.

Applicant: GALE BURKHALTER, d.b.a. BURKHALTER TRUCKING, Route 1, Kendall, WI 54638. Representative: James A. Spiegel, Olde Town Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273-1003. Transporting *building materials, and lumber and wood products*, between points in Warren County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163556, filed August 25, 1982.

Applicant: GOLDEN GATE TRAVELS, INC., 3462 Golden Gate Way, Lafayette, CA 94549. Representative: George E. Walker (same address as applicant) (415) 284-5750. To operate as a *broker*, at Lafayette, CA, in arranging for the transportation of *passengers and their baggage*, between points in WA, OR, CA, NV, ID, MT, WY, AZ, CO, NM, and UT, on the one hand, and, on the other, points in the U.S.

#### Volume No. OP4-327

Decided: September 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Ewing, and Williams.

MC 120757 (Sub-3), filed August 26, 1982. Applicant: EABORN TRUCK SERVICE, INC., 1300 Crafton Blvd., Pittsburgh, PA 15205. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222 (412) 471-3300. Transporting *metal products, building materials, and those commodities which because of their size or weight require the use of special handling or equipment*, between those points in the U.S. in and east of MT, WY, CO, and NM.

MC 128866 (Sub-60), filed August 24, 1982. Applicant: B&B TRUCKING, INC., P.O. Box 2830, Cresson Rd. and I-295,

Cherry Hill, NJ 08034. Representative: James A. Caulfield, 4801 Massachusetts Ave., N.W., Washington, DC 20016 (202) 686-0995. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Penny Plate, Inc., of Cherry Hill, NJ, Penny Plate of Virginia, Inc., of Fishersville, VA, Penny Plate of Illinois, Inc., of Deerfield, IL, Hapence, Inc., of Atkins, AR, and Aluminum Foil Packaging Company, of Fort Madison, IA.

MC 128866 (Sub-61), filed August 24, 1982. Applicant: B&B TRUCKING, INC., P.O. Box 2830, Cresson Rd. and I-295, Cherry Hill, NJ 08034. Representative: James A. Caulfield, 4801 Massachusetts Ave., N.W., Washington, DC 20016 (202) 686-0995. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Banquet Foods Corporation, of St. Louis, MO.

MC 139306 (Sub-14), filed August 20, 1982. Applicant: STANAGE TRANSPORTATION, INC., 121 Indian Springs Rd., Hot Springs, AR 71901. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201 (501) 375-3022. Transporting *cullet glass*, between points in the U.S. (except AK and HI), under continuing contract(s) with Westinghouse Electric Corporation, of Bloomfield, NJ.

MC 139006 (Sub-39), filed August 13, 1982. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Hardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223-8244. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143776 (Sub-60), filed August 26, 1982. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (Same address as applicant) (800) 253-9527. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Abbott Laboratories, of North Chicago, IL.

MC 162936, filed August 20, 1982. Applicant: CARMEN SCAFIRO & SONS, INC., 906 Smith St., Delran, NJ 08075. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415 (212) 263-2078. Transporting *general commodities* (except classes A and B

explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Marino Industries, of Westbury, NY.

MC 163476, filed August 19, 1982. Applicant: GRAND ISLAND SALES & SERVICE, INC., 2024 Grand Island Blvd., Grand Island, NY 14072. Representative: Michael A. Wargula, 128 Sherburn Dr., Hamburg, NY 14075 (716) 648-0481. Transporting *petroleum products*, between points in the U.S. (except AK and HI), under continuing contract(s) with (1) South Towns Petroleum Company, of Orchard Park, NY, (2) Diamond Oil Company, (3) Goetz Oil Corporation, (4) Louis J. Dietrich, all of Kenmore, NY, (5) William C. Maunz Oil Company, Inc., and (6) Petroleum Sales & Service, Inc., both of Buffalo, NY.

Please direct status inquiries to Team 5 (202) 275-7289.

#### Volume No. OP5-179

Decided: August 31, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 26088 (Sub-30), filed August 19, 1982. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., P.O. Box 457, Augusta, GA 30903. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, 404-256-4320. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA and SC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 97929 (Sub-3), filed August 23, 1982. Applicant: MID-STATE DELIVERY SERVICE, INC., P.O. Box 297, Greensboro, NC 27402. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288 (919) 627-0555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC and VA.

MC 113119 (Sub-17), filed July 26, 1982. Applicant: C.S.I., DBA CONTRACT SERVICE, INC., Trewingtown Rd., Colmar, PA 18915. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344-8030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 118899 (Sub-18), filed August 23, 1982. Applicant: BALTIMORE TANK LINES, INC., P.O. Box 1028, Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304 (703) 751-

2441. Transporting *commodities in bulk* between points in the U.S. (except AK and HI), under continuing contract(s) with Intsel Corporation, Chemical Division, of New York, NY.

MC 124159 (Sub-18), filed August 23, 1982. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, 701-237-4223. Transporting *pulp, paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Champion International Corporation of Stamford, CT.

MC 140628 (Sub-6), filed August 23, 1982. Applicant: CHARLES R. PALS, d.b.a. PALS CARTAGE, 31 West 168th St., South Holland, IL 60473. Representative: Marc J. Blumenthal, 29 South LaSalle, St., Chicago, IL 60603 (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, WI, and MI, on the one hand, and, on the other, points in IL, IN, WI, MI, TX, LA, MO, AR, and OH.

MC 142189 (Sub-55), filed July 21, 1982 (Previously published in (Republication) *Federal Register* on August 10, 1982.) Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O. Box 980, Baker, MT 59313. Representative: James B. Hovland, 525 Lumber Exchange Bldg. Ten South 5th St., Minneapolis, MN 55402 (612) 340-0808. Transporting (1) *chemicals*, between points in the U.S. (except AK and HI), (2) *lime*, between points in Pennington County, SD, on the one hand, and, on the other, points in WY, MT, and UT, (3) *industrial minerals*, between Pennington and Custer Counties, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI), (4) *clay and clay products*, between points in Big Horn, Crook and Weston Counties, WY, Phillips County, and Butte and Custer Counties, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (5) *Lignite*, between points in Bowman County, ND on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Purpose of republication is correction in part (2) to show UT instead of SD in the base territory.

MC 144108 (Sub-3), filed August 23, 1982. Applicant: RELIABLE CARTAGE, INC., 5100 Amelia Earhart Drive, Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110 (801) 531-1777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in

bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with Facet Automotive Filter Company, of Salt Lake City, UT.

MC 145059 (Sub-12), filed August 20, 1982. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Blvd., Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201-572-5551. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146108 (Sub-8), filed August 20, 1982. Applicant: BIG T. TRANSFER, INC., P.O. Box 287, 222 West 4th St., New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47201 (812) 379-2556. Transporting *aluminum products* between points in the U.S. (except AK and HI), under continuing contract(s) with Reynolds Metals Co., of Richmond, VA. Safety Condition: This grant of authority is conditioned upon applicant's maintenance of a satisfactory degree of compliance with the Federal Highway Administration's (Department of Transportation) Motor Carrier Safety Regulations. In the event of noncompliance with these regulations, that Administration may submit a recommendation for revocation of the authority.

MC 146989 (Sub-10), filed August 12, 1982. Applicant: GOLDEN-HAMMONS CARTAGE CO., INC., 3332 Winbrook, Memphis, TN 38116. Representative: Ralph D. Golden, Suite 2348, 100 North Main, Memphis, TN 38103 (1-901) 526-1122. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of WI, IA, MO, KS, OK, and TX.

MC 147528 (Sub-8), filed August 24, 1982. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701, 208-343-5454. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in WA, OR, CA, AZ, NV, ID, UT, NM, CO, WY, TX and MT.

MC 147959 (Sub-5), filed August 16, 1982. Applicant: GARNER TRANSPORTATION, INC., 1405 7th Ave., S.E., Puyallup, WA 98371. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, 206-624-2832. Transporting (1) *nursery supplies and fertilizer*, between points in WA, OR, CA, ID, MT, UT, AZ, NV, WY, CO,

NM, MN, ND, SD, WI, IL, and IA, (2) *farm machinery and equipment*, between points in WA, OR, CA, ID, MT, UT, AZ, NV, WY, CO, NM, KS, and IA, and (3) *building materials, lumber, and wood products*, between points in WA, on the one hand, and, on the other, points in TX and OK, and (4) *metal products*, between points on the international boundary line between the U.S. and Canada in WA, MT, and ID, on the one hand, and, on the other, points in WA, OR, ID, UT, MT, and CO.

MC 148589 (Sub-11), filed August 20, 1982. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 128, Henagar, AL 35978. Representative: M. C. Ellis, care of Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756-3620. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with 7/24 Freight Sales, Inc., of Modesta, CA.

MC 152059, filed August 19, 1982. Applicant: RAPID TRANSFER & STORAGE, INC., 4725 N.W. 72nd Ave., Miami, FL 33166. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (302) 592-0036. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in FL, on the one hand, and, on the other, New York, NY, and points in AL, CA, CT, FL, GA, LA, MA, MI, NJ, and TX.

MC 155218 (Sub-3), filed August 19, 1982. Applicant: TRANS TRUCK, INC., 7401 Bunkum Rd., P.O. Box 1100, East St. Louis, IL 62204. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, 314-421-0845. Transporting *commodities in bulk*, between Milwaukee, WI and points in Beaver County, PA, AR, IL, IN, IA, KY, and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156148, filed August 24, 1982. Applicant: AMERICAN CHARTER, INC., 2907 11th Street, Rock Island, IL 61201. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236-0548. Transporting *passengers and their baggage* in same vehicle with passengers, in special and charter operations, beginning and ending at points in IL, IA, KS, MO, and NE, and extending to points in the U.S.

MC 163389, filed August 13, 1982. Applicant: OVER THE ROAD TRUCKING, INC., 1802 Preston, Houston, TX 77002. Representative: Billy O. Ray (same address as applicant), 713-225-9152. Transporting *general*

*commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Houston, TX, on the one hand, and, on the other, points in TX, LA, MS, AL, FL, GA, NC, SC, TN, AR, OK, and NM.

MC 163519, filed August 23, 1982. Applicant: AVONDALE TRUCKING CO., INC., Avondale Ave., Sylacauga, AL 35150. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, 205-578-3212. Transporting *textile mill products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Avondale Mills of Sylacauga, AL.

MC 163529, filed August 24, 1982. Applicant: UNITED FOODS, INC., FREEZER QUEEN FOODS DIVISION, 975 Fuhrmann Boulevard, Buffalo, NY 14203. Representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743, (516) 549-8984. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Nabisco Brands, Inc., of East Hanover, NJ.

MC 163539, filed August 23, 1982. Applicant: J. J. C. TRUCKING CORP., 12 Christine Lane, E. Northport, NY 11731. Representative: Joseph D. Palermo, Jr., (same address as applicant), (516) 757-2078. Transporting *steel products*, between Philadelphia, PA and points in Hartford County, CT, on the one hand, and, on the other, New York, NY, under continuing contract(s) with D.S.C. Steel Corp., of E. Northport, NY.

#### Volume No. OP5-181

Decided: September 1, 1982.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 1839 (Sub-3), filed August 27, 1982. Applicant: SMITH'S GENERAL TRUCKING CO., 14 Clyde St., West Warwick, RI 02893. Representative: Charles R. Reilly, 391 Davisville Rd., North Kingstown, RI 02852, (401) 884-0969. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the CT, MA, NH, NJ, NY, and RI.

MC 10169 (Sub-9), filed August 20, 1982. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 1515 11th St., NE., Roanoke, VA 24012. Representative: Robert E. Lindamood (same address as applicant), (703) 345-9833. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in SC, on the one hand, and, on the other, Martinsville, Radford, Lynchburg, Roanoke, and

Danville, VA, and points in Bedford, Smyth, and Roanoke, VA.

MC 23699 (Sub-2), filed August 26, 1982. Applicant: WALTON P. DAVIS CO., INC., 7 Oyster Bay Road, Locust Valley, NY 11560. Representative: Ronald I. Shaps, 450 Seventh Ave., New York, NY 10123; (212) 239-4610. Transporting *household goods*, between points in NY and those points in NJ and CT within the New York, NY commercial zone, on the one hand, and, on the other, points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, and DC.

MC 31389 (Sub-339), filed August 26, 1982. Applicant: MCLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721-2433. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under contract(s) with Sears, Roebuck and Company, of Chicago, IL.

MC 99408 (Sub-13), filed August 19, 1982. Applicant: CITY DELIVERY SERVICE, INC., 1 Passan Drive, Laffin, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MI, OH, MA, NJ, IL, MD, VA, CT, NY, IN, and DE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 126139 (Sub-14), filed August 25, 1982. Applicant: AARON SMITH TRUCKING COMPANY, INC., P.O. Box 208, Dudley, NC 28333. Representative: John N. Fountain, 336 Fayetteville Street Mall, P.O. Box 2246, Raleigh, NC 27602, (919) 828-0731. Transporting *agricultural chemicals, fertilizer and fertilizer materials and related products*, between points in DE, GA, MD, NJ, NC, PA, SC, VA, and DC.

MC 139219 (Sub-7), filed August 23, 1982. Applicant: LANE TRUCKING, INC., 2230 North Range St., Dothan, AL 36302. Representative: William K. Martin, 57 Adams Ave., Montgomery, AL 36197, (205) 262-1671. Transporting (1) *building materials*, (2) *machinery*, (3) *waste or scrap materials*, and (4) *clay, concrete, glass or stone products*, between points in SC, NC, TN, AR, LA, TX, AZ, OK, and NM, on the one hand, and, on the other, points in AL, GA, MS, and FL.

MC 144209 (Sub-16), filed August 26, 1982. Applicant: ERWIN TRUCKING,

INC., 4515 No. 24th St., Omaha, NE 68110. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397-7033. Transporting *telephone equipment, materials, and parts*, between points in the U.S. (except AK and HI).

MC 146909 (Sub-3), filed August 25, 1982. Applicant: PIONEER VAN LINES, INC., 1810 Park Place Bldg., Seattle, WA 98101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting *household goods* between points in AK, CA, ID, OR, and WA.

MC 153279 (Sub-2), filed August 26, 1982. Applicant: BONWAY SERVICE TRANSPORT, INC., P.O. Box 6941, Buffalo, NY 14240. Representative: Gary C. White (same address as applicant), (716) 823-0272. Transporting *food and related products* between points in CT, IL, IN, IA, MA, MI, MN, NJ, NY, OH, PA, RI, and WI.

MC 153648 (Sub-1), filed August 19, 1982. Applicant: S & S TRANSPORT, INC., 1602 6th Ave., North, P.O. Box 579, Grand Forks, ND 58201. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting *food and related products* between Minneapolis, MN, points in Clay County, MN, and points in ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155809 (Sub-2), filed August 24, 1982. Applicant: PULLENS TRUCKING, INC., 3311 East Federal St., Baltimore, MD 21213. Representative: Robert L. Cope, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the eastern boundary of Itasca County, MN, thence northward along the eastern boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 156069 (Sub-5), filed July 27, 1982. Published initially in the *Federal Register* (republication) on August 13, 1982. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312-782-8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Bissell, Inc., of Grand Rapids, MI,

Penn Champ, Inc., of Butler, PA, and Maxi-Vac of Palatine, IL.

Note.—This application is republished to reflect contracting parties not previously shown.

MC 159719, filed August 25, 1982. Applicant: WESTBANK CONTAINER SERVICES, INC., 9601 Westbank Expressway, Westwego, LA 70094. Representative: Jack Earl Hoffstadt, 4102 Webster St., Monroe, LA 71201, (318) 345-0598. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New Orleans, LA, on the one hand, and, on the other, Mobile, AL, Baton Rouge, LA, and Gulfport, MS.

MC 159929, filed August 25, 1982. Applicant: UNIVERSITY TRANSPORT, INC., 200 Spring Hill Road, P.O. Box 297, Trumbull, CT 06611. Representative: John M. Jacob, Jr. (same address as applicant), (203) 268-5938. Transporting *passengers and their baggage* in same vehicle with passengers, in special and charter operations, between New York, NY, and points in Westchester, Rockland, Putnam, and Ulster Counties, NY, and CT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161929, filed August 25, 1982. Applicant: CENTRAL DISTRIBUTORS, INC., 70 Commercial St., Lewiston, ME 04240. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773-5651. Transporting *bottled water* between points in ME, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV, and DC, under continuing contract(s) with Poland Spring Corporation of Poland Spring, ME.

MC 163549, filed August 25, 1982. Applicant: DICKEN BUS LINES, LTD., Box 66, Fernie, B.C., Canada VOB IM0. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Alexandria, VA 22304, (703) 751-2441. In foreign commerce only, transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except HI).

MC 163578, filed August 26, 1982. Applicant: SHORE COMPANY, INC., 2204 North Longview St., Kilgore, TX 75662. Representative: Wayland Little, 617 Medina Dr., Lewisville, TX 75067, (214) 436-8493. Transporting *clay products* between points in Thomas County, GA, and Tippah County, MS, on

the one hand, and, on the other, points in AR, LA, MS, OK, and TX.

MC 163588, filed August 27, 1982. Applicant: CHARLES SUTHERLAND AND CATHRYN SUTHERLAND, d.b.a. SUTHERLAND TRANSFER CO., 5 Broad Street, Rome, GA 30161. Representative: Charles Sutherland, (same address as applicant), (404) 232-7025. Transporting *household goods*, between points in GA, on the one hand, and, on the other, points in GA, LA, MS, AL, TN, OH, NC, SC, FL, and KY. Agatha L. Mergenovich, Secretary.

[FR Doc. 82-24873 Filed 9-9-82; 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL BOUNDARY AND WATER COMMISSION

### United States and Mexico, United States Section; Extension of the Effect of Minute No. 266 Relating to the Emergency Deliveries of Colorado River Water for Use in Tijuana, Baja California; Intent Not To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1505) and the United States Section Procedures (FR Vol. 46, No. 170/September 2, 1981, pages 44083-44094), the United States Section gives notice that an environmental impact statement will not be prepared for the one-year extension of the existing agreements under which emergency deliveries of a portion of Mexico's allocation of Colorado River water may be made via existing facilities in the United States to Tijuana, Baja California.

In late 1972 a short pipeline was constructed to connect water facilities in the United States to the municipal water distribution system of Tijuana, B.C., and make possible the delivery of a small portion of Mexico's allocation of Colorado River water under the 1944 Treaty to Tijuana via these facilities. Mexico bears all the costs for delivery of the water. A final environmental impact statement on the original proposal was filed in June 1972 preceding the construction.

Water deliveries were made to Tijuana until February 28, 1979. However, damages to water facilities in Tijuana by floods in early 1980 required emergency deliveries to be resumed until August 20, 1980. Flood damages also delayed completion of construction by Mexico of the Colorado River aqueduct to convey water from Mexicali

to Tijuana. A one-year extension is proposed of the current agreements; to wit, Minute No. 266 and the contract for emergency deliveries of Colorado River water for use in Tijuana entered into between the United States Section, International Boundary and Water Commission; the Bureau of Reclamation, Metropolitan Water District of Southern California, San Diego County Water Authority, City of San Diego and Otay Water District.

An environmental assessment was prepared which concluded that there would be no significant impact to the human environment. A copy of the Environmental Assessment, of this Notice and of the Determination to Not Prepare an EIS has been forwarded to the Environmental Protection Agency. A copy of these documents are on file and may be reviewed by contacting Mr. Frank P. Fullerton, Legal Adviser, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas 79902, telephone FTS 572-7393 or Commercial (915) 541-7393.

Frank P. Fullerton,  
Legal Adviser, United States Section,  
International Boundary and Water  
Commission.

[FR Doc. 82-24842 Filed 9-9-82; 8:45 am]  
BILLING CODE 4710-03-M

## INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

### Grand Falls Diversion Dike Reconstruction

September 2, 1982.

Notice is hereby given that the International Joint Commission has received an application by the Georgia-Pacific Corporation, Woodland, Maine, pursuant to Article III of the boundary Waters Treaty, for approval of the reconstruction of a permanent rock crib diversion dike in Baileyville, Washington County, Maine, United States of America and Saint James Parish, New Brunswick, Canada. The purpose of the reconstruction of the dike, which was breached in 1952, is to maximize hydroelectric generation at the Applicant's Grand Falls Powerhouse facility.

Governments and interested persons, including municipalities, corporation, associations and individuals may present Statements in response to the Commission prior to October 1, 1982 at either of the addresses noted below. Such Statements in Response should set forth facts and arguments bearing on the subject matter of the Application and tending to oppose or support the

Application in whole or in part. Where possible, 30 copies should be provided.

Copies of the Application drawings pertaining to the proposed dike are available for inspection at the free library in Calais, Maine. Copies are also available in the offices of the Commission in Washington and Ottawa and at the office of the Georgia-Pacific Corporation, Woodland, Maine.

The Commission will hold a public hearing in Baileyville, Maine at the Woodland Elementary School, 7 Fourth Avenue on October 13, 1982, at 7:00 p.m. All persons who wish to make oral presentations regarding this Application will be heard.

D. G. Chance, *Secretary, Canadian Section, International Joint Commission, 18th Floor, 100 Metcalfe Street, Ottawa, Ontario, Canada, K1P 5M1*

D. A. LaRoche, *Secretary, U.S. Section, International Joint Commission, 2nd Floor, 2001 "S" Street, N.W., Washington, D.C., 20440, Stop 86*

James G. Chandler,  
*Acting Secretary.*

[FR Doc. 82-24815 Filed 9-9-82; 8:45 am]  
BILLING CODE 4710-14-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-12,104]

#### Continental Rubber Works, Erie, Pa.; Negative determination regarding Application for Reconsideration

By an application postmarked June 10, 1982, the United Rubber Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing rubber products at Continental Rubber Works, Erie, Pennsylvania. The determination was published in the *Federal Register* on May 11, 1982 [47 FR 20223].

Pursuant to 29 CFR 90.18(c), reconsideration may be under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union in its application for reconsideration alleges that the negative determination was based on the Department's findings that molded rubber products accounted for only a minor proportion of Continental Rubber Works' sales. The union states that, in fact, molded rubber products were a major product at the plant and that these products had been adversely affected by imports. In addition, the union alleges that the aggregate import data on rubber hoses utilized by the Department actually covered less than 25 percent of total plant sales.

The review of the investigative case file reveals that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The file indicates that the survey of customers of Continental Rubber Works revealed that most customers did not purchase any imported fabricated rubber products in 1979, 1980 or 1981. Those few customers which did increase import purchases accounted for a relatively minor proportion of Continental Rubber Works' sales during the period under investigation.

The union's claim that the Department's original negative determination was based on the fact that only a relatively minor proportion of plant's sales was of molded rubber products is the result of a misinterpretation of the Department's determination. In fact, the Department's investigation revealed that molded rubber products were a substantial proportion of the plant's sales. The minor proportion referred to in the Department's determination was in the findings of the customer survey. The findings of the customer survey did reveal that only a relatively minor proportion of Continental Rubber Works' sales decline could be attributed to customers which had increased purchases of imports.

With respect to the aggregate import statistics utilized during the Department's original determination, the union alleges that rubber hoses were less than 25 percent of total plant sales and therefore aggregate import statistics of rubber hoses are not valid for the determination. The Department in its determination utilized import statistics for rubber hoses both because rubber hose production at the plant was not insignificant and because separately identifiable import statistics were available for rubber hoses. On the other hand, whereas, molded rubber products constituted the major proportion of plant sales, that production is composed of numerous different types of rubber products with different uses. Therefore,

there is no single category of molded rubber products for which import statistics are available. However, the customer survey conducted by the Department included all types of molded rubber products and on the basis of these customers responses, which revealed that most customers did not import, the Department issued its negative determination.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 31st day of August 1982.

**Harold A. Bratt,**

*Acting Deputy Director, Office of Program Management Unemployment Insurance Service.*

[FR Doc. 82-24795 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

#### Federal Committee on Apprenticeship; Reestablishment

Notice is given that after consultation with the General Services Administration, it has been determined that the Federal Committee on Apprenticeship, whose charter expired June 30, 1982, will be reestablished for a period of two years. This action is necessary and in the public interest in connection with the performance of duties imposed on the Department of Labor by law. See 29 U.S.C. 50a.

The Committee will be an effective instrument for providing assistance through advice and counsel to the Secretary of Labor and the Assistant Secretary for Employment and Training in their development and implementation of administration policies addressing critical skill shortage occupations with particular current emphasis in the defense industry; in carrying out their program responsibilities in the apprenticeship and other structured training, and by furnishing recommendations on such matters as training for the unemployed, the disadvantaged, minorities, and women.

The Committee will consist of 10 representatives of employers, 10 representatives of organized labor, and 5 representatives of the public, including one or more educators.

The Secretary shall appoint one of the public members as Chairperson of the Committee. The president of the National Association of State and

Territorial Apprenticeship Directors and a representative of the U.S. Department of Education, will be invited to serve as members of the Committee ex officio. The Assistant Secretary for Employment and Training shall be a member of the committee ex officio, and he or his designee shall, pursuant to section 10(e) of the Federal Advisory Committee Act, be the Federal representative on the Committee.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act 15 days from the date of this publication.

Interested persons are invited to submit comments regarding the reestablishment of the Federal Committee on Apprenticeship. Such comments should be addressed to: Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 601 D Street, N.W. (Room 6114), Washington, D.C. 20213.

Signed at Washington, D.C., this 3rd day of September 1982.

**Raymond J. Donovan,**

*Secretary of Labor.*

[FR Doc. 82-24793 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-12,977]

#### Grand Ford, Inc., Bronx, N.Y.; Affirmative Determination Regarding Application for Reconsideration

By an application postmarked July 21, 1982, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of the former workers of Grand Ford, Inc., Bronx, New York. The determination was published in the *Federal Register* on July 23, 1982 (47 FR 31981).

The application for reconsideration claims that the workers' firm, as that term is used in Section 222(3) of the Trade Act of 1974, is the Ford Motor Company which had many workers under certification in 1981 and 1982. It is claimed that Grand Ford is one of the few wholly-owned dealerships of the Ford Motor Company.

#### Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 31st day of August 1982.

**Harold A. Bratt,**

*Acting Deputy Director, Office of Program Management, Unemployment Insurance Service.*

[FR Doc. 82-24798 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-12,624]

#### International Shoe Co., St. Clair, Mo.; Negative Determination Regarding Application for Reconsideration

By an application dated May 17, 1982, the Amalgamated Clothing and Textile Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers at International Shoe Company's St. Clair, Missouri plant. The determination was published in the *Federal Register* on May 4, 1982 (47 FR 19251).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioning union claims that imports of shoes and uppers which are finished in the U.S. and then sold as American made are causing worker separations.

The Department's review shows that the worker petition did not meet the Trade Act's increased import criterion in 1980 or the "contributed importantly" test in 1981. A survey of customers purchasing women's footwear from International Shoe revealed that respondents which decreased purchases from International and all domestic sources while increasing purchases of imported women's footwear did not represent a substantial proportion of International Shoe's total sales of women's footwear. The St. Clair facility produced insoles, outsoles, counters and performed finishing operations on heels supplied by independent heel producers. International Shoe closed the St. Clair facility in January 1982 and transferred the production of bottom stock to other domestic plants.

The St. Clair worker group which primarily produced bottom stock for women's shoes does not meet the statutory criteria for certification on its own or when viewed as integrated into the production of women's shoes at International Shoe. First, concerning the workers producing components (bottom stock) for women's shoes, the courts have concluded that imported finished articles are not like or directly competitive with their domestic component parts. In *United Shoe Workers of America, AFL-CIO v. Bedell*, 506 F. 2d 174 (D.C. Cir., 1974), the court held that imported finished women's shoes were not like or directly competitive with shoe counters, a component of footwear. Therefore, imports of bottom stock must be considered by themselves in determining import injury to workers who manufactured this product at St. Clair. U.S. imports of bottom stock decreased in 1979 and 1980. Further, the Department does not see how imported uppers would cause worker separations in a bottom stock plant like the St. Clair plant. In any event, the Department's review shows that imports of women's uppers are negligible.

Second, the Department does not agree that there is a basis for certification of the St. Clair workers because they were integrated into the production of women's shoes at International even though there may have been significant imports of

women's shoes. There are no outstanding certifications covering workers producing footwear at any of the International Shoe facilities.

Finally, International Shoe has not imported uppers or bottom stock in the last three years and its imports of women's dress and casual footwear were insignificant in 1980 and 1981.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 31st day of August 1982.

Robert O. Deslongchamps,  
Acting Deputy Administrator, Unemployment  
Insurance Service.

[FR Doc. 82-24796 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

#### Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of August 1982.

Marvin M. Fooks,  
Director, Office of Trade Adjustment  
Assistance.

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Anchor Hocking Corp., Plant #90 (Amer. Flint Glass Workers Union)	Clarksburg, WV	8/23/82	8/17/82	TA-W-13,738	Tableware, glass.
Continental Copper & Steel Industries, Inc., Hatfield Wire & Cable Div. (IBEW)	Linden, NJ	8/23/82	8/17/82	TA-W-13,739	Wire and cable.
Hall Ski-Lift Co., Inc. (workers)	Watertown, NY	8/17/82	8/12/82	TA-W-13,740	Ski-lifts, transways, aerial.
Ironton Coke Corp., (OCAW)	Ironton, OH	8/17/82	8/2/82	TA-W-13,741	Coke.
Metropolitan Ladies' Wear Co., Inc. (ILGWU)	New York, NY	7/26/82	7/19/82	TA-W-13,742	Nightwear, T-Shirts—ladies' and children's.
Occidental Minerals Corp., Candelaria Partners (workers)	Hawthorne, NV	8/24/82	8/17/82	TA-W-13,743	Silver and gold—mine.
Our Sportwear, Inc. (workers)	Elysburg, PA	8/20/82	8/17/82	TA-W-13,744	Jackets—ladies'.
Revere Copper & Brass Inc., Revereware Div. (workers)	Rome, NY	8/18/82	8/5/82	TA-W-13,745	Cookwear.
Shieldalloy Corp. (UAW)	Newfield, NJ	8/19/82	8/16/82	TA-W-13,746	Ferro alloy.
AFA Corporation (workers)	Miami Lakes, FL	8/27/82	8/22/82	TA-W-13,747	Sprayers, trigger.
Bethlehem Steel Corp., Wire Rope Div. (USWA)	Williamsport, PA	8/24/82	8/13/82	TA-W-13,748	Wire rope, wire strands and assemblies.
Butler Garment Co. (ILGWU)	Butler, PA	8/25/82	8/19/82	TA-W-13,749	Jackets, vest, blouses and tops—ladies'.
Chicago Pneumatic Tool Co. (IAMAW)	Utica, NY	8/4/82	7/29/82	TA-W-13,750	Rotary—action pneumatic tools.
Coronet Casuals, Inc. (workers)	Portsmouth, VA	8/25/82	8/23/82	TA-W-13,751	Shirts and actionwear—men's.
Glenoit Mills, Inc. (workers)	Tarboro, NC	8/25/82	8/22/82	TA-W-13,752	Fabrics—pile.
Kane Steel Co. (UAW)	Millville, NJ	8/19/82	8/16/82	TA-W-13,753	Steel—buy, cut and distribute.
L.G.D. Fashions, Inc. (ILGWU)	Kearny, NJ	8/27/82	8/16/82	TA-W-13,754	Dresses—girl's, sew.
Shenango, Inc. (workers)	Buffalo, NY	8/27/82	8/20/82	TA-W-13,755	Ingot molds.
CF & I Steel Corp. (workers)	Hartsville, WY	8/27/82	8/24/82	TA-W-13,756	Iron ore mining.
Chrysler Corp. Marysville Parts Depot (workers)	Marysville, MI	8/30/82	8/23/82	TA-W-13,757	Auto parts distribution.
RCA Corp., RCA Consumer Electronics (IBEW)	Indianapolis, IN	8/31/82	8/20/82	TA-W-13,758	Power cords.
Singer Furniture (workers)	Trumann, AR	8/31/82	8/23/82	TA-W-13,759	Cabinets, machine, sewing.

[FR Doc. 82-24799 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,810]

**Jacoby-Bender, Inc., Woodside, N.Y.;  
Negative Determination on  
Reconsideration**

On February 11, 1982, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Jacoby-Bender, Inc., Woodside, New York. This determination was published in the *Federal Register* on February 23, 1982 (47 FR 7896).

The company in its application for reconsideration indicated that significant employment declines occurred at their Woodside, New York plant prior to the Department's denial. The Department's original denial was based on the finding that significant employment declines, subsequent to the expiration of a previous certification, did not occur as required under Section 222 of the Act. In its reconsideration investigation, the Department found that a significant number of workers at the Woodside plant had been separated subsequent to the original investigation. In view of that development, the Department obtained additional information to determine whether the other requirements of Section 222 of the Act had been met.

On reconsideration the Department found that the third criterion of Section 222 of the Act had not been met with respect to workers producing watchbands, i.e. that increased imports of watchbands did not contribute importantly to separations of workers producing watchbands at the Woodside plant. With respect to workers producing metal jewelry, the company did not wish to pursue administrative reconsideration. Company production in quantity of metal jewelry remained nearly constant in 1980 compared to 1979 and in the first six months of 1981 compared to the same period in 1980. The subject firm had increased sales of metal jewelry and watchbands combined in 1980 compared to 1979 and in the first six months of 1981 compared to the same period in 1980.

Jacoby-Bender's sales in 1981 consisted primarily of domestically produced watchbands. The balance of sales was comprised mainly of metal jewelry. A very small percent of Jacoby-Bender's 1981 sales were made up of imported inexpensive watchbands which need only to be washed and packaged before distribution. According to company officials the imported watchbands did not compete with the watchbands produced at Woodside in type, quality or market. The imported

watchbands are plated or made of steel and are distributed to local domestic jewelers whereas the ones produced at Woodside are gold filled and of a higher quality and are primarily sold to watch companies.

The Department found, on reconsideration, that the preponderance of Jacoby-Bender's 1981 sales decline was in its export market for watchbands. The Trade Act of 1974 is not intended to cover worker separations resulting from reduced export sales in that increased imports into the U.S. could not have been an important cause of a loss in export sales by a domestic firm. Further, the Department's survey of Jacoby-Bender's domestic customers revealed that none of the respondents had increased import purchases of metal watchbands from 1980 to 1981. The survey showed that most of Jacoby-Bender's domestic customers do not import watchbands.

During the course of the reconsideration investigation, the company further alleged that sales were lost as a result of increased imports of "disposable" watches containing metal of mesh watchbands. The courts have concluded, however, that imported, finished articles are not like or directly competitive with domestic component parts thereof, *United Shoe Workers of America, AFL-CIO v. Bedell*, 506 F.2d. 174 (D.C. Cir., 1974). Therefore, final articles (watches) are not like or directly competitive with their component parts (watchbands) within the meaning of the Trade Act of 1974.

**Conclusion**

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of the Woodside, New York plant of Jacoby-Bender, Inc.

Signed at Washington, D.C. this 31st day of August 1982.

**Harold A. Bratt,**

*Acting Deputy Director, Office of Program Management Unemployment Insurance Service.*

[FR Doc. 82-24797 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,558]

**Trifine Trouser Company, Inc., New  
York, N.Y.; Negative Determination  
Regarding Application for  
Reconsideration**

By an application dated May 1, 1982 the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for worker adjustment assistance in the case of

workers and former workers producing men's and boys' slacks at the Trifine Trouser Company, Inc., New York, New York. The determination was published in the *Federal Register* on April 13, 1982 (47 FR 15927).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or
- (3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioner claims that Trifine Trouser Company's sales have declined gradually since 1974 because of increased imports of men's and boys' slacks. Other points raised by the petitioner are that he was not informed that he could request a public hearing, there is an alleged error in the Department's memorandum of recommendation concerning the use of company labels, the company had an excellent business and credit record and it was the company's policy not to resort to imports of slacks at the expense of unionized labor.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of the major customers of the workers' firm revealed that most customers did not purchase imported men's and boys' slacks in 1979 and 1980. Those customers which reported purchasing imports of men's and boys' slacks in 1979 and 1980 represented a relatively small percentage of Trifine's sales in 1979 and 1980.

With respect to the gradual decline in sales since 1974, the Trade Act of 1974 limits the Department's certification coverage to workers whose separations occurred no more than one year prior to the date of the workers' petition. The worker petition in this case was dated March 23, 1981. All separations which may have been caused by increased import competition prior to March 23, 1980 are therefore, beyond the scope of the Act.

Concerning the petitioner's claim about not being afforded the opportunity for a public hearing, the Department notes that an invitation for a public hearing was extended in the *Federal Register* on April 3, 1981 (46 FR 20322), when the Notice of Investigation was

published. A public hearing is not mandatory in order for the Secretary to make a determination.

The remaining points raised by the petitioner concerning the company's business and credit record, its policy not to import slacks and the Department's alleged error in its memorandum of recommendation concerning the use of company labels would not provide a basis for certification.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is therefore, denied.

Signed at Washington, D.C., this 31st day of August 1982.

Harold A. Bratt,

*Acting Deputy Director, Office of Program Management, Unemployment Insurance Service.*

[FR Doc. 82-24794 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12, 215]

#### International Harvester Co.; Louisville, Kentucky; Negative Determination Regarding Application for Reconsideration

By an application dated April 28, 1982, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing small tractors for gardening, lawn, nursery and landscaping purposes at International Harvester's Louisville, Kentucky plant. The determination was published in the *Federal Register* on April 13, 1982 (47 FR 15927).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of acts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that their original petition for trade adjustment assistance was not based on worker separations resulting from the discontinuance of production of the Cadet tractors—which

formed part of the rationale for the Department's negative determination—but was based on worker separations resulting from the termination of production of tractor model #184 in the fall of 1980.

The Department's review showed that the worker petition did not meet the increased import criterion for small tractors (0-39 H.P.) in 1980 or in the first six months of 1981 compared to the same period in 1980.

Further the Department's files show that International Harvester had no company imports of small tractors (0-39 H.P.) at the time of the closedown of Harvester's production of model #184 in October 1980. The first company imports of small tractors arrived in January 1982. Model #184 was a traditional type tractor designed in the 1940s for lawn mowing and gardening applications according to a company official. The Department questions the direct competitiveness between International Harvester's model #184 and the small Mitsubishi models (#234, 244, 254) being imported by the company since they were not designed for the same uses and had certain significant differences in capability. Even if it were to be conceded that the tractors were competitive, company imports of the Mitsubishi tractors didn't take place until over a year after production of model #184 ceased.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied. Signed at Washington, D.C. this 1st day of September 1982.

Stephen A. Wandner,

*Deputy Director, Office of Research Legislation and Program Policies.*

[FR Doc. 82-24908 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-30-M

#### Occupational Safety and Health Administration

##### Indiana State Standards; Approval Background

1. Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of

authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the *Federal Register* (39 FR 8611) of the approval of the Indiana Plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated September 11, 1980, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.1043 Occupational Exposure to Cotton Dust, as published in the *Federal Register* (43 FR 27394), June 23, 1978. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on June 5, 1980, by a notice published in a newspaper of general circulation within the State. A public hearing was held on June 27, 1980, at which time the standard was adopted. The Attorney General approved its legality on August 11, 1980, the Governor approved it on August 13, 1980, it was filed with the Secretary of State of August 14, 1980, and it was registered with the Legislative Council on August 14, 1980, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may

prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State Law and further participation would be unnecessary.

This decision is effective September 10, 1982.

(Section 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois, on this 20th day of July.

Alan C. McMillan,

Regional Administrator.

[FR Doc. 82-24802 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-26-M

#### Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the *Federal Register* (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of State standards which are at least as effective as those which presently or will, in the future, be promulgated under Section 6 of the Occupational Safety and Health Act of 1970. The public hearings were held on November 9 and 16, 1981, January 4, 7, 11 and 27, 1982, March 9 and 16, 1982, and May 4, 1982 and the Rules and Regulations for Part 109 Explosive Materials Standards were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of

general/major circulation throughout the State.

The Rules and Regulations for Part 109 Explosive Materials Standards were adopted by the Industrial Commission of Utah, Archives filed Number 5461 on May 5, 1982, pursuant to Title 35-9-6 Utah Code annotated 1953.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that there is no comparable Federal standard but that the standard is acceptable in that it provides an effective approach to the protection of workers in the covered industry.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah 84111; and Office of State Programs, Room N 3613, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective June 8, 1982.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 8th day of June 1982.

James W. Lake,

Regional Administrator.

[FR Doc. 82-24603 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-26-M

#### Wyoming State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health

(hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the *Federal Register* (39 FR 15394) of the approval of the Wyoming Plan and the adoption of Subpart BB to Part 1952 containing the decision.

The Wyoming Plan provides for the adoption of Federal standards as State standards after public hearings. Section 1953.23(a)(2) of 29 CFR provides that whenever a Federal standard is promulgated, the State must adopt or promulgate a standard of standard change which will make the State standard as effective as the Federal standard or change within six months of the Federal promulgation or change. In response to Federal standards changes, the State has submitted by letters dated April 21, 1981, August 12, 1981, September 14, 1981, January 8, 1982 and June 22, 1982 from Donald D. Owsley, Health and Safety Administrator, to the Regional Administrator, stating that the State of Wyoming will incorporate as part of the plan, State Standards comparable to the Federal Electrical Standards which were published in *Federal Register* (46 FR 4034) Friday, January 16, 1981 and (46 FR 40183) Friday, August 7, 1981. These standards, which are contained in the Wyoming Occupational Health and Safety Rules and Regulations for General Industry, were promulgated after hearings held on October 2, 1981 and by resolution adopted by the Wyoming Health and Safety Commission on November 2, 1981, pursuant to section 27-278 Wyoming Statute 1957 as amended 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards.

3. *Location of Supplements for Inspection and Copying.* A copy of the letter, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1554, Federal Building, 1961 Stout Street, Denver, Colorado 80294; the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82002, and the Office of State Programs, Room N 3613,

200 Constitution Ave., N.W.,  
Washington, D.C. 20210.

4. *Public Participation.* Under § 1953.2(c) of 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Wyoming State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law, which included public comments, and further public participation would be unnecessary.

This decision is effective September 10, 1982.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 9th day of July, 1982.

Dated: July 9, 1982.

James W. Lake,  
Regional Administrator.

[FR Doc. 82-24800 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-26-M

#### Wyoming State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the *Federal Register* (39 FR 15394) of the approval of the Wyoming Plan and the adoption of Subpart BB to Part 1952 containing the decision.

The Wyoming Plan provides for the adoption of Federal standards as State standards after public hearings. Section 1953.23(a)(2) of 29 CFR provides that whenever a Federal standard is promulgated, the State must adopt or promulgate a standard or standard change which will make the State standard as effective as the Federal standard or change within six months of the Federal promulgation or change. In

response to Federal standards changes, the State has submitted by letters dated February 23, 1981, April 21, 1981, October 12, 1981 and June 22, 1982 from Donald D. Owsley, Health and Safety Administrator, to the Regional Administrator, stating that the State of Wyoming will incorporate as part of the plan, State Standards comparable to the Federal Standards for Fire Protection; Means of Egress; Hazardous Materials which was published in *Federal Register* (45 FR 60656) Friday, September 12, 1980 and (46 FR 24566) Friday, May 1, 1981. These standards, which are contained in the Wyoming Occupational Health and Safety Rules and Regulations for General Industry, were promulgated after hearings held on October 2, 1981 and by resolution adopted by the Wyoming Health and Safety Commission on November 2, 1981, pursuant to Section 27-278 Wyoming Statute 1957 as amended 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards.

3. *Location of Supplements for Inspection and Copying.* A copy of the letter, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional administrator, Occupational Safety and Health Administration, Room 1554, Federal Building, 1961 Stout Street, Denver, Colorado 80294; the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82002, and the Office of State Programs, Room N 3613, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public Participation.* Under § 1953.2(c) of 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Wyoming State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law, which included public comments, and further public participation would be unnecessary.

This decision is effective September 10, 1982.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 8th day of July, 1982.

Dated: July 8, 1982.

James W. Lake,  
Regional Administrator.

[FR Doc. 82-24801 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-26-M

#### Wyoming State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.2) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the *Federal Register* (39 FR 15394) of the approval of the Wyoming Plan and the adoption of Subpart BB to Part 1952 containing the decision.

The Wyoming Plan provides for the adoption of Federal standards as State standards after public hearings. Section 1953.23(c)(2) of 29 CFR provides that whenever a Federal standard is promulgated, the State must adopt or promulgate a standard or standard change which will make the State standard as effective as the Federal standard or change within six months of the Federal promulgation or change. In response to Federal standards changes, the State has submitted by letters dated February 4, 1982, April 15, 1982, June 22, 1982 and June 24, 1982 from Donald D. Owsley, Health and Safety Administrator, to the Regional Administrator, stating that the State of Wyoming will incorporate as part of the plan, State Standards comparable to the Federal Occupational Exposure to Lead: Amendment to Final Rule (46 FR 4034) Friday, December 11, 1981. These standards, which are contained in the Wyoming Occupational Health and Safety Rules and Regulations for General Industry, were promulgated after hearings held on March 19, 1982 and by resolution adopted by the Wyoming Health and Safety Commission on April 8, 1982, pursuant to Section 27-278 Wyoming Statute 1957 as amended 1973.

2. *Decision.* Having reviewed the State submission in comparison with the

Federal standards, it has been determined that the State standards are identical to the Federal standards.

3. *Location of Supplements for inspection and Copying.* A copy of the letter, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1954, Federal Building, 1961 Stout Street, Denver, Colorado 80294; The Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82002, and the Office of State Programs, Room N 3613, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public Participation.* Section 1953.2(c) of 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Wyoming State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law, which included public comments, and further public participation would be unnecessary.

This decision is effective September 10, 1982.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 15th day of July, 1982.

James W. Lake,

Regional Administrator.

[FR Doc. 82-24804 Filed 9-9-82; 8:45 am]  
BILLING CODE 4510-26-M

#### Wage and Hour Division

##### Florida Rural Legal Services, Inc., Petitioner; Proceedings To Determine Fair Value or Reasonable Cost of Facilities Furnished to Employees

Pursuant to authority in Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)), Reorganization Plan 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), Secretary's Order 16-75 (40 FR 55913), Employment Standards Order No. 78-1 (43 FR 51469), Secretary's Order 1-81 (46 FR 28048), and 29 CFR 531.4 and 531.5, the Administrator of the Wage and Hour Division, on the petition of Florida Rural Legal Services, Inc., proposes to determine the "fair value" or

"reasonable cost" of the meals, lodging and other facilities customarily furnished to the employees of: John Miller, Jr. d.b.a. John Miller and Sons, Tangerine, Florida.

Inasmuch as John Miller, Jr., and Florida Rural Legal Services are engaged in the civil action, *Willie Washington, Edward Turner and Moses Thomas v. John Miller, Jr.*, Case No. 82-343-ORL-CIV-EK, United States District Court, Middle District of Florida, Orlando Division, filed July 14, 1982, the Division has decided that the Determination should await the conclusion of a hearing at which all interested parties will have the opportunity to present pertinent information.

Interested persons may submit written data, views, or arguments pertinent to this question by mail to William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Such materials must be received not later than October 15, 1982.

Opportunity will be provided for interested persons to make oral presentations of data, views, or arguments before an Administrative Law Judge appointed under 5 U.S.C. 3105, at the Municipal Justice Building, 100 South Hughey, Orlando, Florida, at 9:30 a.m., October 25, 1982.

Participants should report to the Office of the Chief Court Clerk for a specific room assignment.

Notice of intention to appear should be filed with William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 not later than October 15, 1982.

All persons making oral presentations shall be subject to cross examination by counsel for Florida Rural Legal Services, Inc., counsel for the above-named employer, and counsel for the Secretary of Labor. The Administrative Law Judge shall govern the course of the proceeding, hold presentations to relevant matters, govern the content of the record, have disciplinary power to exclude persons from the room where oral presentations are made, and see that the proceedings are stenographically reported and transcripts made available to persons participating upon payment of fees therefor. The Administrative Law Judge shall certify the record, together with his recommended findings, to the Administrator for consideration of all relevant matters presented and resolution of the issues.

Upon the publication of this notice the above-named employer shall notify his

employees of the place, date, and purpose of the hearing hereby announced by posting a copy of this notice in a conspicuous place on the premises of the facility in which his employees are housed.

Signed at Washington, D.C., this 7th day of September 1982.

William M. Otter,

Administrator.

[FR Doc. 82-24909 Filed 9-9-82; 8:45 am]

BILLING CODE 4510-27-M

#### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316]

##### Indiana and Michigan Electric Co.; Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-58, and Amendment No. 41 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the Facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revised the Technical Specifications to permit storage of Exxon fuel with a uranium enrichment of less than or equal to 3.84 weight percent of U-235.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 7, 1982, as supplemented by letters dated June 11,

1982, June 30, 1982, and July 8, 1982, (2) Amendment Nos. 57 and 41 to license Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of September 1982

For the Nuclear Regulatory Commission.  
Steven A Varga,  
Chief, Operating Reactors Branch No. 1,  
Division of licensing.

[FR Doc. 82-24893 Filed 9-9-82; 8:45 am]

BILLING CODE 7590-01-M

**[Docket Nos. 50-266 and 50-301]**

**Wisconsin Electric Power Co.;  
Issuance of Amendments to Facility  
Operating License and Notice of  
Granting of Relief From Certain  
Requirements of ASME Code Section  
XI Inservice Inspection Requirements**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-24, and Amendment No. 68 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective 20 days from the date of issuance.

The amendments revise the language of the Technical Specifications relating to inservice inspection requirements of safety class components to conform with 10 CFR 50.55a, the Codes and Standards Rule.

The Commission has also granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Wisconsin Electric Company. The relief relates to the Inservice Inspection Program for the Point Beach Nuclear Plant Units 1 and 2. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

The relief relates to certain inservice inspection requirements, pursuant to 10 CFR 50.55a(g)(6)(i) of the Commission's regulations, involving volumetric, visual and surface examinations of piping, component pressure boundary and support structural integrity.

The application for amendments and requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the related Safety Evaluation. Prior public notice of these amendments and requests for relief was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment and granting of relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see (1) the licensee's applications for amendments dated February 17, 1977 and November 27, 1978, (2) the licensee's letters dated May 20, 1977, October 6, 1977, February 6, 1979, February 26, 1979, December 14, 1979, October 6, 1981 and April 14, 1982, (3) Amendment Nos. 63 and 68 to License Nos. DPR-24 and DPR-27, (4) the Commission's letter to the licensee dated and (5) the Commission's related Safety Evaluation including the attached Technical Evaluation Report prepared by Science Applications Incorporated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Joseph Mann Library, 1516 18th Street, Two Rivers, Wisconsin 5424. A copy of items (3), (4) and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 31st day of August 1982.

For the Nuclear Regulatory Commission.  
Robert A Clark,

Chief, Operating Reactors Branch #3,  
Division of Licensing.

[FR Doc. 82-24894 Filed 9-9-82; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-29]**

**Yankee Atomic Electric Co. (Yankee  
Nuclear Power Station); Exemption**

**I**

The Yankee Atomic Electric Company (YAEC, the licensee) is the holder of Facility Operating License No. DPR-3 (the license) which authorizes operation of the Yankee Nuclear Power Station (Yankee) located in Franklin County, Massachusetts, at steady state reactor core power levels not in excess of 600 megawatts, thermal (rated power). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

**II**

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and in August 1975, each licensee was requested to review the extent to which its facility met the requirements.

On June 4, 1975, YAEC submitted its evaluation of Yankee in which it assessed compliance with the rule and also requested an exemption from certain requirements of the rule. The YAEC submittal was supplemented by letters dated September 2, 1975, September 30, 1975, October 10, 1975, February 7, 1977, March 9, 1977, and April 27, 1981. In these submittals, YAEC requested that certain test sequences and methodology, components, and penetrations be exempted from Appendix J requirements. The Franklin Research Center, as a consultant to NRR, has reviewed the licensee's submittals and prepared a Technical Evaluation Report (TER) of its findings. The NRC staff has reviewed this TER and in its Safety Evaluation Report dated June 25, 1982, the staff has concurred in the TER's bases and findings.

The exemption request found to be acceptable are as follows:

1. Section II.G.1 of Appendix J requires, in part, that Type B tests be performed on containment penetrations whose design incorporates resilient seals, gaskets, or sealant compounds, and piping penetrations fitted with expansion bellows. YAEC requested an exemption from the Type B testing for the equipment and emergency

hatches, the containment leg expansion joints, and the fuel chute expansion joint. These penetrations do not incorporate in their design provisions for local testing. Experience by the licensee has shown that these penetrations are not subject to short term deteriorations and leakage has never been detected through any of them.

Furthermore, these joints and hatches are passive leakage barriers that are not exposed to severe operational transients. Any increase in leakage can be determined from the continuous leakage monitor or during the Type A test.

We have reviewed the licensee's submittals and have determined that an exemption from Type B testing requirements for the equipment and emergency hatches, containment leg expansion joints, and the fuel chute expansion joint are justifiable because testing experience has shown that periodic Type A testing provides sufficient leakage monitoring of these penetrations.

2. Section III.D.2 of Appendix J requires, in part, that Type B tests of containment electrical penetrations be performed during reactor shutdowns for refueling, or at other convenient intervals, but in no case at intervals greater than 2 years. YAEC requested an extension of the time interval specified in paragraph III.D.2 with regard to the containment electrical penetrations. YAEC proposed to locally leak test at least 25% of the electrical penetrations annually subject to the following conditions:

(1) During testing of the electrical penetrations, any penetration which fails the leak test will be included in the subsequent annual tests until two acceptable consecutive leak tests have been demonstrated.

(2) These penetrations will be in addition to the 25% selected for testing during the subsequent annual test periods.

The Yankee design has 163 electrical penetrations. The design of these penetrations did not include provisions for ease of testing. Although the penetrations are testable, each penetration requires two tests. One test is for the double o-ring seals, and another is needed for the cylinder holding the electrical conductors. These tests require that considerable time be allocated for each electrical penetration, and extreme care must be taken when testing the penetrations and exposed terminal boards, which are electrically energized.

The penetrations are passive leakage barriers that are not exposed to severe operational transients. The containment continuous leakage monitoring system will provide an additional means of determining an increase in leakage in the interval between Type A tests. In view of the leakage monitoring system at the Yankee plant, testing each penetration at the frequency required by Section III.D.2 of Appendix J (every 2 years) would serve only to identify the need for corrective action at a particular penetration. Furthermore, when the penetrations themselves are continuously monitored, Section III.D.2 permits extension of the penetration testing interval to 3 years.

YAEC's proposed plan would test each penetration once every 4 years. Annual testing of those penetrations which fail test (until two successive satisfactory tests are

performed) also helps to determine the non-leakage reliability of the penetrations. In view of the design of the Yankee Rowe plant, this testing is considered to be a reasonable approach to achieving the objective of Appendix J.

YAEC's proposal to test 25% of the electrical penetrations at the Yankee plant annually with provisions for retest of failures is technically acceptable considering the design of the penetrations, the type of penetration, and the existence of the continuous containment leakage monitoring system and an exception from the Type B testing requirements of Appendix J is acceptable.

3. Section III.C.3 requires that Type C tests shall be performed during each reactor shutdown for refueling, but in no case at intervals greater than 2 years. YAEC requested a temporary exemption, until the 1982 refueling outage, regarding the testing of the steam supply line to the containment heaters, the service water supply to the containment coolers, and the component cooling water supply to containment. The licensee stated that he intended to procure and install single automatic isolation valves, and any necessary manual block valves and test taps, to permit Type C testing in these three lines. He stated that the installation shall be completed during the 1982 refueling outage, which is scheduled to start on September 11, 1982. We have reviewed the licensee's justification and have determined that this temporary exemption is acceptable. The following exemption request is not acceptable:

Section III.C.3 requires that Type C tests shall be performed during each reactor shutdown for refueling, but in no case at intervals greater than 2 years. YAEC requested an exemption from these testing provisions for valves VD-V-752 and VD-V-754, the Neutron Shield Tank Leakage Monitor Lines. YAEC stated that these are 1/2 inch sample lines which are valved closed and are capped, but provided no justification or basis for exempting these lines from Type C testing. This request is therefore unacceptable.

### III

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption requests:

1. Exemption is granted from the requirements of Section II.G.1 of Appendix J pertaining to the performance of Type B tests for the equipment and emergency hatches, the containment leg expansion joints, and the fuel chute expansion joint.

2. Exemption is granted from the requirements of Section III.D.2 of Appendix J pertaining to the test frequency of

containment electrical penetrations provided that

a. At least 25% of the penetrations shall be tested annually; and

b. During testing of the electrical penetrations, any penetration which fails the leak test will be included in the subsequent annual tests until two acceptable consecutive leak tests have been demonstrated; and,

c. These penetrations (listed in section 2.b above) will be in addition to the 25% selected for testing during the subsequent annual test periods.

3. Temporary exemption is granted from the requirements of Section III.C.3 of Appendix J pertaining to the test frequency of the steam supply line to the containment heaters, the service water supply line to the containment coolers, and the component cooling water supply line to containment until the end of the refueling outage which is scheduled to start in September, 1982.

The NRC staff has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, MD this 2nd day of September 1982.

For the Nuclear Regulatory Commission,

**Robert A. Purple,**

*Deputy Director, Division of Licensing.*

[FR Doc. 82-24895 Filed 9-9-82; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF PERSONNEL MANAGEMENT

### Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 7, 1982  
Thursday, October 14, 1982  
Thursday, October 21, 1982  
Thursday, October 28, 1982

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the

Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendation thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,  
Chairman, Federal Prevailing Rate Advisory Committee.

September 3, 1982.

[FR Doc. 82-24849 Filed 9-9-82; 8:45 am]

BILLING CODE 6325-01-M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

**ACTION:** In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### SUMMARY OF PROPOSALS(S):

- (1) Collection title: Request for Medicare Payment
- (2) Form(s) submitted: G-740b, G-740s, HCFA-1500
- (3) Type of request: Extension
- (4) Frequency of use: On occasion
- (5) Respondents: 800,000
- (6) Annual responses: 5,538,000
- (7) Annual reporting hours: 538,694
- (8) Collection description: The Board administers the Medicare program for persons covered by the railroad retirement system. The collection will obtain the information needed by the Travelers Insurance Companies, the Board's carrier, to pay claims for services and supplies covered under Part B of the program.

#### ADDITIONAL INFORMATION OR

**COMMENTS:** Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 82-24843 Filed 9-9-82; 8:45 am]

BILLING CODE 7905-01-M

## DEPARTMENT OF STATE

[CM-8/549]

### Advisory Committee to United States Section International North Pacific Fisheries Commission; Partially Closed Meeting

The Advisory Committee to the United States Section, International North Pacific Fisheries Commission, will meet on September 23, 1982, at the Sitka Centennial Hall, Sitka, Alaska, at 2:00 p.m. This session will discuss the 1978 Protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, surveillance of foreign fishing fleets, the progress of fisheries research, particularly that for dall porpoise, the Alaska salmon fisheries, and fishery developments as they affect

the International North Pacific Fisheries Commission. The session will be open to the public.

The Advisory Committee will also meet from 9:00 a.m. to 5:00 p.m. on September 24, 1982. This session will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the 29th Annual Meeting of the International North Pacific Fisheries Commission to be held in Tokyo, Japan, during November 1-5, 1982. Pursuant to section 4(c) of the North Pacific Fisheries Act of 1954, as amended, 16 U.S.C. 1023(c) which provides that the "advisory committee \* \* \* shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section," the members of the Advisory Committee will examine various options for the negotiating position at the Annual Meeting, and these considerations must necessarily involve review of classified matters.

Accordingly the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Ms. Christine Dawson, Pacific Fisheries Officer, Room 5806, (OES/OFA) U.S. Department of State, Washington, D.C. 20520. Ms. Dawson can be reached by telephone on (202) 632-2009.

Dated: August 16, 1982.

Theodore G. Kronmiller,

Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 82-24825 Filed 9-9-82; 8:45 am]

BILLING CODE 4710-09-M

[CM-8/550]

### Study Group C of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization of the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 23, 1982, at 9:30 a.m. in Room 1205 of the Department of State building, 2201 C Street, NW., Washington, D.C.

This meeting of Study Group C will concentrate entirely on the Study Group XVIII Expert Group which was chartered to recommend a single method of PCM coding at 32 kilobits/second.

The U.S. participants will discuss the objectives and work program of this Experts Group during the next nine months.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to September 23 members of the general public who plan to attend the meeting contact the Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202)632-1007. All attendees must use the C Street Entrance to the building.

Gordon L. Huffcutt,

Acting Director, Office of International Communications Policy.

Dated: August 16, 1982.

[FR Doc. 82-24826 Filed 9-9-82; 8:45 am]

BILLING CODE 4710-07-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

During the period August 27 through September 2, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. N.W., Washington, D.C. 20220; and to the OMB reviewer listed at the end of each entry.

- *Date Submitted:* August 30, 1982
- *Submitting Bureau:* Internal Revenue Service
- *OMB Number:* 1545-0130
- *Form Number:* 1120S, Schedule D (1120S) and Schedule K-1 (1120S)
- *Type of Submission:* Revision
- *Title:* U.S. Small Business Corporation Income Tax Return, Capital Gains and Losses and Shareholder's Share of Undistributed Tax Income, etc.—1982
- *Purpose:* Form 1120S, Schedule D and Schedule K-1 are used by a Subchapter S corporation to figure taxable income, undistributed taxable income, and other tax-related

information. Copy B of Schedule K-1 is given to shareholders of the corporation to assist them in preparing their separate income tax return. IRS uses the information to determine the correct tax.

- *OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- *Date Submitted:* August 30, 1982
- *Submitted Bureau:* Internal Revenue Service
- *OMB Number:* 1545-0070
- *Form Number:* 2350
- *Type of Submission:* Revision
- *Title:* Application for Extension of Time to File U.S. Income Tax Return
- *Purpose:* Form 2350 is used to request an extension of time to file in order to meet the bona fide residence or physical presence tests required to gain the benefits permitted under Section 911. The information furnished is used to determine if the extension should be granted.
- *OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- *Date Submitted:* August 30, 1982
- *Submitting Bureau:* Internal Revenue Service
- *OMB Number:* 1545-0121
- *Form Number:* 1116 and Schedule A (Form 1116)
- *Type of Submission:* Revision
- *Title:* Computation of Foreign Tax Credit-Individual, Fiduciary or non-resident Alien Individual and Schedule of Foreign Taxable Income and Foreign Taxes Paid or Accrued.
- *Purpose:* Form 1116 is used to determine the foreign tax credit. Schedule A (1116) is used to compute foreign taxable income and taxes paid or accrued to more than one foreign country or U.S. possession that is reportable on Form 1116.
- *OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- *Date Submitted:* August 30, 1982
- *Submitting Bureau:* Internal Revenue Service
- *OMB Number:* 1545-0645
- *Form Number:* 6793
- *Type of Submission:* Revision
- *Title:* Safe Harbor Lease Information Return
- *Purpose:* Section 168(f)(8) of the ICR allows a lessee and corporate lessor to elect lease status for new property. The lessor than claims depreciation

and usually, investment tax credit. The information is necessary to determine whether the lease is valid and to evaluate changes in the law.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

- *Date Submitted:* August 30, 1982
- *Submitting Bureau:* Internal Revenue Service
- *OMB Number:* 1545-0139
- *Form Number:* 2106
- *Type of Submission:* Revision
- *Title:* Employee Business Expenses
- *Purpose:* IRC section 62 lists the deductions that are allowable before adjusted gross income. IRC section 162 and 274 requires employees to list allowable employee business expenses. Form 2106 is used to list these expenses. The data is used to verify that the deductions are proper.
- *OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- *Date Submitted:* August 30, 1982
- *Submitting Bureau:* Internal Revenue Service
- *OMB Number:* 1545-0219
- *Form Number:* 5884
- *Type of Submission:* Revision
- *Title:* Jobs Credit
- *Purpose:* Section 44B allows a tax credit to employers hiring individuals from targeted groups, such as economically disadvantaged Vietnam-era veterans, handicapped persons, etc. The employer uses Form 5884 to figure and claim the credit. This form is also used to report WIN credit carryovers from prior years. IRS uses the information to determine the credit's validity.
- *OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- *Date Submitted:* August 30, 1982
- *Submitting Bureau:* Internal Revenue Service
- *OMB Number:* 1545-0096
- *Form Number:* 1042 and 1042S
- *Type of Submission:* Revision
- *Title:* U.S. Annual Return of Income Tax to be Paid at Source and Income Subject to Withholding
- *Purpose:* Used by Withholding Agents to report tax withheld at source of payment in certain income paid to nonresident alien individuals, foreign partnerships, or corporations not engaged in a trade or business in the U.S. The Service used this information

- to verify that the correct amount of tax has been withheld and paid to the U.S.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** August 30, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0175
  - Form Number:** 4626
  - Type of Submission:** Revision
  - Title:** Computation of Minimum Tax-Corporation and Fiduciaries
  - Purpose:** Form 4626 is used by corporations and fiduciaries (trusts or estates) to calculate the minimum tax on items of tax preference that total \$10,000 or more. The information collected is used to determine whether the correct minimum tax has been paid.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** August 30, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0140
  - Form Number:** 2210 and 2210F
  - Type of Submission:** Revision
  - Title:** Underpayment of Estimated Tax by Individuals and Underpayment of Estimated Tax by Farmers and Fishermen
  - Purpose:** IRC section 6654 imposes a penalty for failure to pay estimated income tax. This form is used by taxpayers to determine whether they are subject to this penalty and to compute the penalty if it applies. The Service uses this information to determine whether the taxpayer is subject to the penalty and, also, to verify the penalty amount.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** September 1, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0185
  - Form Number:** 4798
  - Type of Submission:** Extension
  - Title:** Carryover of Pre-1970 Capital Losses
  - Purpose:** Form 4798 is used by individuals who have a pre-1970 capital loss carryover to compute their capital gain deduction or capital loss limitation and compute their capital loss carryover to the subsequent year.
- The information necessary to determine the taxpayer's correct tax liability.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** September 1, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0129
  - Form Number:** 1120-POL
  - Type of Submission:** Revision
  - Title:** U.S. Income Tax Return for Certain Political Organizations
  - Purpose:** Form 1120-POL must be filed by certain political organization having any taxable income. Form 1120-POL is used by political organization to report their income liability. This information is used by IRS to determine the taxpayer's correct tax liability and for general statistics use.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** September 1, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 15458-0410
  - Form Number:** 6468 and 6469
  - Type of Submission:** Extension
  - Title:** Tape Label for Form W-4
  - Purpose:** 26 U.S.C. 3402 requires all employers making payment of wages to deduct (withhold) tax upon such payments. Employers are further required under Temporary Regulation 37.3402-1, to submit certain withholding certificates (W-4) to the IRS. Form 6469 (labels) are sent to employers who prefer to file this information on magnetic tape, and Forms 6468 are the instructions for completing the labels.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** September 1, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0066
  - Form Number:** 2688
  - Type of Submission:** Revision
  - Title:** Application for Extension of Time to File U.S. Individual Income Tax Return
  - Purpose:** 26 U.S.C. 608 permits the Secretary to grant a reasonable extension of time for filing any return declaration, statement, or other document. Form 2688 is used to
- request an extension of time to file Form 1040. The information is necessary to determine if the extension should be granted.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** September 1, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0148
  - Form Number:** 2758
  - Type of Submission:** Revision
  - Title:** Application for Extension of Time to File U.S. Partnership, Fiduciary, and certain Exempt Organization Returns
  - Purpose:** IRC section 6081 permits the Secretary to grant a reasonable extension of time for filing any return, declaration statement, or other document. The form is used to request an extension of time to file partnership, fiduciary, or certain exempt organization returns. The information is used to determine whether the extension should be granted.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** September 1, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0127
  - Form Number:** 1120-H
  - Type of Submission:** Revision
  - Title:** U.S. Income Tax Return for Homeowners Associations
  - Purpose:** Form 1120-H is used by homeowners associations to report their income subject to tax and compute their correct income tax liability. This information is used by IRS to determine the taxpayer's correct tax liability and for general statistics use.
- OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503
- **Date Submitted:** September 2, 1982
  - Submitting Bureau:** Internal Revenue Service
  - OMB Number:** 1545-0187
  - Form Number:** 4835
  - Type of Submission:** Revision
  - Title:** Farm Rental Income and Expenses and Summary of Gross Income from Farming and Fishing
  - Purpose:** Form 4835 is attached to Form 1040 for use by landowner (or sub-

lessors) to report farm rental income based on crops or livestock produced by the tenant where the landowner (or sub-lessors) do not materially participate in the operation or management of the farm. The data is used to determine whether the proper amount of rental income has been reported.

**OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

• **Date Submitted:** September 2, 1982  
**Submitting Bureau:** Internal Revenue Service

**OMB Number:** 1545-0145  
**Form Number:** 2439

**Type of Submission:** Revision  
**Title:** Notice to Shareholders of Undistributed Long-Term Capital Gains

**Purpose:** Under section 852(b)(3) of the IRC, regulated investment companies report their undistributed capital gain income (and taxes paid on it) to their shareholders. The Corporation reports to the shareholder on Form 2439, and

they both send copies to IRS. IRS uses the information to check shareholder compliance.

**OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

• **Date Submitted:** September 2, 1982  
**Submitting Bureau:** Internal Revenue Service

**OMB Number:** 1545-0191  
**Form Number:** 4952

**Type of Submission:** Extension  
**Title:** Investment Interest Expense Deduction

**Purpose:** Form 4952 is used by taxpayers who paid or accrued interest on money borrowed to purchase or carry investment property. The form is used to compute the allowable deduction for interest on investment indebtedness and the information obtained is necessary to verify the amount actually deducted.

**OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

• **Date Submitted:** September 2, 1982  
**Submitting Bureau:** Internal Revenue Service

**OMB Number:** 1545-0091  
**Form Number:** 1040-X

**Type of Submission:** Revision  
**Title:** Amended U.S. Individual Income Tax Return

**Purpose:** Form 1040-X is used by individuals to amend their originally filed return to claim a refund of income taxes, pay additional income taxes, or designate a dollar to a presidential election fund. The information is needed to help verify that the individual has correctly figured his or her income tax.

**OMB Reviewer:** Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joy Tucker,

*Departmental Reports Management Officer.*

September 3, 1982.

[FR Doc. 82-24658 Filed 9-9-82; 8:45 am]

**BILLING CODE 4810-25-M**

# Sunshine Act Meetings

Federal Register

Vol. 47, No. 176

Friday, September 10, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### CIVIL AERONAUTICS BOARD

[M-361, September 7, 1982]

**TIME AND DATE:** 10 a.m., September 14, 1982.

**PLACE:** Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

#### SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket EAS-759, Eligibility of Bowling Green, Kentucky, for Essential Air Service and Request for Proposals to Provide Essential Air Service. (Memo 639-B, BDA, OCCCA, OGC)
3. Dockets EAS-618 and 39162, Review of essential air service determination for Beloit/Janesville, Wisconsin. (Memo 326-C, BDA, OCCCA, OGC)
4. Dockets EAS-765 and EAS-792, Coastal Airlines' Petition for reconsideration of Order 82-6-61 selecting Air Vermont to provide essential air service at Berlin, New Hampshire, and Newport, Vermont. (Memo 518-E, BDA, OCCCA)
5. Docket EAS-798, Wisconsin Rapids' appeal of BDA's.
6. Docket 40454, Wien's 90-day notice to suspend service at Skwéntna, Alaska. (BDA, OCCCA)
7. Commuter carrier fitness determination of Grand Canyon Airlines, Inc. (BDA)
8. Docket 40628, Petition of Continental Air Lines for Review of order awarding Continental interim compensation for Pago Pago back-up service. (Memo 1480, 1480-A, BDA, OGC)
9. Docket 40772, Incorporation by reference. (OGC)
10. Docket 40366, Rules on Domestic Baggage Liability. (Memo 1009-A, OGC, OCCCA, BDA, BIA)
11. Dockets 40386 and 40387, Agreements filed by the Air Traffic Conference of

America relating to a Default Protection Plan. (BDA)

12. Changes in the Board's rule on the handicapped requested by the Department of Justice. (OGC, OCCCA)

13. *Unified Agenda of Federal Regulations*. (OGC)

14. Petitions of SouthCentral Air, Inc., Docket 40885 and Yute Air Alaska, Inc., Docket 40527 for the establishment of service mail rates. (Memo 1478, BIA)

15. Docket 35634, IATA agreement proposing a new cargo rate structure within Asia. (Memo 1481, BIA)

16. Docket 40945, British Airways complaint against Pan American's London-Washington, D.C./Houston Visit U.S.A. fare. (BIA)

17. Dockets 40831, 40940, Applications of Arrow Airways, Inc. for certificate of public convenience and necessity and exemption [Denver-London] (BIA, OGC, BALJ)

18. Report on Canada. (BIA)

19. Negotiations with Scandinavia. (BIA)

20. Dockets 39726, 39767 and 39817, Applications of SCANAIR, Sterling Airways A/S and A/S Conair, respectively, to engage in charter foreign air transportation of persons and their accompanying baggage between Scandinavia and the United States. (BIA)

21. Negotiations with Ireland. (BIA)

22. Report on Venezuela. (BIA)

23. Docket 40915, Pan American's Section

23 Complaint against British Airways—Preliminary Issues. (BIA)

#### STATUS:

1-17 Open

18-23 Closed

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-6320-82 Filed 9-8-82; 3:27 pm]

**BILLING CODE** 6320-01-M

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### COMMISSION ON CIVIL RIGHTS

**PLACE:** Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

**DATE AND TIME:** 12 noon; 1:30-4:30 p.m., Wednesday, September 15, 1982, 9:30 a.m.

**STATUS OF MEETING:** Open to the public.

#### MATTERS TO BE CONSIDERED:

- I. Approval of Agenda.
- II. Approval of Minutes of Last Meeting.
- III. Briefing for Growth Industries Hearing.
- IV. Review of the Report *Greater Baltimore Commitment*.
- V. Review of the Report *Intimidation and Violence: Racial and Religious Bigotry in America*.
- VI. Review of Response to the House Wednesday Group's Criticisms of

Commission Analysis of the Civil Rights Act of 1982.

VII. Massachusetts Advisory Committee Report Entitled *Teacher Layoffs, Seniority and Affirmative Action*.

VIII. Oklahoma Advisory Committee Report Entitled *Employment in the Oklahoma Department of Education*.

IX. Staff Director's Report (July and August):

A. Status of Funds.

B. Personnel Report.

C. Office Directors' Reports.

**PERSON TO CONTACT FOR FURTHER INFORMATION:** Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-6335-82 Filed 9-8-82; 3:20 pm]

**BILLING CODE** 6335-01-M

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### FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Tuesday, September 14, 1982

September 7, 1982.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Tuesday, September 14, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street N.W., Washington, D.C.

#### Agenda, Item No., and Subject

Hearing—1—Review of a Review Board Decision, Settlement Agreement, Motion to Enlarge Issues, and Petitions for Leave to Amend in the Gilbert Broadcasting Corporation, Newark, New Jersey, comparative AM proceeding (Docket Nos. 20407-10).

Hearing—2—Application for Review in the Ford County Broadcasters, Inc., Paxton, Illinois FM radio comparative proceeding (BC Docket Nos. 82-157, 82-158).

Hearing—3—Authorized appeal from an interlocutory ruling in the Orange Park, Florida, Comparative TV proceeding (Docket Nos. 81-690-81-692).

General—1—Order to Show Cause for withdrawal of Speed-O-Matic Co. Model No. SPEEDO-1 Field Disturbance Sensor.

General—2—Broadcast Bureau Reorganization.

Hearing Items 1, 2, and 3, are closed to the public because they concern Adjudication Matters (See 47 CFR 0.603 (j)).

General Item 1, is closed to the public because it concerns Crime/Censure, Investigatory Records, Premature disclosure and Adjudication Matters (See 47 CFR 0.603 (e) (g) (i) and (j)).

General Item 2, is closed to the public because it concerns Internal Personnel Rules (See 47 CFR 0.603 (b)).

The following persons are expected to attend the appropriate portions of this meeting:

Commissioners and their Assistants  
Managing Director and members of his staff  
General Counsel and members of his staff  
Chief, Broadcast Bureau and members of his staff  
Chief Scientist and members of his staff  
Chief, Office of Public Affairs and members of his staff

Hearing Items 1 and 2, July 13, 1982.  
Commissioners Fowler, Chairman;  
Quello, Washburn, Fogarty, Jones,  
Dawson and Rivera voting to consider these items in Closed Session.

Hearing Item 3, July 19, 1982.  
Commissioners Fowler, Chairman;  
Quello, Washburn, Fogarty, Jones,  
Dawson and Rivera voting to consider this item in Closed Session.

General Item 1, July 13, 1982.  
Commissioners Fowler, Chairman;  
Quello, Washburn, Fogarty, Jones,  
Dawson and Rivera voting to consider this item in Closed Session.

General Item 2, September 7, 1982.  
Commissioners Fowler, Chairman;  
Quello, Washburn, Jones, Dawson and  
Rivera voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 7, 1982.

William J. Tricarico,  
Secretary, Federal Communications  
Commission.

[S-1288-82 Filed 9-8-82; 2:21 pm]  
BILLING CODE 6712-01-M

#### 4

### FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, September 14, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

#### Agenda, Item No., and Subject

General—1—*Title:* An Inquiry relating to FCC Participation in Telecommunications Technical Assistance. *Summary:* Presents the status of the FCC administered ITU Fellowship Program and recommends a broadened scope of activity.

General—2—*Title:* Petitions filed by the American Telecommunications Corporation (ATC) and Electronics

Industries Association (EIA) for waiver of Section 15.7 of the FCC Rules for cordless telephones. This action considers whether to grant the ATC and EIA requests for waiver of Section 15.7 for cordless phones to allow them to operate under a more practical technical standard.

General—3—*Title:* In the Matter of Amendment of the Commission's Rules to Allow the Selection from Among Mutually Exclusive Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings, Gen. Docket No. 81-768. *Summary:* The Commission will consider whether to adopt a Second Notice of Proposed Rule Making to implement the FCC's random selection authority contained in the recent amendments to 47 U.S.C. 309(i). This rule making proposes to establish a general framework for random selection of certain initial telecommunications licenses, including procedures, administration and preferences.

Private Radio—1—*Title:* Amendment of the Amateur Radio Service Rules (Part 97) to allow the use of additional digital codes on frequencies above 50 MHz. *Summary:* The Commission will consider whether to adopt a Report and Order amending Part 97 of the Rules to permit amateur radio stations to use digital codes, other than those specified in the Rules, on frequencies above 50 MHz. The Report and Order would also amend other related rules regarding digital communications.

Broadcast—1—*Title:* Reconsideration of the elimination of the pre-Notice of Proposed Rule Making stage of the FM and TV assignment proceedings. *Summary:* The Commission will consider a petition to reconsider the action eliminating the pre-Notice of Proposed Rule Making stage which included the issuance of a Public Notice announcing acceptance of the petition and a comment and reply comment period.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 8, 1982.

William J. Tricarico,  
Secretary, Federal Communications  
Commission.

[S-1289-82 Filed 9-8-82; 2:21 pm]  
BILLING CODE 6712-01-M

#### 5

### FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed

meeting held at 2:30 p.m. on Tuesday, September 7, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by William E. Martin, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

#### Notice of acquisition of control:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: September 8, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1292-82 9-8-82; 3:48 pm]  
BILLING CODE 6714-01-M

#### 6

### FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., September 15, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreements Nos. 10108-7 and 5700-29: Modifications, respectively, of Rate Agreement No. 10108, and the New York Freight Bureau to authorize intermodal authority.
2. Proposed Amendments to Small Claims Procedures.
3. Revisions to FMC General Standards of Conduct.

Portion closed to the public:

1. Docket No. 82-3: South Atlantic-North Europe Rate Agreement (Agreement No. 9984-23) and Gulf European Freight Association (Agreement No. 10270-2)—Review of Discontinuance of Proceeding as to South Atlantic-North Europe Rate Agreement.

**CONTACT PERSON FOR MORE INFORMATION:** Francis C. Hurney, Secretary, (202) 523-5725.

[S-1286-82 Filed 9-8-82; 2:25 pm]

BILLING CODE 6730-01-M

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**FEDERAL RESERVE SYSTEM**

Board of Governors

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Notice forwarded to the Federal Register on September 7, 1982.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10 a.m., Wednesday, September 15, 1982.

**CHANGES IN THE MEETING:** Addition of the following open item(s) to the meeting:

1. Proposed revision of Regulation L (Management Official Interlocks).

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne,

Assistant to the Board (202) 452-3204.

Dated: September 8, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1287-82 Filed 9-8-82; 2:52 pm]

BILLING CODE 6210-01-M

8

**SECURITIES AND EXCHANGE COMMISSION**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 13, 1982, at 450 5th Street, N.W., Washington, D.C.

Closed meetings will be held on Wednesday, September 15, 1982, and Thursday, September 16, 1982 following the 2:30 p.m. open meeting. Open meetings will be held on Thursday, September 16, 1982, at 10:00 a.m. and 2:30 p.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Evans and Thomas voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 15, 1982, at 10:00 a.m., will be:

Formal orders of investigation  
Settlement of administrative proceeding of an enforcement nature  
Access to investigative files by Federal, State, or Self-Regulatory authorities  
Institution of administrative proceedings of an enforcement nature  
Amendment to administrative proceeding of an enforcement nature  
Report of investigation  
Institution of injunctive actions  
Subpoena enforcement action  
Regulatory matter bearing enforcement implications  
Freedom of Information Act appeal  
Opinion

The subject matter of the closed meeting scheduled for Thursday, September 16, 1982, following the 2:30 p.m. open meeting, will be:

Post oral argument discussion  
Report to Congress  
Regulatory matter regarding financial institution

The subject matter of the open meeting scheduled for Thursday, September 16, 1982, at 10:00 a.m., will be:

1. Consideration of whether to propose for public comment Rule 11a-2 under the Investment Company Act of 1940 which would permit registered insurance company separate accounts, subject to certain conditions, to make exchange offers without the terms of those offers having first been submitted to and approved by the Commission. For further information, please contact Mary K. Crook at (202) 272-3010.

2. Consideration of whether to propose for public comment a revision of Rule 6c-1 under the Investment Company Act of 1940 which would make available to more companies the existing exemption for certain finance subsidiaries from all provisions of that Act, subject to certain conditions. For further information, please contact Lewis B. Reich at (202) 272-3017.

3. Consideration of whether to adopt Rule 6c-6 under the Investment Company Act of 1940 which would provide registered insurance company separate accounts with exemptive relief to the extent necessary to permit such accounts to take certain actions in response to Revenue Ruling 81-225. For further information, please contact Mary K. Crook at (202) 272-3010.

4. Consideration of an application filed by Union-Investment-Gesellschaft m.b.H. ("Union-Investment"), a West German management company, on behalf of Unifonds, a West German mutual fund, requesting an order pursuant to sections 6(c) and 7(d) of the Investment Company Act of 1940, permitting registration of Union-Investment under the Act so that it may sell Unifonds shares in the United States, and granting exemptions from many of the provisions of the Act to the extent necessary to permit Union-Investment to comply with various West German

regulations and business practices that conflict with those to which U.S. companies are subject. For further information, please contact Barbara Fraser at (202) 272-3042.

5. Consideration of whether to grant an order to Connecticut Light and Power Company, ("CL&P"), a utility subsidiary of Northeast Utilities ("NU"), a registered holding company, under the the Public Utility Holding Company Act of 1935 relating to the effect of the merger of The Hartford Electric Light Company, also a utility subsidiary of NU, into CL&P on the dividend restrictions prescribed by the first mortgage indentures of the constituent companies. The merger was authorized by the Commission on April 23, 1982 (HCAR No. 22471) and consummated on June 30, 1982. For further information, please contact Grant G. Guthrie at (202) 272-7677.

6. Consideration of a request of Central and South West ("CSW"), a holding company registered under the Public Utility Holding Company Act of 1935 ("Act"), Public Service Company of Oklahoma ("PSO"), an electric utility subsidiary of CSW, and Transok Pipe Line Company ("Transok"), and intrastate Oklahoma subsidiary of PSO, for authorization under the Act for Transok to be transferred as an extraordinary dividend from PSO to CSW. CSW would guarantee Transok's long-term debt obligations. Transok would continue to provide services to PSO at cost, would sell gas and provide service to nonaffiliates at the market price and expand gas processing by acquisition of a new plant. For further information, please contact John F. Connolly at (202) 272-7691.

7. Consideration of the Eleventh Annual Report to the Securities Investor Protection Corporation ("SIPC"). Pursuant to the Securities Investor Protection Act of 1970, SIPC has submitted its Annual Report to the Commission which, in turn, is required to transmit the report to the President and Congress with such comment as the Commission deems appropriate. For further information, please contact Alexander Shtofman at (202) 272-2997.

8. Consideration of whether to adopt a simplified disclosure system relating to the sale of standardized options. For further information, please contact Thomas G. Lovett at (202) 272-2913.

The subject matter of the open meeting scheduled for Thursday, September 16, 1982, at 2:30 p.m., will be: Oral argument on an appeal by James F. Novak from the initial decision of an administrative law judge. For further information, please contact Daniel J. Savitsky at (202) 272-7400.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272-2091.

September 7, 1982.

[S-1289-82 Filed 9-8-82; 3:57 pm]

BILLING CODE 8010-01-M



# Federal Register

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Friday  
September 10, 1982

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**Part II**

## **Department of Labor**

**Employment Standards Administration,  
Wage and Hour Division**

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**Minimum Wages for Federal and  
Federally Assisted Construction; General  
Wage Determination Decisions**

## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
DivisionMinimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination  
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas  
Decisions to General Wage  
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage  
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Alabama: AL82-1026	April 23, 1982.
Connecticut: CT81-3032	May 15, 1981.
District of Columbia, Maryland, and Virginia: DC81-3040.	June 5, 1981.
Maryland: MD80-3047	Aug. 29, 1980.
Nebraska: NE81-4068	Aug. 28, 1981.
New Jersey:	
NJ81-3053	Oct. 9, 1981.
NJ81-3063	Dec. 28, 1981.
New York: NY82-3025	Sept. 3, 1982.
Oklahoma: OK81-4067	Aug. 21, 1981.
New Mexico: NM82-4031	June 18, 1982.
Pennsylvania:	
PA80-3059	Oct. 3, 1980.
PA82-3010	Mar. 5, 1982.
PA81-3043	July 17, 1981.
PA81-3047	July 17, 1981.
PA81-3091	Dec. 28, 1981.
Ohio: OH82-2036	May 7, 1982.
Wisconsin:	
WI82-2021	Mar. 19, 1982.
WI82-2043	Aug. 27, 1982.
Washington: WA82-5117	Aug. 13, 1982.

Supersedeas Decisions to General Wage  
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL78-1080 (AL82-1040)	Sept. 22, 1978.
AL81-1265 (AL82-1041)	July 10, 1981.
AL81-1284 (AL82-1042)	Sept. 4, 1981.
Florida: GA82-1038 (GA82-1043)	Aug. 6, 1982.
Georgia:	
GA82-1038 (GA82-1043)	Aug. 6, 1982.
GA79-1155 (GA82-1044)	Dec. 7, 1979.
Minnesota: MN81-2047 (MN82-2046)	July 17, 1981.
North Carolina: GA82-1038 (GA82-1043)	Aug. 6, 1982.
Pennsylvania: PA81-3049 (PA82-3028)	July 17, 1981.
South Carolina:	
GA82-1038 (GA82-1043)	Aug. 6, 1982.
SC79-1130 (SC82-1045)	Sept. 28, 1979.
SC79-1132 (SC82-1046)	Sept. 28, 1979.
Virginia: GA82-1038 (GA82-1043)	Aug. 6, 1982.
Washington, D.C.: GA82-1038 (GA82-1043)	Aug. 6, 1982.

Please note that we are changing the format for Federal Register wage decisions to coincide with the provisions of All Agency Memorandum No. 132 dated January 29, 1980 which provides that the Department of Labor will discontinue identifying fringe benefits separately. Rather, they will be stated as a composite figure which is the total hourly equivalent value of fringe benefits found to be prevailing. Fringe benefits which can not be stated in monetary terms will be shown in footnotes. This procedure is being phased in gradually.

Signed at Washington, D.C., this 3d day of September 1982.

**Dorothy P. Come,**

*Assistant Administrator, Wage and Hour  
Division.*

BILLING CODE 4510-27-M

MODIFICATION PAGE 2

MODIFICATION PAGE 1

DECISION NO., DATE, TITLE	Basic Hourly Rates	Fringe Benefits	DECISION NO., DATE, TITLE	Basic Hourly Rates	Fringe Benefits	DECISION NO., DATE, TITLE	Basic Hourly Rates	Fringe Benefits	DECISION NO., DATE, TITLE	Basic Hourly Rates	Fringe Benefits
DECISION NO. AL82-1026 - MOD. #1 (47 FR 17721 - April 23, 1982) MOBILE COUNTY, ALABAMA (BUILDING CONSTRUCTION)	\$15.40	\$1.98	DECISION NO. MD80-3047 - MOD. #6 (45 FR 57922 - August 29, 1980) ALLEGANY & GARRETT COS., MARYLAND	14.20	2.20+ 3.75% 2.20+ 3.75% 2.20+ 3.75%	DECISION NO. NJ81-3053 - MOD. #14 (46 FR 50243 - October 9, 1981) BERGEN, ESSEX, HUDSON, MONTERDON, MIDDLESEX, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN COUNTIES, NEW JERSEY	16.32	4.42+ .035 38%+ .29	LABORERS HEAVY & HIGHWAY CONSTRUCTION: GROUP 1	12.70	2.60+ d
CHANGE: PLUMBERS, PIPEFITTERS & STEAMFITTERS			ADD: Linemen-Allegany and Garrett (East of the 219 Lineman	13.49		CHANGE: ASBESTOS WORKERS: ZONE 1	16.60		GROUP 2	12.15	2.60+ d
DECISION NO. CT81-3032 - MOD. #18 (46 FR 27040 - May 15, 1981) HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONN.	17.47	2.20+ 3.40+r 2.33+s	Equipment Operator	9.23		BOILERMAKERS			GROUP 3	11.90	2.60+ d
CHANGE: PLUMBERS, STEAMFITTERS	19.17		Truck Driver, Groundmen Rte 219 at the Lake) Lineman	14.60	2.20+ 3.75%	BRICKLAYERS, STONEMASONS, CEMENT MASONS & PLASTERERS: ZONE 1			GROUP 4	12.15	2.60+ d
AREA 2	17.20		Equipment Operator	13.89	2.20+ 3.75%	ZONE 2			GROUP 5	11.90	2.60+ d
AREA 5	17.03	3.91	Truck Driver, Groundman	9.63	2.20+ 3.75%	ZONE 3			GROUP 6	11.70	2.60+ d
STEAMFITTERS			CHANGE: Truck Drivers Group 1	10.95	2.70	ZONE 4			GROUP 7	11.40	2.60+ d
DECISION NO. DC81-3040 - MOD. #14 (46 FR 30290 - June 5, 1981) DISTRICT OF COLUMBIA; MARYLAND-MONTGOMERY AND PRINCE GEORGES; D.C. TRAINING SCHOOL; VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA, ARLINGTON AND FAIRFAX	15.925	1.915 1.55	Truck Drivers			ZONE 5			GROUP 8	11.20	2.60+ d
CHANGE: BOILERMAKERS	16.53		DECISION NO. NE81-4068 - MOD. #2 (46 FR 43632 - Aug. 28, 1981) DOUGLAS, SARY, CASS AND OTTOE COUNTIES, NEBRASKA			ZONE 6			GROUP 9	11.20	2.60+ d
DIVERS' TENDERS	12.225	2.72	OMIT: Otose County			ZONE 7			LABORERS - FREE AIR TUNNEL JOBS: GROUP 1	12.65	2.60
MARBLE, TILE AND TERRAZZO	15.81	1.40				ZONE 8			GROUP 2	12.25	2.60
FINISHERS	11.60	1.63				ZONE 9			GROUP 3	12.10	2.60
PLUMBERS						ZONE 10			GROUP 4	11.60	2.60
PLUMBERS' LABORERS	15.74	1.71				DOCK BUILDERS & PILEDRIVER MEN: ELECTRICIANS & CABLE			LABORERS-ASPHALT CONSTRUCTION: ZONE 1		
STEAMFITTERS, REFRIGERATION AND AIR CONDITION MECHANIC	16.67	2.83				SPLICERS: ZONE 1			Street: Head Raker	10.55	2.35+ d
SPRINKLER FITTERS (EXCLUDING PRINCE GEORGES AND MONTGOMERY COUNTIES)	15.21	2.76				ZONE 2			Rakers & Screen men	10.40	2.35+ d
TERRAZZO AND MOSAIC WORKERS	15.21	2.76				ZONE 3			Tampers, smooters, kettlemen, painters, top shovelers & roller boys	10.15	2.35+ d
TILE SETTERS						ZONE 4			Plant: Scale mixer & burner men	10.40	2.35+ d
						ZONE 5			Feeder & dustmen	10.15	2.35+ d

MODIFICATION PAGE 4

MODIFICATION PAGE 3

DECISION NO. NJ81-3053 - (CONT'D)	Basic Hourly Rates	Fringe Benefits	DECISION NO. NJ81-3053 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
LABORERS - ASPHALT CONSTRUCTION: (CONT'D) ZONE 2 Head Raker	11.65	2.60+ d	POWER EQUIPMENT OPERATORS TANK ERECTION: CLASS A	21.86	4.60+f
Rakers & Sreedman	11.50	2.60+ d	CLASS B	21.02	4.60+f
Tampers, smoothers, kettlemen, painters, top shovelers & roller boys	11.25	2.60+ d	CLASS C	23.00	4.60+f
Plant: Scale mixers & burner-men	11.30	2.60+ d	CLASS D	21.19	4.60+f
Feeders & dust men	11.05	2.60+ d	CLASS E	20.13	4.60+f
LINE CONSTRUCTION (EXCLUDING RAILROAD CONSTRUCTION) ZONE 1	16.30	21% 21 3/4%	CLASS F	14.82	4.60+f
ZONE 3	17.00	4.58	ADD: STEEL ERECTION: CLASS G		
ZONE 5	17.51	13.5758 +2.50	Compressor, single; welding machine, single; gas, electric converters of any type, diesel; welding system multiple (rectifier transformer type); generator, single		
ZONE 7 Linemen & equipment Operator	17.75	11%+ 2.30	PIPEFITTERS: ZONE 1	20.00	4.60+f
Groundmen & line truck Operator	15.10	11%+ 2.30	ZONE 2	19.75	4.60+f
ZONE 14 Linemen, line truck operators, equipment operators & cable splicers	16.00	11 3/4% +1.20	ZONE 3	17.61	4.60+f
Groundmen PAINTERS: ZONE 1	60% JR		ZONE 4	15.41	4.60+f
Commercial & industrial, tapers (commercial), Steel (outside), spray & paper hangers	13.30	4.56	ZONE 5	14.09	4.60+f
	15.30	4.56	ROOFERS: ZONE 5	21.93	4.60+f
			Composition, damp & waterproofing Slate and tile	16.50	3.50
			AREA COVERED BY BRICKLAYERS, STONEMASONS, ECT. ZONES: ZONE 10 - Somerset (Remainder of County) Hunderdon Co. at Old Millend, Rt. 32 following Passaic River to Dead River to Brownmills at Pluckemin thence Oldwick to Fairmont, across county line to Long Valley in Morris County thence 3 miles North of Chester to Muskrat to Ralston in Morris to Mendham Twp. across Morris County Line to Somerset back to Old Mill in Bernardsville Route 23 in Somerset County (Bernadville, Lyons, Peapack, Gladstone, Pluckriment, Liberty Corner, Bedminster, Far Hills, Laminton and Potterville).	16.50	3.50

DECISION NO. NJ81-3063 -  
(CONT'D)

Basic Hourly Rates	Fringe Benefits
21.86	4.60+f
21.02	4.60+f
23.00	4.60+f
21.19	4.60+f
20.13	4.60+f
14.82	4.60+f
20.00	4.60+f
18.75	4.60+f
17.61	4.60+f
15.41	4.60+f
14.09	4.60+f
21.93	4.60+f

POWER EQUIPMENT OPERATORS--  
TANK ERECTION:  
CLASS A  
CLASS B  
CLASS C  
CLASS D  
CLASS E  
CLASS F  
CLASS G

POWER EQUIPMENT OPERATORS:  
STEEL ERECTION:  
CLASS A  
CLASS B  
CLASS C  
CLASS D  
CLASS E  
CLASS F  
CLASS G

POWER EQUIPMENT OPERATORS:  
OILSTATIC MAINTAINLINES &  
TRANSPORTATION PIPE LINES:  
CLASS A  
CLASS B  
CLASS C  
CLASS D  
CLASS E  
CLASS F

SHEET METAL WORKERS:  
ZONE

POWER EQUIPMENT OPERATORS STEEL ERECTION

CLASS A - Cranes - (all cranes, land or floating with booms including jib, 140 ft. and over, above ground), Derricks - (all derricks, land or floating with booms including jib, 140 ft. and over, above ground), Helicopter - Co-pilot and Helicopter - Communications Engineer

CLASS B - Cranes - (all cranes, land or floating with booms including jib, less than 140 ft. above ground), Derricks - (all derricks, land or floating with booms including jib, less than 140 ft. above ground)

CLASS C - "A" Frame, Cherry Pickers 10 tons and under, Hoists: All type hoists shall also include steam, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, or any other similar type hoisting machines, portable or stationary, except Chicago Boom Type, Jacks - screw air hydraulic power operated unit or console type (not hand jack or pile load test type) and Side Booms

CLASS D - Aerial Platform used as Hoist, Compressors, 2 or 3 in Battery, Elevators or House Cars, Conveyors and Tugger Hoists, Fireman, Forklift, Generators, 2 or 3, Maintenance - Utility Man, Rod Bending Machine (Power), Welding Machines - (gas or electric, 2 or 3 in Battery, including Diesels), Captain, Power Boats, Tug Master - Power Boats, Compressor, Single, Welding Machines, Single, gas, electric converters of any type, diesel, Welding System Multiple (Rectifier Transformer Type) and Generator, Single

CLASS E - Assistant Engineer/Oiler and Straddle Carrier

CLASS F - Helicopter--Pilot and Helicopter--Engineer

CLASS G - Compressor, Single; Welding Machine, single, gas, electric converters of any type, diesel; welding system multiple (Rectifier transformer type); Generator, single

DECISION NO. NJ81-3063 -  
MOD. #9  
(46 FR 62746 - Dec. 28, 1981)

Basic Hourly Rates	Fringe Benefits
13.67	5.31+a
17.71	10%+ .96
15.00	6.80
13.68	6.45
16.90	3.25
15.00	6.90
11.00	2.60+a
11.20	2.60+a
11.50	2.60+a
11.70	2.60+a
11.95	2.60+a
12.50	2.60+a
11.20	2.60+a
11.40	2.60+a
11.70	2.60+a
11.90	2.60+a
12.15	2.60+a
12.70	2.60+a
12.65	2.60
12.25	2.60
12.05	2.60
11.60	2.60

LABORERS-ASPHALT CON-  
STRUCTION:  
Head Raker  
Rakers & screedmen  
Tamers, smoothers  
Kettlemen, painters,  
shovelers & roller boys  
PLANT:  
Scale mixer & burner  
men  
Feeders & dustmen  
PAINTERS:  
NEW CONSTRUCTION:  
Brush or roller, paper  
hanging & vinyl-wall  
covering  
Work on all structural  
steel & iron, steeples,  
stacks, tanks, tanks,  
flagpoles, all swing  
work & window jack work  
above 2 stories, spray  
& line stripping by  
painting & sandblasting  
machinery, all power  
tools & hazardous  
materials (i.e. creosote,  
epoxy, acid, pitchmaster  
& urethanes  
16.00 2.25

POWER EQUIPMENT OPERATORS  
(EXCLUDING STEEL ERECTION)  
TANK ERECTION & OILSTATIC  
PIPE LINES:  
CLASS A  
CLASS B  
CLASS C  
CLASS D  
CLASS E  
CLASS F

FREE AIR TUNNEL JOBS:  
GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4

LABORERS-ASPHALT CON-  
STRUCTION:

PAINTERS:  
NEW CONSTRUCTION:

POWER EQUIPMENT OPERATORS  
(EXCLUDING STEEL ERECTION)

FREE AIR TUNNEL JOBS:

DECISION NO. NY82-3025 (Cont'd)

DECISION NO. NY82-3025 -  
MOD. #1 - Sept. 3, 1982  
ORANGE COUNTY, NEW YORK

CHANGE:  
POWER EQUIPMENT OPERATORS:  
BUILDING, HEAVY, HIGHWAY,  
ROAD, STREET AND SEWER  
CONSTRUCTION

CLASS A	CLASS B	CLASS C
20.07	3.90	3.90
18.68	3.90	3.90
17.07	3.90	3.90

Basic Hourly Rates	Fringe Benefits
15.64	3.90
14.33	3.90
21.89	3.90

POWER EQUIPMENT OPERATORS:  
BUILDING, HEAVY, HIGHWAY, ROAD,  
STREET AND SEWER CONSTRUCTION (CONT'D)

**CLASS C**

Asphalt curbing machine; asphalt plant engineer; asphalt spreader; auto-grade tube finisher & texturing machine (CMI & similar types); autograde concrete machine (CMI & similar types); autograde curb trimmer & sidewalk, shoulder, slipform (CMI & similar types); Bar bending machines (power); batchers, batching plant & crusher on site; belt conveyor systems; boom type skimmer machines; bridge deck finisher; bulldozers (all); car dumpers (railroad); compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instant concrete, or similar type materials); compressor (2 or 3) in a battery; instant concrete, or similar machines; concrete saws & cutters (ride on type); concrete spreaders, hetzel, reformat and similar types; concrete vibrators; conveyors, under 125 ft.; crushing machines; ditching machine, small (ditchwitch or similar type); dope pots (mechanical with or without pump); dumpsters; elevator; fireman; fork lifts (economobile, lull & similar types of equipment); front end loaders (1 yd. and over but less than 2 yds.); generators (2 or 3) in battery; giraffe grinders; graders & motor patrols; gunnite machines (excluding nozzle); Hammer vibratory (in conjunction with generator); hoists (roof, tugger, aerial platform hoist and house cars); hoppers; hopper doors (power operated); ladders (motorized); ladderwator; locomotive, dinky type; maintenance, utility man; mechanics; mixers (excepting paving mixers); motor patrols & graders; pavement breakers, small, self-propelled ride on type (also maintains compressor or hydraulic unit); pavement breaker, truck mounted; pipe bending machine (power); pitch pump; plaster pump (regardless of size); post hole digger (post pounder and auger); rod bending machines (power); roller, black top; scales, (power); seaman pulverizing mixer; shoulder widener; silos; skimmer machines (boom type); steel cutting machine; services & maintains; tractors; tug captain; vibrating plants (used in conjunction with unloading) and welder & repair mechanics

**CLASS D**

Brooms and sweepers; chippers; compressor (single); concrete spreaders (small type); conveyor loaders (not including elevator graders); engines, large diesel (1620 H.P.) and staging pump; farm tractors; fertilizing equipment (operation and maintenance of); fine grade machine (small type); form line graders (small type); front loader (under 1 yd.); generator (single); grease, gas, fuel and oil supply trucks; heaters (Nelson or other type including propane, natural gas or flowtype units); lights, portable generating light plants; mixers, concrete small; mulching equipment (operation and maintenance of); pumps (2 of less than 4 inch suction); pumps (4 inch suction and over including submersible pumps); pumps (diesel engine & hydraulic) immaterial of power; road finishing machines (small type); rollers, grade, fill

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD,  
STREET AND SEWER CONSTRUCTION

**CLASS A**

Autograde-combination sub-grader, base mtl. spreader & base trimmer (CMI & similar types); autograde placer-trimmer spreader-combination (CMI & similar types); autograde slipform paver (CMI & similar types); backhoe; central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks (land or floating); drillmaster, quarrymaster (down the hole drill) rotary drill, self-propelled hydraulic drill, self-powered drill; draglines; elevator graders; front-end loaders (5 yds. and over); graders, rago; locomotive (large); mucking machines; pavement & concrete breaker, i.e., super-hammer & hoe ram; pile driver, length of boom including length of leads, shall determine premium rate applicable; roadway surface grinder, scoopper (loader & shovel); shovels; tree chopper with boom; and trench machines

**CLASS B**

"A" frame; backhoe (combination); boom attachment on loaders rate based on size of bucket; not applicable to pipehook; boring & drilling machines; brush chopper, shredder and tree shredder, tree shearer; cableways; carryalls; concrete pump; concrete pumping system, pumpcrete & similar types; conveyors, 125 ft. and over; drill doctor (duties include dust collector maintenance); front end loaders (2 yds. but less than 5 yds.); graders (finish); groove cutting machine (ride on type); heater planer; hoists (All type hoists, shall also include steam, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, snorkel roof, and/or any other similar type hoisting machines, portable or stationary, except Chicago Boom type); hoists - (Chicago boom type); hydraulic cranes-10 tons and under; hydro-axe; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); log skidder; pans; pavers (all concrete); pumpcrete machines, squeezeconcrete & concrete pumping (regardless of size); scrapers; sidebooms; "straddle" carrier, ross and similar types and winch trucks (hoisting)

DECISION NO. NY82-3025 (Cont'd)

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD STREET AND SEWER CONSTRUCTION (CONT'D)

CLASS D (CONT'D)

or stone base; seeding equipment (operation and maintenance of); sprinkler and water pump; steam jennies and boilers; stone spreader; tamping machines, vibrating ride on; temporary heating plant (Neilson or other type, including propane, natural gas or flow type units); water and sprinkler trucks; welding machines (gas, diesel, and/or electric converters of any type, single, two or three in a battery); welding system, multiple (rectifier transformer type), trucks and wellpoint systems

CLASS E Oiler

CLASS F Helicopters-Pilot

CLASS	Basic Hourly Rates	Fringe Benefits
CLASS A	20.70	3.90
CLASS B	19.25	3.90
CLASS C	17.41	3.90
CLASS D	16.17	3.90
CLASS E	14.79	3.90
CLASS F	22.63	3.90

POWER EQUIPMENT OPERATORS: OILOSTATIC MAINLINES & TRANSPORTATION PIPELINES

CLASS	Basic Hourly Rates	Fringe Benefits
CLASS A	20.70	3.90
CLASS B	19.25	3.90
CLASS C	17.41	3.90
CLASS D	16.17	3.90
CLASS E	14.79	3.90
CLASS F	22.63	3.90

POWER EQUIPMENT OPERATORS: OILOSTATIC MAINLINES & TRANSPORTATION PIPELINES

CLASS A Backhoe; cranes (all types); drag lines; front end loaders (5 yds. & over); gradalls; scoopier (loader & shovel) koehring and trench machines

CLASS B "A" frame; backhoe (combination hoe loader); boring & drilling machines; ditching machine, small ditchwitch or similar type; fork lifts; front end loaders (2yds. & over but less than 5 yds.); graders, finish (fine); hydraulic cranes-10 tons & under (over 10 tons, crane rate applies) side booms and winch trucks (hoisting)

CLASS C Backfiller; brooms & sweepers; bulldozers; compactors (2 or 3 in battery); front end loaders (Under 2 yds.); generators; giraffe graders; graders & motor patrols; mechanic; pipe bending machine (power); tractors; water & sprinkler trucks; welder & repair mechanic

POWER EQUIPMENT OPERATORS: OILOSTATIC MAINLINES & TRANSPORTATION PIPELINES (CONT'D)

CLASS D Compressor (single); dope pots (mechanical with or without pump); dust collectors; farm tractors; pumps (4 inch suction & over); pumps (2 of less than 4 inch suction); pumps, diesel engine & hydraulic (immaterial or power); welding machines, gas or electric converters of any type-single; welding machines, gas or electric converters of any type-2 or 3 in battery multiple welders; wellpoint systems (including installation & maintenance)

CLASS E Oiler; grease, gas, fuel & oil supply trucks; tire repair & maintenance

CLASS F Helicopter-pilot

CLASS	Basic Hourly Rates	Fringe Benefits
CLASS A	21.89	3.90
CLASS B	20.98	3.90
CLASS C	19.84	3.90
CLASS D	17.48	3.90
CLASS E	16.15	3.90
CLASS F	23.70	3.90

POWER EQUIPMENT OPERATORS: STEEL ERECTION

CLASS A Cranes-(all cranes, land or floating with booms including jib, 140 ft. and over, above ground); derricks-(all derricks, land or floating with booms including jib, 140 ft. and over, above ground)

POWER EQUIPMENT OPERATORS: STEEL ERECTION

CLASS B Cranes-(all cranes, land or floating with booms including jib, less than 140 ft. above ground); derricks-(all derricks, land or floating with booms including jib, less than 140 ft. above ground)

CLASS C "A" frame; cherry pickers 10 tons and under; hoists; all types hoists shall also include steam, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, or any other similar type hoisting machines, portable or stationary, except Chicago Boom type; jacks-screw air hydraulic power operated unit or console type (not hand jack or pile load test type); side booms

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DECISION NO. NY82-3025 (Cont'd)

POWER EQUIPMENT OPERATORS: STEEL ERECTION (CONT'D)

**CLASS D**  
Aerial platform used hoist; compressor, 2 or 3 in battery; elevators or house cars; conveyors and tuger hoists; fireman; forklift; generators, 2 or 3; maintenance-utility man; rod bending machine (power); welding machines--(gas or electric, 2 or 3 in battery, including diesels); captain -power boats; tug master-power boats

**CLASS E**  
Compressor, single, welding machine, single, gas, electric converters of any type, diesel; welding system multiple (rectifier transformer type); generator, single

**CLASS F**  
Straddle carrier

**CLASS G**  
Helicopter-pilot

POWER EQUIPMENT OPERATORS:

CLASS	Basic Hourly Rates	Fringe Benefits
CLASS A	22.56	3.90
CLASS B	21.72	3.90
CLASS C	23.70	3.90

**CLASS D**  
TANK ERECTION  
Operating engineers--on all cranes, derricks, etc. with booms including jib 140 ft. or more above the ground

**CLASS E**  
Operating engineers--on all equipment, including cranes, derricks, etc. with booms including jib, less than 140 ft. above the ground

**CLASS C**  
Helicopter--pilot

**CLASS D**  
All equipment covered under article IV-2 - air compressors, welding machines and generators are defined as and cover; gas, diesel, or electric driven equipment and sources of power from a permanent plant, i.e., steam, compressed air, hydraulic or other power, for the operating of any machine or automatic tools used in the erection, alteration, repair and dismantling of tanks and any all "dual purpose" trucks used on the construction job site. Employees covered hereunder shall man and operate such permanent plant from which source of power is supplied. In the event that the Employer is unable to arrange this, Engineers shall man all valves or other outlets of such source of power as is used by the Employer and shall be paid the rate of wages applicable to the classification of work in which he is employed.

**CLASS E**  
Oiler

DECISION #OK81-4067 - Mod. #1  
46FR42613 - August 21, 1981  
Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Grady, Lincoln, Logan, McClain, Seminole, and Pottawatomie Counties, Oklahoma.

CHANGE:  
CARPENTERS - ZONE I

Carpenters  
Power Saw Operator  
Millwrights-Piledrivermen  
CARPENTERS - ZONE II

Carpenters  
Millwrights-Piledrivermen  
CARPENTERS - ZONE III  
Carpenters  
Millwrights-Piledrivermen  
CARPENTERS - ZONE IV

Carpenters  
Millwrights-Piledrivermen  
MILLWRIGHTS-PILEDRIVERMEN  
Grady and Caddo Counties  
ASBESTOS WORKERS  
PAINTERS:

Brush  
Spray under 30 feet  
Spray over 30 feet  
Paperhanging  
Tapers using mach. tools  
PLUMBERS-PIPEFITTERS  
SOFT FLOOR LAYERS:  
Resilient floor layers  
and carpet layers

ADD:  
CARPENTERS (Grady & Caddo Counties)

DECISION #NM82-4031-Mod.#2  
47FR26540-June 18, 1982  
STATEWIDE, NEW MEXICO

CHANGE:  
"ASBESTOS WORKERS PUBLISHED IN FEDERAL REGISTER DATED AUGUST 27, 1982 to read "ASBESTOS WORKERS--Zone I"

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$11.75	\$1.27	\$16.04	2.69+ +bb
12.00	1.27	11.23	2.69+ +bb
12.25	1.27	507JR	
13.85	1.61		
14.35	1.61		
14.65			
14.90			
12.05	1.15		
12.875	1.15		
14.35	1.64		
15.86	1.80		
12.00	2.03		
12.50	2.03		
13.00	2.03		
13.00	2.03		
12.50	2.03		
15.74	1.92		
13.10	1.80		
11.05	1.64		

DECISION NO. PA80-3059  
MOD. NO. 9  
(45 FR 65395 - October 3, 1980)  
Erie County, Pennsylvania

CHANGE:  
ELEVATOR CONSTRUCTORS  
ELEVATOR CONSTRUCTORS HELPERS  
ELEVATOR CONSTRUCTORS HELPERS (PROP.)

ADD:  
PLASTER TENDERS, TILE, TERRAZZO & MARBLE MASONS TENDERS



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MODIFICATION PAGE 15

DECISION NO. PA81-3043 - (CONT'D)	DECISION NO. PA82-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)	DECISION NO. PA81-3047 - (CONT'D)												
STONEMASONS ZONE 3	SPRINKLER FITTERS ZONE 2	STEAMFITTERS ZONE 3 & ZONE 4	MOD. #3 (45 FR 37225 - July 17, 1981)	LAWRENCE AND MERCER COS., PENNSYLVANIA	CHANGE: CEMENT MASONS: Lawrence County Remainder of Mercer Co.	ELECTRICIANS	LABORERS: Laborers, carryable pumps west brick buggy or similar, vibrator opera- tors walk behind fork lift or similar (non self- propelled) stripper & movers or forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping) West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon (drill runners's helper, including drill mounted on truck, tractor or simi- lar), blaster's helper, all operators of compact- ing equipment, pipe layer, burner, jack- hammer man concrete buster	Hod Carrier, scaffold bulder bell and bottom man on firances and stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting and stopping) grout machine feeder and pump operators and concrete saw operator, wagon drill operators Gunnite nozzleman Blaster LANDSCAPING: Landscape laborer to include general land- scaping work and driv- ing of trucks for the distributing of materi- als on the job site but not to include dump trucks used to trans- port supplies to the job Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and backhoe attachment used for the sole pur- pose of landscape work including soil spread- ing, but not for heavy ing, and highway construc- tion work PAINTERS: Commercial Brush & Roller Industrial Spray Brush & Roller Industrial Spray Brush & Roller PLASTERERS: Lawrence County PLUMBERS & STEAMFITTERS: Lawrence County Mercer County	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits			
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%	12.64	20%	12.64	20%	12.64	20%	12.64	20%	12.64	20%
15.35	3.71	16.92	2.83	16.20	3.68	16.99	.01	15.31	3.52	15.85	5.51+3%										

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SUPERSEDES DECISION

STATE: ALABAMA COUNTY: CALHOUN  
 DECISION NUMBER: ALB2-1040 DATE: DATE OF PUBLICATION  
 SUPERSEDES DECISION No.: AL78-1080 dated September 22, 1978 in 43 FR 43152.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories)

Basic Hourly Rates	Fringe Benefits	POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits
\$ 7.22	.62	Backhoe	\$ 5.96	
8.90		Bulldozer	4.50	
5.20	1.42	Crane, Derrick, Dredline	4.25	
13.45	1.00	Finishing Machine	5.20	
8.93		Front End Loader	4.00	
		Motor Patrol	4.50	
9.25	1.475	Spreader Operator	3.98	
3.57				
8.00	.11			
9.40	.63			
6.75				
7.85				
7.86				
12.90	1.42a			
6.00	1.97			
10.80				
6.50				
5.50				
3.57				

FOOTNOTE:  
 a. 4 Paid Holidays: July Fourth, Labor Day, Thanksgiving, & Christmas Day

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a) (1) (ii)).

DECISION NO. OH82-2036 - MOD. #2	DECISION NO. W182-2043 - MOD. #1	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
(47 FR 19909 - May 7, 1982) Adams, Allen ... Wood & Wyandot Counties, Ohio	(47 FR 38035 - August 27, 1982) Statewide, Wisconsin	\$16.98	2.49	\$13.26	1.91
Change: Electricians: Clinton, Darke, Mont- Green, Miami, Mont- gomery, Preble, & Warren (Twp. of Wayne, Clear Creek, & Franklin) Cos. Electricians & Com- munication Instal- lers within 11 mi. radius at 3rd & Main Streets, Dayton	Change: Zone 3 - Brown, Calumet, Door, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano, Waubesa, Waushara, and Winnebago Counties, Wisconsin Carpenters Piledrivermen	\$13.66	1.91	13.66	1.91
Electricians & Com- munication instal- lers beyond 11 mi. radius at 3rd & Main Streets, Dayton	Zone 4 - Green, Jeffer- son & Rock Cos.: Carpenters Piledrivermen	17.21	2.51	15.59	2.21
	Zone 14 - Forest, Lang- lade, Lincoln, Marathon, Oneida, Portage, Price, Vilas, & Wood Cos.: Carpenters Piledrivermen			15.74	2.21

DECISION NO. W182-2021 - MOD. #1	DECISION NO. WA82-5117 - Mod #1	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
(47 FR 12034 - March 19, 1982) LaCrosse, Monroe, and Vernon Cos., Wisconsin	(47 FR 35433 - Aug. 13, 1982) Statewide Washington	15.79	.70+.38		
Change: Electricians	OMIT: LABORERS (Area 5): Flagman				

SUPERSSEDEAS DECISION

STATE: ALABAMA COUNTY: ETOWAH  
 DECISION NUMBER: AL82-1041 DATE: DATE OF PUBLICATION  
 Supersedes Decision No.: AL81-1265 dated July 10, 1981 in 46 FR 35859.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	\$14.36	\$2.06
BRICKLAYERS	12.95	.30
CARPENTERS	12.25	1.24
Millwrights	12.75	1.24
CEMENT MASONS	10.44	.65
ELECTRICIANS	14.20	1.70
GLAZIERS	9.00	
IRONWORKERS	13.48	1.48
INSULATORS	8.35	
LABORERS, Unskilled	6.61	.67
LATHERS	8.50	
PAINTERS	9.00	
PLUMBERS & PIPEFITTERS	14.00	1.42a
ROOFERS	11.10	.55
SHEET METAL WORKERS	14.67	1.96

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a) (1) (ii)).

	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS	\$14.57	2.83
TRUCK DRIVERS:		
1) up to but not including 1-1/2 tons	8.03	.50
2) 1-1/2 up to but not including 3 tons	8.26	.50
3) 3 up to but not including 5 tons	8.54	.50
4) 5 tons and over including special equipment	8.71	.50
5) Heavy Duty-off the road trucks	8.83	.50
WELDERS - Rate for Craft		

FOOTNOTE:  
 a. Four Paid Holidays- July 4; Labor Day; Thanksgiving Day; Christmas Day.

SUPERSSEDEAS DECISION

STATE: ALABAMA COUNTY: COLBERT & LAUDERDALE  
 DECISION NUMBER: AL82-1042 DATE: DATE OF PUBLICATION  
 Supersedes Decision No.: AL81-1284 dated September 4, 1981 in 46 FR 44601.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	\$14.36	\$2.06
BOILERMAKERS	14.50	3.015
BRICKLAYERS:		
Sprinklers, Blocklayers, & Stonemasons	13.67	
Saw Operator	13.92	
CARPENTERS:		
Carpenters, Soft Floor Layers	12.90	.50
Millwrights	13.15	.50
Millwrights	13.40	.50
CEMENT MASONS:		
Cement Masons	10.15	.65
Power Tool Operators	10.40	.65
ELECTRICIANS:		
Electricians	14.10	2.32
Cable Splicers	14.35	2.33
ELEVATOR CONSTRUCTORS	11.68	2.18+a+b
IRONWORKERS	12.62	1.58
LABORERS:		
Unskilled Mason Tenders, Mortar Mixers, & Plasterers Tenders	8.01	1.00
Air Tool Operators & Pipelayers	8.21	1.00
PAINTERS:		
Commercial	10.65	.75
Industrial	11.80	.75
PLASTERERS	10.44	.65

FOOTNOTES:  
 a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day.  
 b. Employer contributes 8% of regular hourly rate to vacation pay credit for employees who had worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

GROUP A - Backhoe, Bulldozers, Crane, Crane Car, Central Mixing Plant, Concrete Pump, Derrick, Dragline, Dredge, Drill Elevating Grader, Finishing Machine (concrete), Forklift, Front End Loader, Grapple, Grout Pump, Helicopter, Pilot, Hoist, Locomotive Engineer, Mechanic, Motor Patrol, Mucking Mechanic, Master Pilot, Pile Driver, Post Hole Digger, Scraper (pull type & self prop.), Shovel, Sweeper, Tractor, (spec. equip.), Trenching Machine, Well Point, & Winch Truck Operators.

GROUP B - Bituminous Dist., Central Air Comp., Concrete Mixer (port.), Fireman Floating Equip., Front End Loader, Rubber Tire, 1/2 cu. yd. & under, Locomotive Brakeman, Locomotive Flagman, Locomotive Switchman, Oiler-Driver (35 tons crane & over), Outboard Motor Boat (when used for towing), Paving Machine, Post Hole Digger Mounted on Farm Type Tractor & Walk behind type Trenching Machine Operators.

GROUP C - Air Compressor (port.), Conveyor, Fireman Stationary Equip., Oiler, Outboard Motor Boat & Pump Operators

OLLER DRIVER - additional \$ .10 per hour

All Crane, Derrick, & Gantry Tower Crane Operators Operating such equipment with an overall height of 150 ft. including jobs-additional \$.50 per hour.

All Scraper Operators Operating Tandem Scrapers receive \$.25 per hour additional for each additional Scraper (bowl).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSIDES DECISION

STATES: GEORGIA, NORTH CAROLINA, SOUTH CAROLINA, VIRGINIA, & WASHINGTON, D.C., AND IN FLORIDA, ALL COUNTIES ON THE ATLANTIC COAST AND THE GULF COAST WEST TO THE AUCILLA RIVER AND ALL TRIBUTARY WATERWAYS.  
 DECISION NUMBER: GA92-1043  
 DATE: DATE OF PUBLICATION August 6, 1982, in 47 FR 34229.  
 Supersedes Decision Number GA92-1038, dated August 6, 1982, in 47 FR 34229.  
 DESCRIPTION OF WORK: REPAIRING PROPERTY

	Basic Hourly Rates	Fringe Benefits
HYDRAULIC DREDGES 20" & OVER:		1.63+a
Leverman	\$10.58	"
Engineer	10.17	"
Mate	9.50	"
Welder	9.19	"
Derrick Operator	10.12	"
Spill & Spider Barge Operator	9.92	"
Carpenter	9.43	"
Tug Mate	10.06	"
Electricians	9.04	"
Machinist	10.28	"
Steward	9.98	"
Oilier & Fireman	8.33	"
Deckhand & Tug Deckhand	8.09	"
Shoreman & Messman	7.62	"
Second Cook	7.49	"
FOR D.C. & VA. ONLY:		
HYDRAULIC DREDGES UNDER 20"		1.63+a
Leverman	9.73	"
Engineer	9.29	"
Welder	9.43	"
Mate	8.48	"
Oilier & Fireman	8.01	"
Deckhand	7.62	"
Launchman	8.09	"
Shoreman	7.49	"
Spill & Spider Barge Operator	8.68	"
HYDRAULIC DREDGES UNDER 20"		
FOR FL., GA., N.C., & S.C. ONLY:		
Leverman	8.93	1.43+a
Engineer	8.52	"
Welder	8.65	"
Mate	7.78	"
Oilier & Fireman	7.35	"
Deckhand	6.99	"
Launchman	7.42	"
Shoreman	6.81	"
Spill & Spider Barge Operator	7.96	"
CLAMSHELL DREDGES:		
Operator	10.51	1.63+a
Engineer	9.95	"
Welder	9.67	"
Mate	9.33	"
Fireman, Oilier, & Launchman	8.09	"
Deckhand	7.62	"
Scowman	7.73	"

FOOTNOTE:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Plus Vacation Contribution of 7% of straight time pay for all hours worked.

SUPERSIDES DECISION

STATES: GEORGIA  
 COUNTIES: BURKE, COLUMBIA, GLASCOCK, HAWCOCK, JEFFERSON, JENKINS, LINCOLN, McDUFFIE, RICHMOND, TALLADEGA, WARREN, WASHINGTON, & WILKES.  
 DECISION NUMBER: GA92-1044  
 DATE: DATE OF PUBLICATION December 7, 1979, in 44 FR 70634.  
 Supersedes Decision Number GA79-1155, dated December 7, 1979, in 44 FR 70634.  
 DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & DRAFTING		
MECHANICS	\$ 5.00	
BRICKLAYERS	8.00	
CARPENTERS	6.92	
CEMENT MASONS	5.50	
DRYWALL FINISHERS	6.00	
DRYWALL HANGERS	6.00	
ELECTRICIANS	6.84	
INSULATION INSTALLERS	5.00	
IRONWORKERS	7.30	
LABORERS:		
UNSKILLED	4.17	
ASPHALT PAKERS	4.25	
PIPE LAYERS	4.75	
MASON TENDERS	5.00	
PLUMBERS & PIPEFITTERS	7.00	
ROOFERS	4.45	
SHEET METAL WORKERS	6.19	
SOFT FLOOR LAYERS & CARPET LAYERS	7.25	
TILE SETTERS	7.25	
TRUCK DRIVERS	4.17	
WELDERS - RATE FOR CRAFT.		
POWER EQUIPMENT OPERATORS:		
BACKHOE	6.16	
BULLDOZER	5.15	
FRONT END LOADER	5.05	
MOTOR GRADER	7.50	
PAV-SCRAPER	5.25	
SPREADER-SCREED-PAVING MACHINE	4.96	

UNLISTED CLASSIFICATIONS NEEDED FOR WORK NOT INCLUDED WITHIN THE SCOPE OF THE CLASSIFICATIONS LISTED MAY BE ADDED AFTER AWARD ONLY AS PROVIDED IN THE LABOR STANDARDS CONTRACT CLAUSES (29 CFR, 5.5 (a) (1) (11)).

SUPERSEDES DECISION

STATE: Minnesota  
 DECISION NUMBER: MN82-2046  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. MN81-2047 dated July 17, 1981 in 46 FR 37182  
 DESCRIPTION OF WORK: Building (Including Residential), Construction Projects

DECISION NO. MN82-2046

PLUMBERS & STEAMFITTERS:

Sherburne Co.;  
 Plumbers Eastern 1/4 of Co.  
 Steamfitters Eastern 1/4 of Co.  
 Benton & Stearns Cos. & the Western 1/4 of Sherburne Co.;  
 Plumbers & Steamfitters

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$17.08	2.50	15.80	1.31
14.97	2.545	16.05	2.59
11.80	.50		
14.76	3.10		
14.51	3.10	11.75	.85
14.53	2.77	11.80	.85
		11.85	.85
		11.90	.85
11.45		12.00	.85
14.18	.70	12.05	.85
7.50	a	12.55	2.25
		12.70	2.25
		12.70	2.25
		12.95	2.25
		12.45	2.25
		12.95	2.25
		15.05	2.61
		15.45	1.79
		15.06	1.93
		15.76	1.93
		10.98	1.19
		11.88	1.19
		11.88	1.19
		15.75	3.45
		13.31	3.12
		15.75	3.64

ASBESTOS WORKERS  
 BOILERMAKERS  
 BRICKLAYERS & STONEMASONS  
 CARPENTERS:  
 Building Construction  
 Southern tip of Sherburne  
 Millwrights  
 Carpenters and  
 Piledrivermen  
 Soft Floor Layers  
 Cities of Little Rock & Skaja in Benton Co.  
 Carpenters  
 Stearns Co.; Remainder of Benton & Sherburne Counties  
 Carpenter & Piledrivermen  
 Soft Floor Layers  
 Site Preparation, Excavation & Incidental Paving:  
 Benton & Stearns Cos.;  
 Sherburne Co. (Portion that lies west of Hwy. #169  
 Remainder of Sherburne Co.  
 CEMENT MASONS:  
 Building Construction  
 Benton & Stearns Cos.  
 Cement Masons & Plasterers  
 Sherburne County  
 Plasterers  
 Site Preparation, Excavation & Incidental Paving  
 Sherburne County  
 Benton & Stearns Cos.  
 Twps. of Haven, Palmer, Santiago, Becker & Clear Lake in Sherburne County:  
 Jobs under \$75,000  
 Jobs over \$75,000  
 Remainder of Sherburne Co.

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
14.35	4.58+b	17.57	1.90
16.24	3.56	17.26	1.90
		16.52	1.90
		15.96	1.90
		15.65	1.90
		15.50	1.90
		14.26	1.90
		13.22	1.90
		12.70	1.90
		15.85	1.90
		15.35	1.90
		15.18	1.90
		15.07	1.90
		13.11	1.90
		12.40	1.90
		12.35	2.25
		12.50	2.25
		12.55	2.25
		12.70	2.25
		12.80	2.25
		13.05	2.25
		11.42	2.15
		11.60	2.15
		11.65	2.15
		11.80	2.15
		11.90	2.15
		12.15	2.15
		6.35	.65

POWER EQUIPMENT OPERATORS  
 BUILDING CONSTRUCTION  
 CLASS 1  
 CLASS 2  
 CLASS 3  
 CLASS 4  
 CLASS 5  
 CLASS 6  
 CLASS 7  
 CLASS 8  
 CLASS 9  
 POWER EQUIPMENT OPERATORS  
 SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING  
 Sherburne Co. (South of the Northern Boundary of T-33-N & East of the Western Boundary of R-27-W)  
 GROUP 1  
 GROUP 2  
 GROUP 3  
 GROUP 4  
 GROUP 5  
 GROUP 6  
 Stearns Co. (East of the Western Right-of-Way of Minn. Hwy. #15); Benton Co. (East of the Western Right of - way of Hwy. #10) & Remainder of Sherburne Co.  
 GROUP 1  
 GROUP 2  
 GROUP 3  
 GROUP 4  
 GROUP 5  
 GROUP 6  
 Remainder of Benton & Stearns Cos.  
 GROUP 1  
 GROUP 2  
 GROUP 3  
 GROUP 4  
 GROUP 5  
 GROUP 6  
 LABORERS:  
 Landscape & SodLayers

DECISION NO. MN82-2046

TRUCK DRIVERS:

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

Sherburne County:

Group	Basic Hourly Rates	Fringe Benefits
Group 1	10.90	1.30
Group 2	10.45	1.30
Group 3	10.35	1.30
Group 4	10.15	1.30

Benton & Stearns Cos.

Group	Basic Hourly Rates	Fringe Benefits
Group 1	9.72	1.30
Group 2	9.27	1.30
Group 3	9.17	1.30
Group 4	8.97	1.30

CLASSIFICATION DEFINITIONS - LABORERS - Heavy & Highway Construction and Site Preparation, Excavation and Incidental Paving

CLASS 1 - Unskilled Labor; Bituminous Batcherman (stationary plant); Blacksmith Helper; Cement Coverman Batch Truck; Cement Handler - Bulk, or Bag; Carpenter Tender; Concrete Batcherman; Concrete Handler; Caisson; Footings; Columns; Pillings; Slabs, etc.; Concrete Shovelers; Tamping and puddler (paving); Concrete Longitudinal Floatman (manual ballfloat on paving); Ramp Proofer below Grade; Drill Runner Helper; Mumpman (dirt, paving, dumping batchtrucks, etc.); Hydrant & Valve Setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Labor Wrecking Demolition; Landscape Gardner, Sod, Etc.; Pipe Derricksman (tripod, manual) Pipe Handler; Power Buggy Operator; Powder Monkey; Reinforced Steel Laborer; Reinforced Steel Setter (paving); Service Connection Maker (water, gas); Squeezeman; Stabilizing Batcherman (stationary plant); Temporary Heaters and Blower Tender - (all types); Tool Crib Checker; Top Man (sewer, water or gas trench) Winch Handler (manual)

CLASS 2 - Bituminous Worker - Shoveler, Raker, Floater, Squeegee, Utility Brick Tender; Compaction Equipment (hand operated); Conduit Layer; Curb Setter; Mortar Mixer; San Cushion Bedmaker; Torchman - Gas, Electric, Thermal or similar Device

CLASS 3 - Chain Saw; Concrete Drilling; Concrete Mixer Operator; Concrete Saw; Concrete Vibrator; Ditch and other work more than 8 feet below starting level of manual work; Formsetter; Joint Sawyer, Mortar; Pneumatic Tolls, Jackhammer, Paving Buster, Chipping Hammer, etc. Stone Tender Mason Tender

CLASS 4 - Bottom Man (sewer, water or gas trench) (more than 8 feet below starting level of manual work); Brick or Block Paving Setter; Caisson Work; Cofferdam Work; Tunnel Laborer; Underground Labor; Underpinning

CLASS 5 - Cement Gun Operator (1 1/2 or over); Driller - Air Track or Similar; Nozzelman (gunnite, sandblasting, cement); Pipelayer; Laser Beam (sewer, water, gas)

CLASS 6 - Blaster Powder Man (dynamite or substitute products); Tunnel Miner (atmospheric); Tunnel Miner Helper

DECISION NO. MN82-2046

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS - Building Construction

CLASS 1 - Helicopter Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.

CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.

CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.

CLASS 4 - Traveling Tower Crane; Mastic Mechanic; Pile Driving Operator.

CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.

CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumcrete or Complaco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier, Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Wall Point Pump Operator.

CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunnite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.

CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 15 on Air Comp., Pumps, Conveyors, Welding Machine).

CLASS 9 - Mechanical Space Heater (temporary heat); Oiler or Greaser; Elevator Operator

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

GROUP 1 - Helicopter Pilot; Crane with over 135' boom, excluding jib; Drag-line and/or other similar equipment with shovel-type controls 3 cu. yds. and over Mfg. rated capacity; Pile Driving when 3 drums are in use

GROUP 2 - Cableway; Concrete Mixer; Stationary Plant over 34E; Derrick (Guy or Stiffleg) (power) (skids or stationary); Dragline and/or similar equipment with shovel-type controls, up to 3 cu. yds. MFG rated capacity; Drudge or Engineers, Dredge (power) and Engineer; Front End loader; 5 cu. yds. and over.; Grader or Motor Patrol, Finishing Earthwork and Bituminous Locomotive Crane; Master Mechanic; Mixer (Paving) Road; Mole, including power supply; Mucking Machine, including mucking operations, Conway or similar type; Pile Driving; Refrigeration Plant Engineer; Tandem scraper;

DECISION NO. MN82-2046

## CLASSIFICATION DEFINITION - POWER EQUIPMENT OPERATORS CONT'D

Tractor-boom type; Truck Crane-Crawler Crane; Lead Greaser; Locomotive; Mechanic or Welder; Multiple Machines, such as Air Compressors; Welding Machines; Generators, Pumps; Paving Breaker or Tamping Machine (power driven) Mighty Mite or similar type; Paving Milling Machine; Pickup Sweeper, 1 cu. yd. and over Hopper capacity; Pipeline Wrapping, Cleaning or Bending Machine; Power Plant Engineer, 100 K.W.H. and over; Power Actuated Horizontal Boring Machine, over 6"; pugmill; Roller, 8 tons and over; Rubber-tired Farm Tractor, Backhoe Attachment; Sheep Foot Rollers; Slip Form (power driven) (paving); Tie Tamper & Ballast Machine; Tractor, over D2, TD6 or similar HP with power take-off; Trenching Machine (sewer, water, gas); Turnapull (or similar type); Well Point Installation, Dismantly or Repair Mechanic

GROUP 3 - Dual Tractor; Elevating Grader; Pumcrete; Scraper-Struck Capacity 32. cu. yds. and over; Self-Propelled Travelling Soil Stabilizer

GROUP 4 - Air Track Rock Drill; Asphalt Bituminous Stabilizer Plant; Automatic Road Machine (CMI or similar); Backfiller; Batch Plant (concrete); Bituminous Spreader & Finishing (power); Boom Truck (power operated boom); Cat Tractors with Rock Wagons or similar types; Chip in Harvester & Tree Cutter over 150 HP; Concrete Mixer on jobsite over 145; Concrete Mobile; Crushing Plant (gravel & stone) or Gravel Washing Crushing and Screening Plant; Curb Machine; Dope Machine (pipeline); Drill Rigs, Heavy Rotary or Churn or Cable Drill; Fork Lift or Straddle Carrier; Fork Lift of Lumber Stacker; Front End Loader, over 1 cu. yd., Hoist Engineer (power); Hydraulic Tree Planter; Launcher (Tankerman or Pilot License); Lead Greaser; Locomotive; Mechanic or Welder; Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps; Paving Breaker or Tamping Machine (power driven) Mighty Mite or similar type; Paving Milling Machine; Pickup Sweeper, 1 cu. yd. and over Hopper capacity; Pipeline Wrapping, cleaning or Bending Machine; Power Plant Engineer, 100 K.W.H. and over; Power Actuated Horizontal Boring Machine, over 6" Pugmill; Roller, 8 tons and over; Rubber-tired Farm Tractor, Backhoe Attachment; Sheep Foot Roller; Slip Form (power driven) (paving); Tie Tamper & Ballast Machine; Tractor over D2, TD6 or similar HP with Power take-off; Tractor over 50 HP without power take-off; Trenching Machine (sewer, water, gas); Turnapull (or similar type); Well Point, Dismantling or Repair Mechanic

DECISION NO. MN82-2046

## CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Air Compressor 450 CFM or over; Bituminous Spreader & Bituminous Finishing Machine (helper) (power); Concrete Distributor & Spreader Finishing Machine; Longitudinal Float, Joint Machine and Spray; Concrete Mixer on Jobsite 145 and under; Concrete Saw (multiple blades) (power operated); Form Trench Digger (power); Front End Loader, up to and including 1 cu. yd.; Grader (motor patrol); Gunite Gunall; Hydraulic Log Splitter; Loader (Barber Green or similar type); Payhauler or similar type; Power actuated Augers and Boring Machine; Power Actuated Jacks; Pump; Roller; Self-Propelled Chip Spreader (Flaherty or similar); Shouldering Machine (power) Apcco or similar type including self-prop. sand & chip spreader); Stump Chipper; Tractor Operator, D2, TD6 or similar HP without power take-off; Tree Farmer

GROUP 6 - Conveyor; Drudge Deck Hand; Fireman or Tank Car Heater; Gravel Screening Plant (portable not crushing or washing); Greaser (Truck or Tractor); Leverman; Mechanic Helper; Mechanic, Space Heater (temporary heat); Oilier (Power Shovel, crane, Dragline); Self-propelled Vibrating packer (Pad type) (35 HP and over); Tractor 50 HP or less without power take-off; Truck Crane Oilier; Crane Operator with over 135' Boom, excluding 41b, shall receive 25¢ per hour premium over the classification one scale 50¢ premium over 200' boom, excluding jib.

\*\*\*25¢ premium on above classifications on work performed in underground tunnel; 50¢ premium on above classifications on work in underground tunnel under air pressure

## TRUCK DRIVERS - SITE PREPARATION, EXCAVATION &amp; INCIDENTAL PAVING

GROUP 1 Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck Train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman Greaser & Truck Servicemen; Tank-Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot Car Driver, Self-propelled packer; Slurry Operator; Single Axle Trucks

## FOOTNOTES:

- A. One Week Paid Vacation
- B. One Paid Holiday, Labor Day

DECISION NO. PA82-3025

SUPERSEDES DECISION

STATE: Pennsylvania  
 COUNTY: Elk, Forest, McKean, and Warren  
 DATE: Date of Publication  
 DECISION NUMBER: PA82-3028  
 Supersedes Decision No. PA81-3049 dated July 17, 1981, in 46 FR 27221.  
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).  
 Excluding Sewage and Water Treatment Plant Projects.

LABORERS:	Basic Hourly Rates	Fringe Benefits
Common laborers, carpenter for tender, scaffold builder for masons, window cleaner, from stripper and mover, scaffold and mover, scaffold and run-ways, building materials handlers (Loading and Unloading), concrete pumper, puddler, mason tender	\$12.50	17%
Mechanical tamperers (power) powered wheelbarrows and work-lifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power burner operators, y-gun, burner-cutting torch, carry-able pumps, chain saw op., pipe layers all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plasterer applying and/or pump machine operator, paving breaker, asphalt raker, lancee, berfix cutting tool, gumite potman, blacksmith, tool dresser (cable tool), blasters, wagon drill operator, drill runner, gumite nozzle man, grout machine operator, walk behind power roller and tamper, welder, driller (cable tools)		17%

LABORERS:	Basic Hourly Rates	Fringe Benefits
PAINTERS: ELK, FOREST & WARREN COS; TOWNSHIPS IN MCKEAN COUNTY, WETMORE, HAMILTON, SERGEANT AND NORWICH COMMERCIAL: BRUSH & ROLLER SPRAY INDUSTRIAL: BRUSH & ROLLER SPRAY REMAINDER OF MCKEAN COUNTY BRUSH & ROLLER SPRAY FILEDRIVERS PLASTERERS: ELK, MCKEAN, & WARREN COS. PLUMBERS & STEAMFITTERS ELK COUNTY FOREST COUNTY: CONTRACT UNDER \$10,000 CONTRACTS OVER \$10,000 McKean & Warren Counties ROOFERS: ELK AND FOREST COS. MCKEAN AND WARREN COS. SHEET METAL WORKERS SPRINKLER FITTERS TILE SETTERS AND TERRAZZO WORKERS: ELK, MCKEAN AND WARREN COS. FOREST COUNTY WELDERS - RATE OF CRAFT	15.00 16.00 15.50 16.50 12.60 13.75 16.02 14.40 15.48 12.24 17.30 16.20 15.96 10.95 15.84 16.92 14.20 15.50	2.50 2.50 2.50 2.50 17-1/2% 2.40 3.14 2.40 2.40 3.68 2.43 1.25 3.71 2.83 2.10 2.35
" Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (iii))."		

LABORERS:	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS ELK COUNTY FOREST COUNTY MCKEAN & WARREN COUNTIES BOTTLERMAKERS BRICKLAYERS, CEMENT MASONS & STONEMASONS: ELK, MCKEAN and WARREN COS. FOREST COUNTY CARPENTERS & SOFT FLOOR LAYERS: ELK, FOREST, all of MCKEAN COUNTY EXCEPT KANE AND BRADFORD MCKEAN COUNTY: TOWNSHIPS OF KANE & BRADFORD; WARREN COUNTY IN ITS ENTIRETY ELECTRICIANS: ELK & MCKEAN COUNTIES FOREST & WARREN COUNTIES GLAZIERS: FOREST & WARREN COS. ELK COUNTY IRONWORKERS: FOREST & WARREN COS. ELK & MCKEAN COS. LEAD BURNERS LINE CONSTRUCTION: LINEMEN, DYNAMITE MAN, HEAVY EQUIPMENT OPERATOR WINCH TRUCK OPERATOR GROUNDMAN MARBLE SETTERS: ELK, MCKEAN and WARREN COUNTIES MILLWRIGHTS: ELK, FOREST & MCKEAN COUNTY WARREN COUNTY	\$15.06 15.64 17.79 14.93 14.40 15.50 13.80 12.75 16.80 15.55 15.24 13.44 15.50 14.67 10.75 13.37 9.38 8.97 14.40 13.16 13.25	3.27 2.42 2.76 1.14+ 1.2% 2.40 2.30 25% 26% 2.85+ 3% 4.20+ 3-1/2% 1.42 3.98 3.92 2.93 .66+ .55+ 3-3/8% 3-3/8% 3-3/8% 2.40 37-1/2% 24-1/2%

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (iii)).

DECISION NO. PA82-3028

POWER EQUIPMENT OPERATORS

- CLASS 1
- CLASS 1-A
- CLASS 1-B
- CLASS 1-C
- CLASS 2
- CLASS 3
- CLASS 3-A
- CLASS 4
- CLASS 5
- CLASS 6
- CLASS 6-A
- CLASS 6-B
- CLASS 6-C

	Basic Hourly Rates	Fringe Benefits Payments			Education Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$14,625	1.05	1.15		.09
CLASS 1-A	14,875	1.05	1.15		.09
CLASS 1-B	15,125	1.05	1.15		.09
CLASS 1-C	15,375	1.05	1.15		.09
CLASS 2	14,475	1.05	1.15		.09
CLASS 3	12,600	1.05	1.15		.09
CLASS 3-A	13,110	1.05	1.15		.09
CLASS 4	11,950	1.05	1.15		.09
CLASS 5	10,900	1.05	1.15		.09
CLASS 6	11,200	1.05	1.15		.09
CLASS 6-A	11,300	1.05	1.15		.09
CLASS 6-B	11,450	1.05	1.15		.09
CLASS 6-C	12,200	1.05	1.15		.09

CLASSIFICATION DEFINITIONS  
POWER EQUIPMENT OPERATORS

Class I - Austin-Western or similar type under 25 ton, Austin-Western similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type), use of oil to be discussed at per job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types) when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors) Chicago Boom attached hoist (50 ft. or over) stacks, stoves or furnaces) Hoist (slipform jobs hop to or similar type with 180 swing hop to or similar type with 360 swing local koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobilizing or similar type mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumcrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASSIFICATION DEFINITIONS  
POWER EQUIPMENT OPERATORS

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes boom or mast 100 ft. or over up & including 150 ft. +\$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + \$.25), hoist-hod (2 cages over 10 floors Class I rate +\$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + \$.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Asphalt plant operator, atthey loader, auger - truck or tractor, mounted, back filling machine, boat material of personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination) compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator new buildings), euclid loader, excavating equipment (all other), forklift lull or similar, (grader), grader elevating, greaser-equipment (head), hi-lift-less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - 2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (the following machines shall be considered minor), compressors (3 within a reasonable distance) generators electric (3) (over 5 KW up to 20 KW), pumps (1) discharge or less) (4 to 5 within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), operator or similar type (not self-propelled), pumcrete machine (repairmen) (stationary), tire repairman (when assigned job), welder (repairmen)

SUPERSSEAS DECISION

STATE: SOUTH CAROLINA  
 COUNTIES: BEAUFORT, BERKELEY, CHARLESTON, COLLETON, DORCHESTER, GEORGETOWN, HAMPTON,  
 Horry, & Jasper.  
 DECISION NUMBER: SC82-1045  
 DATE: DATE OF PUBLICATION  
 Supersedeas Decision Number SC79-1130, dated September 28, 1979, in 44 FR 56107.  
 DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - Includes single family homes  
 and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING		
MECHANICS	\$ 6.50	
BRICKLAYERS	7.50	
CARPENTERS	5.78	
CEMENT MASONS	5.50	
DEYWALL FINISHERS	7.20	
DEYWALL HANGERS	7.00	
ELECTRICIANS	5.88	
INSULATION INSTALLERS	5.52	
LAYERS - GENERAL	4.25	
PAINTERS	5.15	
PLASTERERS	7.00	
PLUMBERS & PIPEFITTERS	5.60	
ROOFERS	5.00	
SHEET METAL WORKERS	5.25	
SOFT FLOOR LAYERS & CARPET LAYERS		
TILE SETTERS	6.11	
TRUCK DRIVERS	6.50	
WELDERS - Rate for craft.	5.00	
POWER EQUIPMENT OPERATORS:		
BACKHOE	5.38	
BULLDOZER	6.50	
FRONT END LOADER	4.73	

UNLISTED CLASSIFICATIONS  
 NEEDED FOR WORK NOT INCLUDED  
 WITHIN THE SCOPE OF THE CLASSIFICATIONS LISTED MAY BE  
 ADDED AFTER AWARD ONLY AS  
 PROVIDED IN THE LABOR STANDARDS CONTRACT CLAUSES (29  
 CFR, 5.5 (a) (1) (ii)).

CLASSIFICATION DEFINITIONS  
 POWER EQUIPMENT OPERATORS

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1) (combination), crane (cable), curb builder (self-propelled), drills-well & horizontal truck mounted, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe drem, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher (CWI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), compressors (2) generators (2) mortar machine over 10 cu. ft. and single unit conveyor, pumps (1 1/2" discharge or less (2 to 3), pumps (over 1 1/2" discharge (2) in back) within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), truck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1 1/2" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine pin puller (powered) pulverizer, pump - 1 1/2" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A - Crane truck oiler & fireman

CLASS 6-B - Oiler - Truck crane 50 ton up to & incl. 100 ton

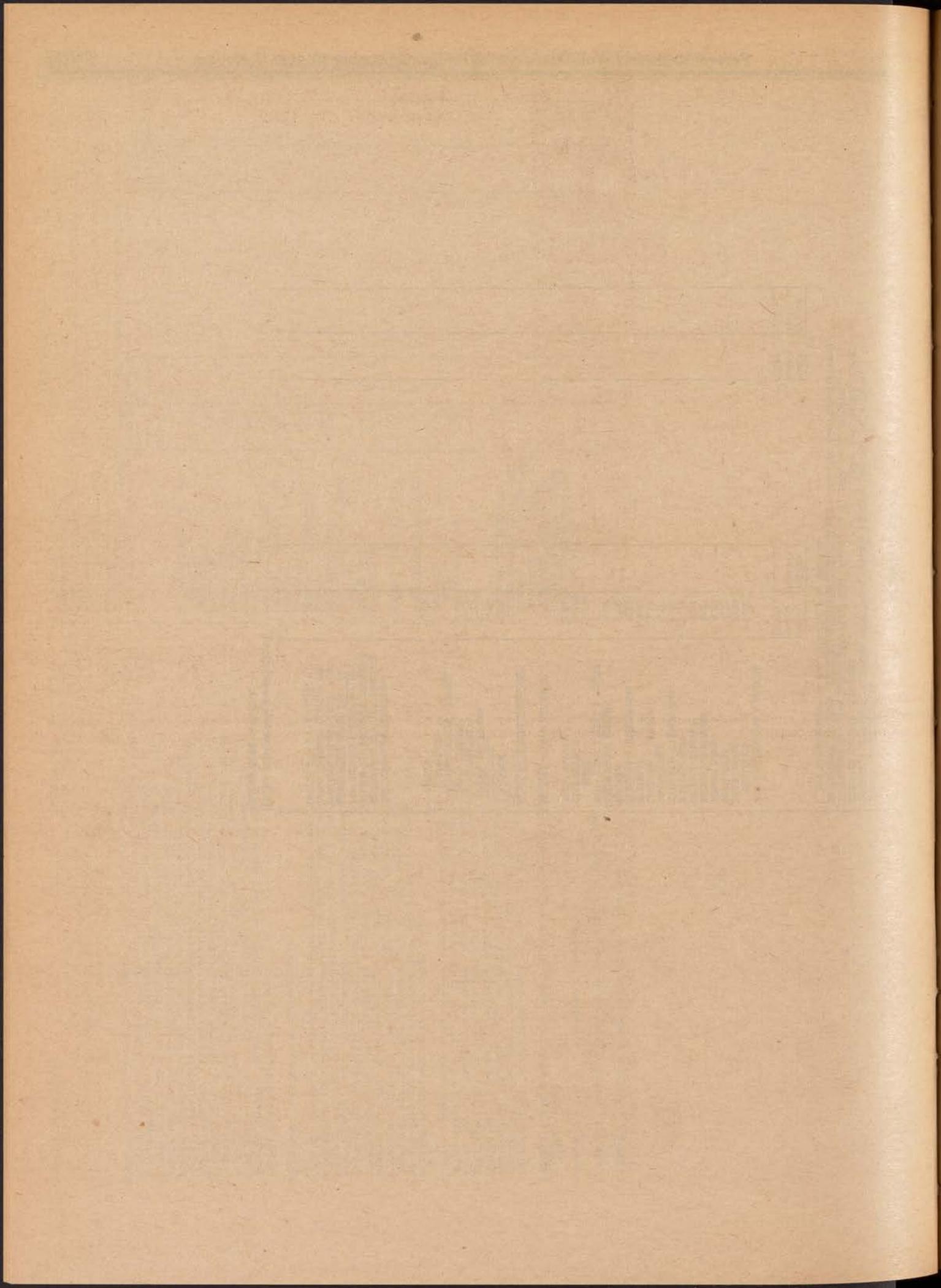
CLASS 6-C - Oiler - truck crane 100 ton and over

SUPERSEDES DECISION

STATE: SOUTH CAROLINA  
 COUNTIES: ANDERSON, CHEROKEE, GREENSBORO, OCONEE, FICKENS, SPARTANBURG, & UNION.  
 DECISION NUMBER: SCS2-1045  
 DATE: DATE OF PUBLICATION  
 SUPERSEDES DECISION NUMBER S079-1132, dated September 23, 1979, in 44 FR 56107.  
 DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING				
MECHANICS	\$ 6.00			
BRICKLAYERS	7.32			
CARPENTERS	5.53			
CEMENT MASONS	5.00			
DRYWALL FINISHERS	6.25			
DRYWALL HANGERS	5.31			
ELECTRICIANS	5.75			
INSULATION INSTALLERS	5.00			
IRONWORKERS	4.91			
LABORERS - GENERAL	4.09			
PAINTERS	6.00			
PLUMBERS & PIPEFITTERS	6.43			
ROOFERS	5.00			
SHEET METAL WORKERS	5.41			
SOFT FLOOR LAYERS & CARPET LAYERS	5.25			
TILE SETTERS	6.00			
TRUCK DRIVERS	4.81			
WELDERS - RATE FOR CRAFT.				
POWER EQUIPMENT OPERATORS:				
BACKHOE	5.77			
BULLDOZER	5.74			
FRONT END LOADER	5.44			
MOTOR GRADER	5.35			
PAN - SCRAPER	4.88			
PAVING MACHINE, SCREED, & SPREADER	5.02			
ROLLER	4.51			
UNLISTED CLASSIFICATIONS NEEDED FOR WORK NOT INCLUDED WITHIN THE SCOPE OF THE CLASSIFICATIONS LISTED MAY BE ADDED AFTER AWARD ONLY AS PROVIDED IN THE LABOR STANDARDS CONTRACT CLAUSES (29 CFR, 5.5 (a) (1) (ii)).				

[FR Doc. 82-24760 Filed 9-9-82; 8:45 am]  
 BILLING CODE 4510-27-C



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# **federal register**

Friday  
September 10, 1982

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**Part III**

**Department of the  
Interior**

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**Bureau of Indian Affairs**

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**Indian Child Welfare Act; Revision of  
Grant Application and Appeal Process  
Procedures**

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## 25 CFR Part 23

## Indian Child Welfare Act; Revision of Grant Application and Appeal Process Procedures

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs is publishing a final rule that amends the regulations necessary to implement the Indian Child Welfare Act of 1978. The amended regulations clarify and revise the procedures for the grant application and appeal process under Title II of Pub. L. 95-608.

**EFFECTIVE DATE:** October 1, 1982, to begin with the FY 83 Grant Program.

**FOR FURTHER INFORMATION CONTACT:** Raymond V. Butler, Division of Social Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, D.C. 20245, telephone number (202) 343-6434.

**SUPPLEMENTARY INFORMATION:** The authority to issue rules and regulations is vested in the Secretary of the Interior by 25 U.S.C. 1952, 5 U.S.C. 301 and Sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Nothing in these regulations should be construed to guarantee funding for the Indian Child Welfare Act. Grant awards for both titles of this Act are subject to the availability of funds and are dependent each year on the appropriation of specific funds for these purposes.

These revised regulations were published as proposed regulations on December 12, 1980, (45 FR 81781). The comment period on the proposed rules closed on January 12, 1981. Comments were reviewed and considered and changes were adopted or not adopted as indicated below:

#### A. Changes Made Due to Comments Received

(1) A new § 23.4 is added to Subpart A for information collection purposes to meet the requirement of the new Office of Management and Budget (OMB) guidelines. Standard Form 424, Application for Federal Assistance, is required for submission of a grant application under this program. The form has been approved by OMB in accordance with 44 U.S.C. 3507. The

clearance number is 1076-0006. The title of subpart A is changed to reflect this new section.

(2) Section 23.21 has been changed to clarify that only tribes and off-reservation Indian organizations are eligible applicants for this program. Indian organizations "on or near" reservation must subcontract or subgrant with the tribes for this program. Similar changes have been made to other sections to be consistent.

(3) Paragraph (a) of § 23.22 has been modified in response to several commenters who did not understand utilization of the program priorities. The priority listing is used only in the prioritization of grant applications after the applications have been scored competitively and identified as applications that received the same score. The priority listing is then used to rank one application above the other.

(4) Paragraph (a) of § 23.25 has been modified to eliminate the confusion between the competitive scoring procedures and utilization of the priorities when two applicants receive the same competitive score by removing the clause relating back to § 23.22(a).

(5) Paragraph (a)(7) of § 23.25 has been changed for clarity. One commenter asked for an explanation of: (1) Proposed facilities—which means the physical structure which will house the program and (2) tribal organizational structure—which means the structure of the tribal organization as defined in 25 CFR 276.2(r) or the off reservation Indian organization. This includes the structure of the particular unit within the organization requesting the grant.

(6) A new paragraph (b) of § 23.25 has been added to clarify the use of the priority listing in § 23.22, and the competitive review process, and (b) and (c) of the section have been renumbered (c) and (d), respectively.

(7) Paragraph (c)(2) of § 23.27, was changed to more clearly explain the requirement for an application to receive a preliminary approval. It further explains that the scoring of an application occurs when the application receives a preliminary approval, and that the Central office establishes the minimum score for a preliminary approval.

(8) One commenter objected to paragraph (c) of § 23.28 on the grounds that it would enable national grants to be given to "massive consultant grant programs." This section is being eliminated to prevent broad based research and technical assistance oriented grant applications from being considered for funding. The limited available funding should correspond with the priorities established in § 23.22

and should be made available to tribes and organizations for direct service. Paragraph (d) of § 23.28 is renumbered as paragraph (c) in conjunction with the above change.

(9) Several commenters wanted some reassurance that technical assistance would be provided in a useful and timely manner. Section 23.29 is changed to require the applicant to request technical assistance at least ten (10) days prior to the close of the application period in order to assure that there is sufficient time for the staff to actually provide the assistance required before the close of the application period. Similar changes have been made to other sections to be consistent.

(10) Paragraph (b)(3) of § 23.30 is changed to explain that the Superintendent may only request additional information from the grant applicant prior to the close of the grant application period. This information must also be received by the Superintendent prior to the close of the application period in order to be considered in the review of the application. This change further coordinates this section with § 23.29.

(11) In §§ 23.30 and 23.31 and throughout the regulations, the Agency office certification form has been changed to Agency/Area office certification form in order to more clearly delineate that the Agency or Area office may initiate this form depending on whether a tribe or organization submitted the original application.

(12) Paragraph (b) of § 23.33 is changed to more clearly delineate that approval for funding occurs only after the Areas have already scored and prioritized their grant applicants in conjunction with §§ 23.22, 23.24 and 23.25.

(13) Paragraph (b) § 23.33 has also been changed to provide that the Commissioner may use the priorities established in § 23.22 when considering applicants for funding from different Areas with the same competitive scores.

(14) Section 23.34 has been changed to state more clearly that this deadline applies only to the Central office preliminary approval action and does not apply to the Commissioner's funding approval action.

(15) Section 23.41 has been changed to clarify that the requirements of Part 276 are applicable to grants under the part.

(16) The term "agreements" has been added in § 23.43 to clarify that any agreement entered into by the Secretary of Health and Human Services and the Secretary of the Interior involves the funding process.

(17) Added to § 23.71, regarding applicable uniform administrative requirements, is the applicability of Federal statute, regulation, or Office of Management and Budget grant circulars.

#### B. Changes not Adopted

(1) One commenter suggested that the definition of consortium be added in order to allow greater diversity in funding. A definition was not added because the term was used in its usual sense, namely an agreement or association of two or more entities, in this case eligible applicants. However, for further clarification of eligible applicants, § 23.21 has been changed to specify that only tribes and off-reservation Indian organizations are eligible applicants. An Indian organization within a tribe's "on or near" reservation service area is not an eligible applicant, and may only be considered as a subgrantee or subcontractor, as indicated in § 23.25(c) and (d).

(2) One commenter recommended that the program categories listed under § 23.22 be more clearly defined. All of the categories, except number 9, repeat the legislative language in 25 U.S.C. 1931 and 1932. The additional category of "other programs" was added for the purpose of enabling tribal government and Indian organizations to better determine their own needs. Further definition of all categories would limit the type of programs for which a tribe could make a grant application.

(3) Several commenters questioned how program priorities were established under § 23.22, or why they were established.

These priorities were based on the compilation of the first year grant program's approved grant application priorities. This process resulted in a priority listing of services actively focused on early intervention in order to prevent child custody proceedings in accordance with the legislative purposes of the Act.

The applicant's service priorities should still be established by the applicant. The priorities established in this section will only be used to prioritize grant applications when more than one application receives the same competitive score.

(4) One commenter questioned the appropriateness of several categories of material required for an application under paragraphs (d), (g) and (i) of § 23.24. This listing of contents of an application is essentially the same list required in the previous regulations.

Paragraph (d) is more definitive because of problems which arose out of the previous category "population

directly benefiting from the project." The client service population is that population receiving direct social services from the grantee. Unduplicated means each client may be counted only once, whether the client is receiving one service or several services. The grantee has the flexibility to define client as an individual or a family, with due consideration of the possible utilization of that statistic in a formula funded program. The requirements of paragraphs (g) and (i) are related to previously existing regulatory requirements.

(5) One commenter suggested specifying to whom the words "his/her judgment" refer in § 23.25. No change was made because these pronouns referred to the persons mentioned in the beginning portion of the sentence, "The Commissioner or his/her designated representative."

(6) One commenter disagreed with utilizing the term "social service problems or issues" in § 23.25 because it gives credit to those who are familiar with social services language. No changes were adopted because the generic term "social services problems" is normally used to identify the broad category of problems of which child welfare is one specialty area.

(7) One commenter questioned the use of the term "the degree," and asked that the weighted scores for the criteria under paragraph (a) of § 23.25 be published. The term "degree" recognizes the discretionary authority accorded the Commissioner of Indian Affairs or his/her designated representative to select grants which best promote the purposes of the Act taking into consideration those factors listed under 25 CFR 23.25(a). The weighted scores for the criteria under paragraph (a) of § 23.25 are not published because they may change from one grant year to the next. As related application materials, however, they may be obtained as indicated in 25 CFR 23.23.

(8) One commenter questioned the definitiveness and feasibility of using the criteria under § 23.25(a) (3) and (4). These criteria presently exist under § 23.25(a) (1) and (2) and have proven functionable.

(9) One commenter questioned the duplication of services referred to in § 23.25(a)(5). It refers to duplication of any existing child and family service program responsible for serving the same population. The grant applicant should not be applying for a grant under this program to provide a service that already exists.

(10) One commenter was concerned that § 23.25(a)(6) placed rural programs at a disadvantage. This criteria includes

letters from community leaders who control the entity requesting the grant, as well as from other Agencies. After further consideration it was decided that this allows enough flexibility for any grant applicant to demonstrate some community support.

(11) One commenter questioned the meaning of "near reservation" in § 23.25(b). This definition is contained in 25 CFR 20.1, which is referenced in 25 CFR 23.2(n). The commenter further questioned what subgrant or subcontract procedures should be used. The existing regulation, § 23.71, provides that Bureau subcontracting or subgranting procedures as prescribed in Part 276 shall be utilized.

(12) One commenter questioned the ability of a tribe to subcontract with a non-Indian organization under § 23.25(c). Under the philosophy of Indian Self-Determination an eligible applicant may use whatever methodology to deliver service it desires. The applicant may subcontract or subgrant with whomever it desires once an application is approved so long as it meets the requirements of 25 CFR 23.36.

(13) One commenter expressed the opinion that organizations were at a disadvantage in the application process in relation to § 23.27(a) because tribes had a prejudicial relationship with the Area offices and in relation to § 23.27(c) because a "continuing" applicant had priority over "new" grant applicants. A prejudicial relationship has not been established between the tribes and Area offices. Organizations have the same opportunity for contract with or travel to the Area office as tribes. Furthermore, additional requirements have been established for applicants who were previously funded. In order to receive continued funding they must first demonstrate that their program performed satisfactorily the previous year.

(14) One commenter asked for more definitive terminology in § 23.27(c)(3). After careful review it was determined that the qualitative term in this section is self-evident.

(15) One commenter asked for greater specificity concerning the funding formula contained in § 23.27(e). It is a general policy that formulas that are subject to change are not published as part of permanent regulations, but as a separate annual publication in the Federal Register. Flexibility in regards to this formula is considered beneficial in order to maximize benefits from available funds, which include other relevant funding sources under the

Secretary's authority, such as the Snyder Act, 25 U.S.C. 13.

The term "subject to the availability of funds" must be included because an agency may not legally commit more funds than have been appropriated.

One commenter further suggested that publication of the formula under § 23.27(e)(1) be considered a major rule. It was determined in accordance with the current Executive Order 12291 that this document is not a major rule.

(16) One commenter suggested that tribal input should be included in § 23.28. Applications must be submitted to a representative from the Agency responsible for awarding the grant. Either the Agency Superintendent or Area Director has been delegated the responsibility for the initial review and action concerning grant applications. He/she may follow any procedures within the framework of the regulatory requirements.

One commenter further suggested that Agency personnel did not have the expertise to review grant applications other than noting if the grant application was complete. The services requested in an application are an integral part of the overall services available through an Agency and are the responsibility of the Agency Superintendent.

(17) One commenter objected to the provision of technical assistance only prior to the close of the grant application period. This point was considered, but, in a competitive grant process, a deadline must be established when the completed grant application can be reviewed and competitively scored.

Two commenters wanted assurance that technical assistance would be provided in a specified timeframe. Budgetary and staff constraints make this unrealistic since the provision of technical assistance must be made flexible enough in order for limited Agency and Area resources to comply.

(18) One commenter requested further clarification of responsibility for upholding the timeframe requirements in the regulations. All timeframes established for the Bureau's operations are the responsibility of each applicable Bureau office. Once an application is initially received by an Agency/Area office, that office is responsible for reviewing and referring the application to the next appropriate level for review. This process is very similar to previous regulations, and therefore, further clarification is not given.

(19) Two commenters asked that further requirements be placed on the Area office as to Area authority, tribal input, timeliness and the applicant's response to the Area decision. The Area Director is the Secretary's designated

representative and has the authority to establish his/her own procedures within the framework of the regulations and "Guidelines for Grant Application" to implement the grant program.

The timeframe for Area action is delineated in § 23.31(a)(1) and § 23.32.

The applicant's response to the Area's action is explained under subpart F.

(20) Several commenters recommended a Central office review to prevent any bias and assure a more equitable review process across the country. This recommendation would logistically be unreasonable with the large number of applications, but more importantly it would detract from the Area office's direct relationship with the tribes and organizations within their jurisdiction.

(21) Two commenters questioned why off-reservation programs were not included in § 23.43. The legislation does not authorize off-reservation programs to use grant fund as non-Federal matching shares for the Federal financial assistance programs as prescribed in § 23.43.

(22) One commenter recommended that § 23.51 be more discretionary. This section remains essentially the same as in previous regulations except for the citation change, and incorporates the uniform administrative requirements for grants.

(23) One commenter stated that subpart F, Hearings and Appeals, was incomplete. Subpart F incorporates 25 CFR Part 2 "Appeals from Administrative Actions."

The primary author of this document is Louise M. Zokan-Delos Reyes, Bureau of Indian Affairs, Division of Social Services, telephone number (202) 343-6434.

It has been determined that this document is not a major rule as defined in Executive Order 12291 because it will have no economic impact on the public and it will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 95-354. The information collection requirement contained in § 23.24 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0006. This approval will expire on November 30, 1983.

#### List of Subjects in 25 CFR Part 23

Administrative practice and procedure, Child welfare, Grant programs—Indians, grant programs—Social programs, Indians, Reporting requirements.

Part 23 of Subchapter D of Chapter 1 of Title 25 of the Code of Federal Regulations is amended as follows:

#### PART 23—INDIAN CHILD WELFARE ACT

##### Subpart A—Purpose, Definitions, Policy and Information Collection

1. A new § 23.4, Information Collection, is added to Subpart A of the Table of Sections.

2. A new § 23.29, Technical Assistance, is added to Subpart C of the Table of Sections. The previous § 23.29, Agency office review and recommendation, is redesignated as § 23.30.

3. A new § 23.65, *Appellants fees*, is added to Subpart F as set out below. The previous § 23.65, Failure of Agency or Area office to act, is redesignated as § 23.66.

4. A new § 23.4 is hereby added to Subpart A and reads as follows:

##### § 23.4 Information collection.

The information collection requirement contained in Section 23.28 has been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and is assigned clearance number 1076-0006. Information necessary for an application for Federal assistance will be submitted on Standard Form 424 which may be obtained with application materials in accordance with 25 CFR 23.23. This information is being collected for the purpose of applying for Federal assistance. The information will be used in selecting the recipients and determining the amount of the Indian Child Welfare Act grant awards. The obligation to respond is a requirement to obtain the benefits.

5. Subpart C is revised to read as follows:

##### Subpart C—Grants to Indian Tribes and Indian Organizations for Indian Child and Family Programs

- | Sec.   |  |
|--------|--|
| 23. 21 | Eligibility requirements.                                  |
| 23. 22 | Purpose of grants.   |
| 23. 23 | Obtaining application instructions and materials.          |
| 23. 24 | Content of application.                                    |
| 23. 25 | Application selection criteria.                            |
| 23. 26 | Request from tribal governing body or Indian organization. |
| 23. 27 | Grant approval limitation.                                 |
| 23. 28 | Submitting application.                                    |
| 23. 29 | Technical assistance.                                      |
| 23. 30 | Agency office review and recommendation.                   |
| 23. 31 | Area office review and action.                             |
| 23. 32 | Deadline for area office action.                           |
| 23. 33 | Central office review and decision.                        |
| 23. 34 | Deadline for Central office action.                        |

- Sec.  
23.35 Grant execution and administration.  
23.36 Subgrants and subcontracts.

Authority: 5 U.S.C. 301; secs. 463 and 465 of the revised statutes (25 U.S.C. 2 and 9).

### Subpart C—Grants to Indian Tribes and Indian Organizations for Indian Child and Family Programs

#### § 23.21 Eligibility requirements.

(a) The governing body of any tribe or tribes, or any off reservation Indian organization, including multi-service Indian centers, may apply individually or as a consortium for a grant under this part.

(b) Each tribe, off-reservation Indian organization, or consortium may submit only one grant application during an application period. The application period during which grant applications will be accepted shall be published annually as a notice in the Federal Register.

#### § 23.22 Purpose of grants.

Grants are for the purpose of:  
(a) Establishment and operation of Indian child and family service programs. In accordance with the policy in § 23.3 to emphasize the design and funding of programs to promote the stability of Indian families, program priorities have been established to be utilized by Area offices in the prioritization process when more than one application obtains the same competitive score pursuant to § 23.24 and § 23.25. The program priorities are listed below in descending order.

(1) Operation and maintenance of facilities for the counseling and treatment of Indian families and for the temporary custody of Indian children.

(2) Family assistance (including homemaker and home counselors), day care, afterschool care, recreational activities, respite care, and employment.

(3) A system for tribes or Indian organizations to license or otherwise regulate Indian foster and adoptive homes or the preparation and implementation of child welfare codes within their legal jurisdictional authority, or pursuant to a state-tribal and/or Indian organization agreement.

(4) Guidance, legal representation, and advice to Indian families involved in tribal, state, or Federal child custody proceedings.

(5) Employment of professional and other trained personnel to assist the tribal court in the disposition of domestic relations and child welfare matters.

(6) Education and training of Indians (including tribal court judges and staff) in skills relating to child and family assistance and service programs.

(7) Subsidy programs under which Indian adoptive children may be provided support comparable to that for which they would be eligible as foster children, taking into account the appropriate state standards of support for maintenance and medical needs.

(8) Home improvements programs.  
(9) Other programs designed to meet the purposes of the Act. Planning or feasibility grants may be undertaken for any one of the above listed program purposes. These applications will be ranked according to the priority of the program under consideration.

(b) Providing non-Federal matching shares for other Federal financial assistance programs as prescribed in § 23.43. The order of priority of matching share grants will correlate with the purpose of the program receiving the match.

#### § 23.23 Obtaining application instructions and materials.

Application instructions and related application materials may be obtained from Superintendents, Area Directors or the Commissioner.

#### § 23.24 Content of application.

Application for a grant under this part shall include:

(a) Name and address of Indian tribal governing body(s) or Indian organization applying for a grant,

(b) Descriptive name of project,  
(c) Grant funds requested,  
(d) The unduplicated client service population directly benefiting from the project,

(e) Length of project,  
(f) Beginning date,  
(g) Project budget categories or items,  
(h) Program narrative statement,  
(i) Certification or evidence of request by Indian tribe or board of Indian organization,

(j) Evidence of substantial community support for the proposed program,  
(k) Name and address of the Bureau office to which an application is submitted,

(l) Date application is submitted to the Bureau, and

(m) Additional information pertaining to grant applications for funds to be used as matching shares.

#### § 23.25 Application selection criteria.

(a) The Commissioner of his/her designated representative shall select for grants under this part those proposals which will in his/her judgment best promote the purposes of Title II of the Act. Such selection will be made through a review process in which each application will be scored competitively, taking into consideration

the content of the application as required in Section 23.24, and the following factors:

(1) The degree to which an applicant demonstrates in the program narrative an understanding of the social service problems or issues impacting the client population which the applicant proposes to serve.

(2) The degree to which and the methods by which the applicant intends to fulfill the purpose of the grant, specifically relating the goals and the objectives of the program to the issues and problems impacting the client population.

(3) Whether the applicant presents narrative, quantitative data, and demographics of the client population to be served. Examples of such data include:

(i) The number of actual or estimated Indian child placements outside the home;

(ii) The number of actual or estimated Indian family breakups; and

(iii) The need for a directly related preventive program.

(4) The relative accessibility which the Indian population to be served under a specific proposal already has to existing child and family service programs emphasizing prevention of Indian family breakup. Factors to be considered in determining accessibility include:

(i) Cultural barriers;  
(ii) Discrimination against Indians;  
(iii) Inability of potential Indian clientele to pay for services;  
(iv) Lack of programs which provide free service to indigent families;  
(v) Technical barriers created by existing public or private programs;  
(vi) Availability of transportation to existing programs;

(vii) Distance between the Indian community to be served under the proposal and the nearest existing programs;

(viii) Quality of service provided to Indian clientele; and

(ix) Relevance of service provided to specific needs of Indian clientele.

(5) The proper justification of the extent to which the proposed program would duplicate any existing child and family service program emphasizing prevention of Indian family breakup, taking into consideration all of the factors listed in paragraphs (a) (1), (2), (3) and (4) of this section. Proper justification must be given for any duplication of services.

(6) Evidence of substantial community support for the proposed program from the Indian community or communities to

be served. Such support may be evidenced by:

- (i) Letters of support from individuals and families to be served;
- (ii) Local Indian community representation in and control over the Indian entity requesting the grant;
- (iii) Letters from local social service or social service related agencies familiar with the applicant's past work experience.

(7) The explanation of proposed facilities and of the structure of the tribal or Indian organization including the structure of the particular unit within the organization requesting grant funds, and the position description of any position to be funded with grant funds, identifying qualifications, responsibilities, and lines of supervision.

(8) The reasonableness and relevance of the estimated costs of the proposed program or service.

(b) Two or more grants receiving the same competitive score will be prioritized pursuant to § 23.22.

(c) Selection for grants under this part for "on or near" reservation programs shall be limited to the governing body of the tribe to be served by the grant. However, the governing body of the tribe may make a subgrant or subcontract with another organizational entity including but not limited to an Indian organization, subject to the provisions of § 23.36.

(d) An Indian organization may make a subgrant or subcontract subject to the provisions of § 23.36.

#### § 23.26 Request from tribal governing body or Indian organization.

(a) The Bureau shall only make a grant under this part for an "on or near" reservation program when officially requested to do so by a tribal governing body. This request may be in the form of a tribal resolution, an endorsement included in the grant application or such other forms as the tribal constitution or current practice requires.

(b) The Bureau shall only make a grant under this part for an off-reservation program when officially requested to do so by the governing body of an off-reservation Indian organization. This request may be in one of the forms prescribed in paragraph (a) of this section.

#### § 23.27 Grant approval limitation.

(a) *Area office preliminary approval.* Authority for preliminary approval of a grant application under this part shall be with the Area Director when the intent, purpose and scope of the grant proposal pertains solely to an Indian tribe or tribes, or to an Indian organization representing an off-reservation

community, located within that Area Director's administrative jurisdiction.

(b) *Central office preliminary approval.* Authority for preliminary approval of a grant application under this part shall be with the Commissioner when the intent, purpose and scope of the grant proposal pertains to Indian tribes, off-reservation communities or Indian organizations representing more than one Area office's administrative jurisdiction but located within the Commissioner's overall jurisdiction.

(c) An application shall not receive a preliminary approval under this section unless a review of the application determines that it:

(1) Contains all the information required in § 23.24 and,

(2) Receives at least the minimum score in a competitive review under the scoring process using the selection criteria explained in § 23.25. The minimum score will be established by the Central office prior to each application period.

(3) If an applicant has been a grantee during the year immediately preceding the year for which an application is being made, and has made an application to continue essentially the same service program, satisfactory evaluation(s) from the Area office review of the program must be provided in addition to the other materials required in this sub-section.

(d) *Approval for funding.* Approval for funding of all grant applications under this part shall be with the Commissioner or his/her designated representative.

(e) Actual funding of approved grant applications shall be subject to the availability of funds. These funds will include those which are:

(1) Directly appropriated for implementation of this Act. Distribution of these appropriated and available funds will be based upon a formula designed to ensure insofar as possible that all applicants approved for funding will receive a proportionate share of the available funds. This formula will be published annually as a Federal Register Notice.

(2) Appropriated under other Acts for Bureau programs which are related to the purposes prescribed in § 23.22.

#### § 23.28 Submitting application.

(a) *Agency office.* An application for a grant under this part for an "on or near" reservation program shall be initially submitted to the appropriate Superintendent for review and recommendation as prescribed in § 23.30. Programs encompassing more than one Agency office jurisdiction shall be submitted simultaneously to each affected Agency office, and to the Area

office. Each Agency office will review and make a recommendation to the Area office for approval or disapproval.

(b) *Area office.* An application for a grant under this part for an off-reservation program shall be initially submitted to the appropriate Area Director for review and action as prescribed in § 23.31.

(c) Programs encompassing more than one Area office jurisdiction shall submit applications simultaneously to each affected Area office and the Central office. Each Area office will review and make a preliminary recommendation to the Central office for approval or disapproval.

#### § 23.29 Technical assistance.

(a) Technical assistance in the development of the grant proposal may be requested by an applicant from the office to which an applicant will be submitting an application, as prescribed in § 23.28, up to ten (10) days prior to the close of the application period.

(b) Modifications of the grant application received after the close of the application period will not be considered in the review and action on the application as prescribed in § 23.30, § 23.31 and § 23.33.

#### § 23.30 Agency office review and recommendation.

(a) Recommendation for approval or disapproval of a grant under this part shall be made by the Superintendent when the intent, purpose and scope of the grant proposal pertains to or involves an Indian tribe or tribes located within that Superintendent's administrative jurisdiction.

(b) Upon receipt of an application for a grant under this part, the Superintendent shall complete and sign the Agency/Area office certification, return it to the applicant and forward the application and a copy of the Agency/Area office certification to the Area office within ten (10) working days of arrival of the application at the Agency office. In completing the certification form the Superintendent shall:

(1) Acknowledge receipt of the application.

(2) Assess the completed application for appropriateness of purpose as prescribed in § 23.22, and for overall feasibility.

(3) Review the application for completeness of information and, if time permits prior to the close of the grant application period, request any additional information which may be required to make a recommendation. The Superintendent must only consider

information received prior to the close of the grant application period in making his/her recommendation.

(4) Certify on the Agency/Area office certification form as to the completeness of the application.

(5) Recommend approval or disapproval following a review of the completed application with explanation of the recommendation.

(6) In instances where a joint application is made by tribes representing more than one Agency office administrative jurisdiction, each respective Superintendent shall make his/her recommendation for approval or disapproval, and shall forward the application and Agency/Area office certification form to the Area Director for further action.

#### § 23.31 Area office review and action.

(a) Upon receipt of an application for a grant requiring Area office preliminary approval, the Area Director shall:

(1) Acknowledge receipt of the application to the applicant in writing within ten (10) days of its arrival at the Area office.

(2) Review the Agency/Area office certification form which is required in § 23.30. Area Directors will be responsible for the completion of the Agency/Area office certification for any application initially submitted to the Area office, including off-reservation Indian organizations and multi-Area applications.

(3) Assess the completed application for appropriateness and priority of purpose as prescribed in § 23.22, and for overall feasibility, through a selection committee process.

(4) Give preliminary approval or disapproval of the application following full assessment of the completed application as prescribed in § 23.24 and § 23.25 and forward grant decisions to the Central office for further action, along with a copy of the Standard Form 424, Request for Federal Assistance, for each grant application and the Agency/Area office certification form.

(b) In instances where a joint application is made by tribes representing more than one Area office administrative jurisdiction, each respective Area Director shall be responsible for completion of the Agency/Area office certification and shall make his/her recommendation for approval or disapproval and shall forward the application and recommendation to the Commissioner for further action.

(c) Upon taking action prescribed in paragraphs (a) and (b) of this section, the Area Director shall promptly notify the applicant, in writing, as to the action

taken. If the application is disapproved, the Area Director will include in the written notice the specific reasons therefor.

#### § 23.32 Deadline for area office action.

Within thirty (30) days of receipt of an application for a grant under this part, the Area Director shall take action as prescribed in § 23.31. Extension of this deadline will require consultation with, and written consent of, the applicant.

#### § 23.33 Central office review and decision.

(a) *Central office preliminary approval.* Upon receipt of an application for a grant requiring Central office preliminary approval, the Commissioner shall:

(1) Review the application following the applicable review procedures prescribed in § 23.31.

(2) Review Area office recommendations as they pertain to the application.

(3) Approve or disapprove the application.

(4) Promptly notify the applicant in writing as to the approval or disapproval of the application. If the application is disapproved, the Commissioner will include in the written notice the specific reasons therefor.

(b) *Approval for funding.* When the Commissioner has received the applications from each Area Director which have been preliminarily approved and scored, pursuant to §§ 23.24 and 23.25, and prioritized in accordance with § 23.22, the Commissioner shall determine which applications shall receive funding, as required in paragraph (d) of § 23.27. The Commissioner may utilize the priority established in § 23.22 when grant applications from different Areas have obtained the same score in the competitive review process and are being considered for funding. Some preliminarily approved applications may not be funded depending on the level of congressional appropriations.

#### § 23.34 Deadline for Central office action.

Within thirty (30) days of receipt of an application for a grant under this part requiring Central office preliminary approval the Commissioner shall take action as prescribed in paragraph (a) of § 23.33. Extension of this deadline will require consultation with, and written consent of, the applicant.

#### § 23.35 Grant execution and administration.

(a) Grant approved pursuant to § 23.27(a) shall be executed and administered at the Area Office level.

(b) Grants approved pursuant to § 23.27(b) shall be executed and administered at the Central office level provided that the Commissioner may designate an Area Office to execute or administer such a grant.

#### § 23.36 Subgrants and subcontracts.

The grantee may make subgrants or subcontracts under this part provided that such subgrants or subcontracts are for the purpose for which the grant was made and that the grantee retains administrative and financial responsibility over the activity and the funds.

### Subpart D—General Grant Requirements

6. Section 23.41, Applicability is revised to read as follows:

#### § 23.41 Applicability.

The general requirements for grant administration in part 276 are applicable to all Bureau grants provided to tribal governing body(s) and to Indian organizations under this part, except to the extent inconsistent with an applicable Federal statute, regulation, or Office of Management and Budget grant circular.

7. Section 23.43, Matching Share and Agreements is revised to read as follows:

#### § 23.43 Matching share and agreements.

(a) Grant funds provided under this part for "on or near" reservation programs may be used as non-Federal matching share in connection with funds provided under Titles IVB and XX of the Social Security Act or under any other Federal financial assistance programs which contribute to the purposes specified in § 23.22.

(b) Superintendents, Area Directors and their designated representatives will, upon tribal or Indian organization request, assist in obtaining information concerning other Federal agencies with matching fund programs and will, upon request, provide technical assistance in developing applications for submission to those Federal agencies.

(c) In the establishing, operating and funding of Indian child and family service programs "on or near" or off-reservation, the Secretary of the Interior may enter into agreements with the Secretary of Health and Human Services for the use of funds appropriated for similar programs of the Department of Health and Human Services.

**Subpart E—Grant Revision, Cancellation or Assumption**

8. Section 23.51, revisions or amendments to grants, is revised to read as follows:

**§ 23.51 Revisions or amendments of grants.**

(a) Requests for budget revisions or amendments to grants awarded under this part shall be made as provided in § 276.14 of this Chapter.

(b) Requests for revisions or amendments to grants provided under this part, other than budget revisions referred to in paragraph (a) of this section, shall be made to the Bureau officer responsible for approving the grant in its original form. Upon receipt of a request for revisions or amendments to grants, the responsible Bureau officer shall follow precisely the same review procedures and time specified in § 23.30.

**Subpart F—Hearings and Appeals**

9. Subpart F, Hearings and Appeals is revised to read as follows:  
Subpart F—Hearings and Appeals

Sec.

23.61 Hearings.

23.62 Appeals from decision or action by Superintendent.

23.63 Appeals from decision or action by Area Director.

23.64 Appeals from decision or action by Commissioner.

23.65 Appellants Fees.

23.66 Failure of agency or area office to act.

Authority: 5 U.S.C. 301; secs. 463 and 465 of the revised statutes (25 U.S.C. 2 and 9).

**§ 23.61 Hearings.**

Hearings referred to in § 276.15 of this Chapter shall be conducted as follows:

(a) The grantee and the Indian tribe(s) affected shall be notified in writing at least 10 days before the hearing. The notice should give the date, time, places, and purpose of the hearing.

(b) A written record of the hearing shall be made. The record shall include written statements submitted at the hearing or within 5 days following the hearing.

(c) The hearing will be conducted on as informal a basis as possible.

**§ 23.62 Appeals from decision or action by Superintendent.**

An applicant or grantee may appeal any decision made or action taken by a Superintendent under this part. Such appeal shall be made to the Area Director as provided in Part 2 of this Chapter.

**§ 23.63 Appeals from decision or action by Area Director.**

An applicant or grantee may appeal any decision made or action taken by an Area Director under this part. Such an appeal shall be made to the Commissioner as provided in Part 2 of this Chapter.

**§ 23.64 Appeals from decision or action by Commissioner.**

An applicant or grantee may appeal any decision made or action taken by the Commissioner under this part only as provided in Part 2 of this Chapter.

**§ 23.65 Appellants fees.**

The Department will not pay attorneys or advocates fees for applicants or grantees exercising their appeal rights under this subpart.

**§ 23.66 Failure of agency or area office to act.**

Whenever a Superintendent or Area Director fails to take action on a grant application within the time limits established in this part, the applicant may at its option request action by the next higher Bureau official who has approval authority as prescribed in this part. In such instances, the Superintendent or Area Director who failed to act shall immediately forward the application and all related materials to the next higher Bureau official.

**Subpart G—Administrative Requirements**

10. Section 23.71 is revised to read as follows:

**§ 23.71 Uniform administrative requirements for grants.**

Administrative requirements for all grants provided under this part shall be those prescribed in Part 276 of this Chapter except to the extent inconsistent with an applicable Federal statute, regulation or Office of Management and Budget grant circular.

John W. Fritz,

*Acting Assistant Secretary—Indian Affairs.*

[FR Doc. 82-24811 Filed 9-9-82; 8:45 am]

BILLING CODE 4310-02-M

# **federal register**

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Friday  
September 10, 1982

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**Part IV**

**Securities and  
Exchange  
Commission**

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Publication of Certain Commission Forms

**SECURITIES AND EXCHANGE  
COMMISSION**
**17 CFR Parts 239, 249, 274 and 279**
**Publication of Certain Commission  
Forms**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Publication of certain Commission forms.

**SUMMARY:** In a recent survey of its forms, the Commission discovered that, although all its forms had been filed with the Office of the Federal Register, which filing constitutes constructive notice (see 44 U.S.C. 1507), a few had never previously been published in full text in the **Federal Register**.

Accordingly, the Commission is publishing these forms at this time, in a series of installments. This is the final publication. The first installment may be found at 47 FR 33589-33646 (Aug. 3, 1982), and the second may be found at 47 FR 34889-34961 (Aug. 11, 1982). Paperwork Reduction Act control numbers and expiration dates assigned by the Office of Management and Budget to these forms may be found at 17 CFR Part 200, Subpart N.

**FOR FURTHER INFORMATION CONTACT:**  
Theodore S. Bloch, Office of the General Counsel, 450 Fifth Street, N.W.,

Washington, D.C. 20549, 202/272-2422.

**SUPPLEMENTARY INFORMATION:** Each form published in full text in this installment is listed below, in the order of publication, along with the CFR part and section where the form is identified and described. The order of publication was determined by the Commission's Printing Officer to minimize publication costs.

Forms	17 CFR part and section where identified and described
1. 19-K.....	249.319.
2. T-3.....	269.3.
3. 1-A.....	239.90.
4. 19.....	249.219.
5. 20-F.....	249.220f.
6. N-271-1 (Notice of Right of Cancellation and Refusal).	274.302.
7. N-271-2 (Notice of Withdrawal Right).	274.303.
8. 18.....	249.218.
9. 12g-4/15d-6.....	249.323/249.333.
10. X-17A-17.....	249.633.
11. 3.....	249.103.
12. 4.....	249.104.
13. N-27E-1.....	274.127e-1.
14. N-27F-1.....	274.127f-1.
15. N-18F-1.....	274.51.
16. N-30A-2.....	274.102.
17. N-30A-3.....	274.103.
18. N-2.....	274.11a-1.
19. N-5.....	274.5.
20. N-10.....	274.106.
21. N-8B-2.....	274.12.
22. N-8B-3.....	274.13.
23. N-8B-4.....	274.14.
24. 4-R.....	279.4.
25. 5-R.....	279.5.
26. 6-R.....	279.6.
27. 7-R.....	279.7.
28. C-3.....	239.5.
29. SECO-2F.....	249.502a.

Forms	17 CFR part and section where identified and described
30. 8.....	249.460.
31. S-6.....	239.6.
32. N-8A.....	274.10.
33. N-6E1-1.....	274.301.

**List of Subjects in 17 CFR Parts 239, 249, 274 and 279:**

Reporting requirements, Securities.

By the Commission.

Dated: August 31, 1982.

**George A. Fitzsimmons,**  
*Secretary.*

**Statutory Authority:**

1. The authority citation for Part 239 reads as follows:

**Authority:** The Securities Exchange Act of 1933, 15 U.S.C. 77a, *et seq.*

2. The authority citation for Part 249 reads as follows:

**Authority:** The Securities Act of 1934, 15 U.S.C. 78a, *et seq.*

3. The authority citation for Part 274 reads as follows:

**Authority:** The Investment Company Act of 1940, 15 U.S.C. 80a-1, *et seq.*

4. The authority citation for Part 279 reads as follows:

**Authority:** The Investment Advisers Act of 1940, 15 U.S.C. 80b-1, *et seq.*

**BILLING CODE 8010-01-M**

FORM 19-K

For American Certificates Against Foreign Issues and for the Underlying Securities SECURITIES AND EXCHANGE COMMISSION Washington, D. C.

ANNUAL REPORT

I. American Certificates

(Name of depositor)
(Name of depository)

II. Underlying Securities

Issued by (Name of issuer of the underlying securities)

(Translation into English of name of issuer of underlying securities)

Date of end of last fiscal year

SECURITIES REGISTERED

(As of the close of the fiscal year)

Title of issue (American certificates) (Underlying securities)
Amount as to which registration is effective
Amount to be registered on notice of issuance
Names of exchanges on which registered
Name and address of person authorized to receive notices and communications from the Securities and Exchange Commission:
(For the person signing Part I)
(For the issuer of the underlying securities)

PART I

- 1. State the names of the depositors and the addresses of their principal executive offices.
2. State the name of the depository and the address of its principal executive office.
3. Outline briefly the general effect of each material modification of the deposit agreement not previously reported.
4. Give the date of and outline briefly the general effect of:
(a) Any material modifications, not previously reported, in any material contract which has been previously reported, between the Company and the depositors or any of them.
(b) Any such contracts not previously reported.
5. Furnish the following information as to all sales of the American certificates by the depositors since the close of the latest year for which such information was previously reported:
(a) Amount sold.
(b) Date of sale.
(c) Aggregate net proceeds received by each depositor.

(d) Names of principal underwriters, if any. State whether any of the depositors was one of such underwriters. Indicate any such underwriters as are, or were at the time of the underwriting, affiliates of any depositor.

6. Give in tabular form the following information concerning the remuneration received by the depository for each type of service rendered under the deposit agreement for each fiscal year of the "Company" ended since the close of the latest fiscal year for which such information was previously reported:

Table with 2 columns: Type of service for which remuneration was received, Amount of remuneration, By whom paid

Part I of this annual report comprises:

(a) Pages numbered ..... to ..... consecutively and insert pages numbered .....

(b) The following exhibits:

This annual report is filed subject to the instructions contained in the Instruction Book for Form 19-K for American Certificates Against Foreign Issues and for the Underlying Securities, and amendments numbered:

The undersigned has signed this Part I of this annual report in pursuance of the requirements of the Securities Exchange Act of 1934.

(Date) By (Name) (Title) (Signature of registrant)

PART II

(Part II need not be filed if an annual report relating to the securities deposited pursuant to the Deposit Agreement is otherwise filed with the Commission and with the exchange on which the American certificates are registered.)

Submit information as to the issuer of the securities deposited pursuant to the deposit agreement as required by the form and instruction book appropriate for annual reports relating to such securities of such issuer. This Part II shall be deemed to incorporate in all respects the respective requirements of such appropriate form and instruction book, except that the table of securities registered shall be omitted from the facing sheet of such appropriate form.

**INSTRUCTION BOOK FOR FORM 19-K**  
**For American Certificates Against Foreign Issues**  
**and for the Underlying Securities**

**ANNUAL REPORT**

**Rules as to the Use of Form 19-K**

This form is to be used for the annual reports of issuers of American Certificates (for example, so-called American Depositary Receipts for foreign shares or American Participation Certificates in Foreign Bonds or Notes) issued against securities of foreign issuers deposited with an American depository (whether physically held by such depository in America or abroad) and of the foreign securities so deposited.

An annual report on this form consists of two parts:

Part I, which relates to the American Certificates, requires information concerning the depositories, the depository, and the deposit agreement and is to be signed by the depository or depositories. Part I, however, may be signed by the depository, if there are no depositories in existence.

Part II, which relates to the securities deposited pursuant to the deposit agreement, requires information concerning the issuer of such securities and is to be signed by such issuer. Part II need not be filed if an annual report relating to the securities deposited is otherwise filed with the Commission and with the exchange on which the American Certificates are registered.

**Instructions as to the Filing of the Report (Parts I and II)**

1. An annual report on this form shall be filed by each issuer for which this form is appropriate:
  - (a) On or before September 30, 1937; and thereafter,
  - (b) Within six months after the close of each fiscal year of the issuer of the underlying securities (The "Company") ending after June 30, 1937.

**GENERAL RULES AS TO PREPARATION AND CONTENTS OF PART I OF ANNUAL REPORT**

1. Any annual report shall be deemed filed on the proper form unless objection to the form is made by the Commission.
2. The report, including financial statements and exhibits, shall be filed with the exchange upon which the securities are registered and in triplicate with the Commission. At least one copy of the report filed with the Commission and one filed with the exchange shall be signed. Reference is made to Rule X-12B-4 of the General Rules and Regulations of the Commission concerning incorporation by reference. If securities are registered on more than one exchange, the registrant may prepare one annual report covering all securities registered on any of the exchanges and, in such case, shall file originals of such annual report with each exchange and a duplicate original and two copies, as above, of such annual report with the Commission. A registrant may, however, at its option prepare separate annual reports for each exchange upon which its securities are registered and, in such case, shall file a duplicate original and two copies, as above, of each such report with the Commission.
3. (a) Reference is made to Section 24(b) of the Act and Rule X-24B-2 of the General Rules and Regulations of the Commission concerning the right of the registrant to object to the public disclosure of material filed and the procedure to follow in regard thereto.
  - (b) Any registrant desiring to avail itself of the provisions contained in Rule X-24B-2 may enclose that part of its annual report to public disclosure of which objection is made, in a separate envelope marked "CONFIDENTIAL" and addressed to the Chairman, Securities and Exchange Commission, Washington, D. C.
  4. (a) All annual reports shall be typed or printed on good quality unglazed white paper, 8½ by 13 inches in size. Tables and financial data, however, may be on larger paper if folded to such size. Typed or printed matter, shall leave a margin of at least 1½ inches on the left. Annual reports shall be securely bound on the left. Riders may

not be used. If the annual report is typed on a printed form and the space provided in the form for an answer to any given item is insufficient, the answer shall be typed on the space provided so far as the space permits and shall include in such space a reference to a full insert page or pages on which the answer shall be continued. Such insert page shall bear the number of the item thus continued.

(b) The annual report shall contain both the items in the form and the answers thereto.

5. Matters contained in the annual report may be incorporated by reference as answer or partial answer to any particular item in the annual report, provided the reference is specific and the matter incorporated is clearly designated in the reference. A reference to an exhibit will not suffice as an answer, subject, however, to the provisions of the next rule, and except as otherwise specifically provided.

6. Where a "brief" answer is required, brevity is essential. It is not intended, in such case, that a statement shall be made as to all of the provisions of any document, but only in succinct and condensed form, as to the most important thereof. In addition, the answer may incorporate by reference particular items, sections or paragraphs of any exhibit which is in the English language and may be qualified in its entirety by such reference.

7. All answers shall be so worded as to be intelligible without the necessity of referring to the instruction book.

8. (a) *Delays in furnishing information beyond the date upon which annual reports must be filed.* In case the registrant finds it impracticable, owing to peculiar circumstances, to furnish any particular material required by the form or the instructions prior to the date upon which the annual report is required to be filed, but can furnish such material subsequently, the registrant may file with the Commission an application for an extension of time to a specified date, within a reasonable time, for the filing of such material. Such application shall specify the material omitted, shall state the grounds of impracticability, and shall contain an agreement to file the specified material on or before such specified date. The application shall be deemed granted, unless the Commission within ten days after receipt thereof shall enter an order denying the application as being unreasonable and unnecessary under the circumstances.

(b) *Omission of material which is neither known nor available.* Except as provided in paragraph (a) above, information required must be given unless neither known nor available to the registrant without unreasonable effort or expense. In such case, however, an explicit statement to such effect shall be made in the annual report in lieu of the omitted material, setting forth the reasons why the information is neither known nor available. Information shall not be omitted pursuant to this paragraph if such information can be furnished later as provided in paragraph (a) above.

9. Except as specifically provided, if any item is inapplicable, or the answer is "none," a statement to such effect is to be made.

10. Except as specifically provided the information to be furnished shall be given as of a date reasonably close to the date of filing, indicating the date.

11. In any item calling for changes within a period it will suffice, in case no changes have occurred, to state merely "No Changes."

12. Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing of the annual report with the exchange.

13. Whenever words relating to the future are employed the question relates solely to present intention.

**Definitions**

Unless the context clearly indicates the contrary, all terms used in these instructions and in the form have the same meaning as in the Securities Exchange Act of 1934 and in the General Rules and Regulations of the Commission thereunder. In addition, the following definitions apply, unless the context clearly indicates the contrary:

*Affiliate.* The term "affiliate" or "affiliated," used to indicate a relationship with a particular person, refers to a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

involving public and private sales. Sales or reacquired securities, as well as of new issues, are to be set forth. No information need be given, under this item, as to arbitrage transactions.

#### Instructions as to Exhibits

1. Subject to Rule X-12B-4 of the General Rules and Regulations of the Commission, permitting incorporation by reference, the following exhibits shall be filed as a part of the annual report:
- Copies of any amendments or modifications, other than such as have been previously filed, to all exhibits previously filed.
  - A copy of each contract, as amended, described under Item 4(b).
  - A copy (specimen if available) of each security registered, if a copy or specimen thereof has not been previously filed.
2. The registrant may file such other exhibits as it may desire, marking them so as to indicate clearly the items to which they refer.
3. All exhibits filed with the annual report or incorporated by reference shall be clearly and specifically identified in the annual report proper.
4. In any case where two or more contracts or other documents which are required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, dates of execution or other details, the registrant need file a copy of only one of such substantially identical documents with a schedule identifying the other documents omitted and setting forth the parties thereto, dates of execution and other material details in which such documents differ from the document of which a copy is filed; provided, however, that the Commission may at any time in its discretion require the filing of copies of any documents so omitted and the registrant shall furnish copies thereof upon request.

**Amount.** The term "amount" used in regard to securities means the principal amount if relating to evidences of indebtedness, the number of shares if relating to capital stock, and the number of units if relating to any other kind of security.

**Company.** The term "company" means the issuer of the securities against which the American certificates are issued, whether the issuer of such securities be a corporation, trust, or other organization.

**Deposit agreement.** The term "deposit agreement" means the agreement under which the underlying securities are deposited, whether such agreement is embodied in the American certificates or in a separate agreement.

**Depositor.** The term "depositor" means all depositors executing the deposit agreement, or performing the functions of "depositor" as that term is generally used in connection with transactions of the type covered by the form.

**Material.** The term "material" means information required for the furnishing of information as to any subject, limits the information required to such matters as to which an average prudent investor ought reasonably to be informed.

**Previously filed.** The term "previously filed" means previously filed, with each exchange with which the annual report is to be filed, in connection with an application for the registration of the American certificates or the underlying securities under the Act, any amendment of such application or any report made by the registrant or the issuer of the underlying securities to Section 13 of the Act.

**Previously reported.** The term "previously reported" means previously reported in an application for the registration of the American certificates or the underlying securities under the Act, any amendment of such application or any report made by the registrant or the issuer of the underlying securities pursuant to Section 13 of the Act.

**Principal underwriter.** The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is an underwriter.

**Registrant.** The term "registrant" means the person or persons signing Part I of the Form.

**Title of issue.** When the "title of issue" is required to be furnished, there shall be given:

- In the case of *shares*, the full designation of the class of shares, and, if not included therein, the rate of dividends, if fixed, and whether cumulative or non-cumulative.
- In the case of *funded debt*, the full designation of the issue, and, if not included therein, the rate of interest, and the date of maturity. If "income" bonds, debentures, or notes, the word "income" should be added to the designation. If due serially, a brief indication should be given of the serial maturities, for example, "maturing serially from 1936 to 1940."

(c) In case of any other security, a similar designation.

**Underlying securities.** The term "underlying securities" means the securities held subject to the deposit agreement, and against which the American certificates are issued.

#### Instructions as to Particular Items in Part I

**Table of securities registered.** (a) In the column entitled "Amount as to which registration is effective" there should be shown the total amount of securities which had become registered and were outstanding at the close of the fiscal year. The figures should include securities which become registered upon notice of issuance after the filing of the application for registration. Securities which were retired before the close of the fiscal year should not be included.

(b) In the column entitled "Amount to be registered upon notice of issuance" there should be shown the total amount of securities as to which application for registration on notice of issuance had been filed and which remained unissued at the close of the fiscal year.

(c) If the registrant has filed more than one application with a particular exchange, the figure shown in each column should be the total covered by all such applications.

Item 5. The information required by this item need not be furnished as to any sales made within the fiscal year which were of an insignificant aggregate amount. If the sales covered by this question are "open-end" or otherwise constitute a continuous operation, the information may be given by such totals and periods as will reasonably convey the information required. The information is to be given both for transactions

**AFFILIATIONS**

3. *Affiliates.* Furnish a list or diagram of all affiliates of the applicant and indicate the respective percentages of voting securities or other bases of control.

*Instructions—Item 3.* 1. Attention is directed to the definition of the term "affiliate" in Reg. § 260.0-2 of the General Rules and Regulations under the Act. The term "voting security" is defined in section 303(16) of the Act. See also rule T-7A-26.

2. If the indenture securities are to be issued in connection with, or pursuant to, a plan of acquisition, succession or reorganization, the information shall also be given, so far as practicable, as of the status to exist upon consummation of the plan.

3. The list or diagram shall be so prepared as to show clearly the relationship of each affiliate to the applicant and to the other affiliates named.

4. The name of any foreign affiliate, other than a parent, may be omitted if disclosure would be detrimental to the applicant. The Commission may, in its discretion, call for justification that such disclosure would be detrimental. The number of such affiliates omitted pursuant to this instruction should be stated.

**MANAGEMENT AND CONTROL**

4. *Directors and executive officers.* List the names and complete mailing addresses of all directors and executive officers of the applicant and all persons chosen to become directors or executive officers. Indicate all offices with the applicant held or to be held by each person named.

NAME ADDRESS OFFICE

*Instruction—Item 4.* Attention is directed to the definition of the terms "director" and "executive officer" in sections 303(5) and 303(6) of the Act.

5. *Principal owners of voting securities.* Furnish the following information as to each person owning 10 percent or more of the voting securities of the applicant.

As of: ..... (Insert date within 31 days)

COL. A COL. B COL. C COL. D  
NAME AND COMPLETE MAILING ADDRESS CLASS OWNED TITLE OF CLASS OWNED AMOUNT OWNED PERCENTAGE OF VOTING SECURITIES OWNED

*Instructions—Item 5.* 1. If the indenture securities are to be issued in connection with, or pursuant to a plan of acquisition, succession or reorganization, the information shall also be given so far as practicable, as of the status to exist upon consummation of the plan on the basis of present holdings and commitments.

2. The amount to be set forth in column C as to each person named in column A shall include all securities owned by each such person regardless of the type of ownership. For example, there shall be included (a) the amount owned of record, whether owned beneficially or otherwise, and (b) the amount owned beneficially or otherwise but not of record.

**UNDERWRITERS**

6. *Underwriters.* Give the name and complete mailing address of (a) each person who, within three years prior to the date of filing the application, acted as an underwriter of any securities of the obligor which were outstanding on the date of filing the application, and (b) each proposed principal underwriter of the securities proposed to be offered. As to each person specified in (a), give the title of each class of securities underwritten.

*Instruction—Item 6.* See Section 303(4) of the Act for the definition of the term "underwriter." The term "principal underwriter", as used in this item, means an underwriter in privity of contract with the issuer of the securities as to which he is an underwriter.

**FACING SHEET  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D. C.**

**FORM T-3**

[As last amended in Release No. 39-170, May 7, 1962.]

**FOR APPLICATIONS FOR QUALIFICATION OF INDENTURES  
UNDER THE TRUST INDENTURE ACT OF 1939**

..... (Name of applicant)

..... (Address of principal executive offices)

**SECURITIES TO BE ISSUED UNDER THE INDENTURE  
TO BE QUALIFIED**

AMOUNT

TITLE OF CLASS

Approximate date of proposed public offering:

Name and address of agent for service:

**GENERAL**

1. *General information.* Furnish the following information as to the applicant:

- (a) Form of organization.
  - (b) State or other sovereign power under the laws of which organized.
- Instruction—Item 1 (a).* Only a statement as to the legal form of organization is required, such as, "A corporation," "An unincorporated association," "A common law trust," or other appropriate statement.

2. *Securities Act exemption applicable.* State briefly the facts relied upon by the applicant as a basis for the claim that registration of the indenture securities under the Securities Act of 1933 is not required.

*Instructions—Item 2.* 1. If the exemption provided by section 3(a)(9) of the Securities Act of 1933 is being claimed by the applicant, there should be included information as to whether there have been or are to be any sales of securities of the same class by the applicant or by or through an underwriter at or about the same time as the transaction for which the exemption is claimed and a statement as to any consideration which has been or is to be given, directly or indirectly, to any person in connection with the transaction and the nature of any services rendered or to be rendered, directly or indirectly, for such consideration. A statement should also be included as to the nature of any cash payment made or to be made by any holder of the outstanding securities.

2. If the exemption provided by section 3(a)(10) of the Securities Act of 1933 is being claimed by the applicant, a brief statement should be given as to the terms and conditions of issuance of the securities to be issued under the indenture to be qualified, including the basis of exchange of any such securities offered or to be offered for a consideration other than cash only. The court or other state, territorial or federal authority approving such terms and conditions should be clearly identified and in the case of an authority other than a court, the statutory provisions concerning the power to grant such approval should be cited. A brief statement should also be given as to the manner in which notice of a right to appear at the hearing on the fairness of the plan before such court or other authority has been or will be given to all persons to whom it is proposed to issue securities in such exchange.

**CAPITAL SECURITIES**

7. *Capitalization.* (a) Furnish the following information as to each authorized class of securities of the applicant.

As of .....	(Insert date within 31 days)	
COL. A TITLE OF CLASS	COL. B AMOUNT AUTHORIZED	COL. C AMOUNT OUTSTANDING
(b) Give a brief outline of the voting rights of each class of voting securities referred to in paragraph (a) above.		

*Instructions—Item 7(a).* 1. As used in this item, the term "securities" includes only such securities as are generally known as corporate securities, but does not include any note or other evidence of indebtedness issued to evidence an obligation to repay monies lent to a person by one or more banks, trust companies, or banking firms, or any certificate of interest or participation in any such note or evidence of indebtedness.

2. In the case of funded debt, the term "authorized" means authorized by the indenture. Guarantees, warrants, and rights shall not be included in the table, but correlative information as to such securities, if any, shall be set forth in a note to the table. Include as to warrants a brief indication of the date and price at which exercisable, and if variable, a brief explanation of the possible variations.

3. Indicate by notes any material changes since the date of the table.

8. *Analysis of indenture provisions.* Insert at this point the analysis of indenture provisions required under section 305(a)(2) of the Act.

*Instruction—Item 8.* What is required is such information as will reasonably inform the investor from an investment standpoint and not from the standpoint of obtaining a full and complete legal description in regard to the matters specified. The analysis should be expressed in condensed or summarized form.

9. *Other obligors.* Give the name and complete mailing address of any person, other than the applicant, who is an obligor upon the indenture securities.

*Contents of application for qualification.* This application for qualification comprises—

- (a) Pages numbered ..... to ....., consecutively.
- (b) The statement of eligibility and qualification of each trustee under the indenture to be qualified.
- (c) The following exhibits in addition to those filed as a part of the statement of eligibility and qualification of each trustee.

Pursuant to the requirements of the Trust Indenture Act of 1939, the applicant, of ....., a corporation organized and existing under the laws of ....., has duly caused this application to be signed on its behalf by the undersigned, thereunto duly authorized, and its seal to be hereunto affixed and attested, all in the city of ....., and State of ....., on the ..... day of ....., 19.....

(SEAL)  
By ..... (Name and title)  
By ..... (Name and title)

Attest.....  
*Instruction as to signature.* The name of each person signing the application shall be typed or printed beneath the signature. If the applicant is not a corporation, the necessary changes in the signature shall be made.

**GENERAL INSTRUCTIONS**

1. *Rule as to the use of form T-3.* Form T-3 shall be used for applications for qualification of indentures pursuant to section 307(a) of the Trust Indenture Act of 1939.

2. The General Rules and Regulations under the Trust Indenture Act of 1939 are applicable to applications for qualification on this form. Attention is particularly directed to rules T-0-1 and T-0-2 as to the meaning of terms used in the rules and regulations. Attention is also directed to rule T-5A-3 regarding the filing of statements of eligibility and qualification and to rule T-7A-16 regarding the inclusion of items, the differentiation between items and answers, and the omission of instructions.

3. The items and instructions require information only as to the applicant, unless the context clearly shows otherwise.

**INSTRUCTIONS AS TO EXHIBITS**

Subject to rule T-7A-29, permitting incorporation of exhibits by reference, the following exhibits shall be filed as a part of the application for qualification:

*Exhibit T3A.* A copy of the charter as now in effect or, if the applicant is not a corporation, a copy of the correlative instruments of organization.

*Exhibit T3B.* A copy of the existing bylaws or instruments corresponding thereto.

*Exhibit T3C.* A copy of the indenture to be qualified. The indenture shall include, or be accompanied by, a reasonably itemized table of contents showing the articles, sections and subsections or other divisions of the indenture, together with the subject matter thereof and the pages on which they appear.

*Exhibit T3D.* If the exemption provided by section 3(a)(10) of the Securities Act of 1933 is being claimed by the applicant, a copy of the findings or opinion of the court or other authority referred to in item 2. If not a part of such opinion or findings, a copy of the formal order of such court or other authority approving such terms and conditions.

*Exhibit T3E.* A copy of every prospectus, notice, circular, letter, or other written communication which is to be sent or given to security holders in connection with the issuance or distribution of the indenture securities. Copies of replies to inquiries from security holders, however, need not be filed.

*Exhibit T3F.* A cross reference sheet showing the location in the indenture of the provisions inserted therein pursuant to Section 310 through 318(a), inclusive, of the Act.

oi prepared by any similar process which will result in clearly legible copies.

**C. Documents Comprising the Offering Statement**

The offering statement shall consist of the cover page, Part I—Notification, Part II—Offering Circular, Part III—Exhibits, the required signatures, and any other information or documents which are required or which the issuer may file as a part of the offering statement.

Each part of the offering statement may be amended independent of the other parts of the offering statement. Each amendment should indicate which part(s) is being amended. An amendment to any part will, however, necessitate the filing of a new signature page.

**D. Supplemental Information**

Supplemental information submitted pursuant to any item in Part I—Notification, Part II—Offering Circular, or Part III—Exhibits of the offering statement will be returned to the person who submitted it provided a request for its return is made at the time such information is submitted to the Commission and provided further that return of such information is consistent with the protection of investors and the provisions of the Freedom of Information Act [5 U. S. C. 552]. In addition, issuers may request confidential treatment of supplemental information submitted to the Commission [17 CFR 200.83].

The following is presented as a brief checklist for complying with the supplemental informational requirements of Regulation A. The issuer shall refer to the text of the item for a full description of the requirements.

The issuer shall supplementally furnish the Commission:

- (1) A statement as to whether or not the amount of compensation to be allowed or paid to the underwriter has been cleared with the NASD (Part II, Item 2, instruction 3).
- (2) Any engineering, management or similar report, or a statement as to the absence thereof (Part II, Item 6(a)(3)(b)).
- (3) Under special circumstances, a letter describing the nature and amount of any adjustments other than normal recurring adjustments (Part II, Item 13(b)).

text of the items may be omitted provided the answers are so prepared to indicate to the reader the coverage of the items without the necessity of referring to the text of the items or the instructions thereto.

**(b) Part II—Offering Circular**

Part II of the offering statement shall contain the information called for by items 1 through and including 13 which are applicable to the issuer pursuant to General Instruction B(b), except that no reference need be made to inapplicable items and negative answers to any item may be omitted. Information provided in the offering circular should be presented in textual form rather than presenting item-by-item answers. The text of the items should be omitted from the offering circular.

The information required in the offering circular need not follow the order of the items or other requirements in Part II. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Where an item requires information to be given in tabular form it shall be given in substantially the tabular form specified in the offering circular shall be set forth under appropriate captions or headings reasonably indicative of the principal subject matter set forth thereunder. Except as to financial statements and other tabular data, all information set forth in the offering circular shall be divided into reasonably short paragraphs or sections.

Unless indicated otherwise, information set forth in any part of the offering circular need not be repeated elsewhere in the offering circular. Where necessary or desirable to call attention to information contained elsewhere in the offering circular, this may be done by an appropriate cross-reference.

**(c) Part III—Exhibits**

Part III of the offering statement shall include the index to exhibits and all exhibits required by that part. The text of the items in Part III need not be repeated in Part III provided the index clearly identifies each exhibit and the exhibits are in readable form.

(d) Printing  
The offering statement may be printed, mimeographed, lithographed, or typewritten.

**FORM 1-A**

[As last amended in Release No. 33-6340, August 7, 1981, effective September 17, 1981, 46 F. R. 41766.]

Date Filed .....

File No. ....

**SECURITIES AND EXCHANGE COMMISSION**  
Washington, D. C., 20549

**REGULATION A OFFERING STATEMENT**

Under the Securities Act of 1933

(Exact name of issuer as specified in charter)

(Address of principal executive offices)

(Address of principal place of business or intended principal place of business)

(Name and address of agent for service)

(State other jurisdiction of incorporation)  
(Date of incorporation or organization)

(Standard industrial classification code number)\*

(IRS employer I. D. number)\*

**GENERAL INSTRUCTIONS**

**A. Rule as to Use of the Offering Statement**

(a) This form is to be used for securities offerings made pursuant to Regulation A [17 CFR §§ 230.251 et seq.] under the Securities Act of 1933. Attention is directed to the rules applicable to offerings made pursuant to Regulation A which describe, among other things, the kinds of securities that may be sold, those issuers which may utilize Regulation A, and the amount of securities that may be exempted thereunder.

(b) Issuers utilizing Regulation A shall prepare an offering statement. All issuers shall provide the information which is called

for by Part I—Notification and Part III—Exhibits, of the offering statement. Depending on the type of issuer, the kind of securities being issued, and the nature of the transaction in which the securities are being issued, issuers will be required to provide information required by the appropriate items of Part II—Offering Circular of the offering statement.

**B. Preparation of Offering Statement**

(a) Part I—Notification

Part I of the offering statement shall contain the numbers and captions of the items in Part I of the offering statement, but the number, such information may be omitted and supplied by amendment prior to the commencement of the offering.

\* If, at the time of filing, the issuer is unable to supply its standard industrial classification code number or its IRS employer I. D.

(4) Written advice, when shares are placed in escrow, that none of the deposited shares or interests therein have been transferred (Form 7-A, paragraph 4).

### PART I—NOTIFICATION

#### Item 1. Significant Parties

- (a) List the full name and business and residential addresses for (1)–(3) below. List the full name and business address for (4)–(13) below:
- (1) the issuer's directors;
  - (2) the issuer's officers;
  - (3) the issuer's general partners;
  - (4) record owners of 10 percent or more of any class of the issuer's equity securities or any other person who has or shares the right to vote or direct the voting of such securities;
  - (5) promoters currently connected with the issuer;
  - (6) predecessors of the issuer;
  - (7) affiliates of the issuer;
  - (8) counsel to the issuer in connection with the proposed offering;
  - (9) each managing underwriter in connection with the proposed offering;
  - (10) the underwriter's directors;
  - (11) the underwriter's officers;
  - (12) the underwriter's general partners;
  - (13) counsel to the underwriter.

#### Item 2. Application of Rule 252(c)-(e)

- (a) State whether any of the individuals or entities identified pursuant to Item 1 are subject to any disability described in Rule 252(c)-(e).
- (b) If any such individual or entity is subject to the provisions of Rule 252: (1) provide a full description including pertinent names, dates and other details; and (2) state whether or not an application has been made pursuant to Rule 252(f) for a waiver of the applicable provisions of Rule 252 and whether such application has been granted or denied.

#### Item 3. Application of Rule 253(a) and (b)

- State whether or not the issuer is subject to the provisions of Rule 253(a) or (b).

The staff may under appropriate circumstances request additional supplemental information where necessary to a more complete understanding of the offering statement.

#### Item 4. Jurisdictions in Which Securities Are to Be Offered

- (a) List the jurisdictions in which the securities are to be offered by underwriters, dealers or salespersons.
- (b) List the jurisdictions in which the securities are to be offered other than by underwriters, dealers or salesmen and state the method by which such securities are to be offered.
- (c) If the offering or any part thereof is to be made by use of the facilities of any securities exchange, identify the exchange.
- (d) If the issuer is subject to Rule 253(b), state the Province(s) in which the securities have been or will be qualified or made eligible for offering.

*Instruction:* In the event an offering is to be made in jurisdictions or on exchanges not previously identified pursuant to this item, an amendment to the offering statement should be filed which identifies the new jurisdictions and exchanges.

#### Item 5. Unregistered Securities Issued or Sold Within One Year

- (a) As to any unregistered securities issued by the issuer or any of its predecessors or affiliated issuers within one year prior to the filing of this notification, state:
- (1) the name of such issuer;
  - (2) the title and amount of securities issued;
  - (3) the aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof;
  - (4) the names of the persons or the identity of the class of persons to whom the securities were issued.
- Instruction:* In responding to this subsection, issuers should consider the effect of the grant or exercise of options, warrants, or rights with regard to the issuer's securities.

- (b) As to any unregistered securities of the issuer or any of its predecessors or affiliated issuers which were sold within one

year prior to the filing of this notification by or for the account of any person who at the time was a director, officer, promoter or principal security holder of the issuer of such securities, or was an underwriter of any securities of such issuer, furnish the information specified in 1 through 4 of paragraph (a).

- (c) Indicate the section of the Act or rule or regulation of the Commission under which exemption from registration was claimed with respect to such securities and state briefly the facts relied upon for the exemption.

#### Item 6. Other Present or Proposed Offerings

State whether or not the issuer or any of its affiliated issuers is currently offering or currently contemplates the offering of any securities in the United States or Canada in addition to those covered by this notification. If so, describe fully the present or proposed offering.

#### Item 7. Marketing Arrangements

Briefly describe any arrangement known to the issuer or to any person named in answer to Item 4(d) or 10(a) of Part II made for any of the following purposes:

- (1) To limit or restrict the sale of other securities of the same class as those to be offered for the period of distribution.
- (2) To stabilize the market for any of the securities to be offered.

### PART II—OFFERING CIRCULAR

#### Item 1. Cover Page

The cover page of the offering circular shall include the following information:

- (a) Name of the issuer;
- (b) The mailing address of the issuer's principal executive offices including the zip code and the issuer's telephone number;
- (c) Date of the offering circular;
- (d) Description and amount of securities offered (*Note:* this description should include, for example, appropriate disclosure of redemption and conversion features of debt securities);
- (e) The statement required by Rule 259;
- (f) The table(s) required by Item 2;
- (g) The name of the underwriter or underwriters;

(3) For withholding commissions, or otherwise to hold each underwriter or dealer responsible for the distribution of his participation.

(b) Identify any principal underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the amount of securities so intended to be confirmed.

*Instructions:* 1. If the information required by subsection (b) is not available at the time the offering statement is filed, an amendment to Part I—Notification, including such information, should be made prior to the commencement of the offering.

2. If the answer to this item is contained in an exhibit, the item may be answered by a cross-reference to the relevant paragraphs of the exhibit.

#### Item 8. Relationship with Issuer of Experts Named in Offering Statement

If any expert named in the offering statement as having prepared or certified any part thereof was employed for such purpose on a contingent basis or, at the time of such preparation or certification or at any time thereafter, had a material interest in the registrant or any of its parents or subsidiaries or was connected with the registrant or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer or employee furnish a brief statement of the nature of such contingent basis, interest or connection.

(h) Any materials required by the law of any state in which the securities are to be offered;

(i) If applicable, identification of material risks in connection with the purchase of the securities; and

(j) Approximate date of commencement of proposed sale to the public.

*Instruction:* Where the name of the registrant is the same as the name of another well-known company or indicates a line of business in which the registrant is not engaged or is engaged to only a limited extent, a statement should be furnished to that effect. In some circumstances, however, disclosure may not be sufficient, and a change of name may be the only way to cure its misleading character.

**Item 2. Distribution Spread**

(a) The information called for by the following table shall be given, in substantially the tabular form indicated, on the

	Price to public	Underwriting discounts and commissions	Proceeds to issuer or other persons
Per unit			
Total			

If the securities are to be offered on a best efforts basis the cover page should set forth the termination date, if any, of the offering, any minimum required sale and any arrangements to place the funds received in an escrow, trust, or similar arrangement. The following tabular presentation of the total maximum and minimum securities to be offered should be combined with the table required above:

	Price to public	Underwriting discounts and commissions	Proceeds to issuer or other persons
Total Minimum			
Total Maximum			

**Instructions:** 1. The term "commissions" shall include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings with or for the benefit of any other persons in which any underwriter is interested, made in connection with the sale of such security.

2. Only commissions paid by the issuer in cash are to be indicated in the table. Commissions paid by other persons or any form of non-cash compensation shall be briefly identified in a note to the table with a cross-reference to a more complete description elsewhere in the offering circular.

3. Prior to the commencement of sales pursuant to Regulation A, the issuer shall inform the Commission whether or not the amount of compensation to be allowed or paid to the underwriters, as described in the offering statement, has been cleared with the National Association of Securities Dealers, Inc.

4. If the securities are not to be offered for cash, state the basis upon which the offering is to be made.

5. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained.

(b) Any finder's fees or similar payments shall be disclosed on the cover page with

**Item 3. Summary Information, Risk Factors and Dilution**

(a) Where appropriate to a clear understanding by investors, there should be set forth in the forefront of the offering circular, under an appropriate caption, a carefully organized series of short, concise paragraphs, summarizing the principal factors which make the offering one of high risk or speculative. *Note:* These factors may be due to such matters as an absence of an operating history of the issuer, an absence of profitable operations in recent periods, an erratic financial history, the financial position of the issuer, the nature of the business in which the issuer is engaged or proposes to engage, conflicts of

interest with management, reliance on the efforts of a single individual, or the method of determining the market price where no market currently exists. Issuers should avoid generalized statements and include only those factors which are unique to the issuer.

(b) Where there is material disparity between the public offering price and the effective cash cost to officers, directors, promoters and affiliated persons for shares acquired by them in a transaction during the past three years, or which they have a right to acquire, there should be included a comparison of the public contribution under the proposed public offering and the effective cash contribution of such persons. In such cases, and in other instances where the extent of the dilution makes it appropriate, the following shall be given: (1) the net tangible book value per share before and after the distribution; (2) the amount of the increase in such net tangible book value per share attributable to the cash payment made by purchasers of the shares being offered; and (3) the amount of the immediate dilution from the public offering price which will be absorbed by such purchasers.

**Item 4. Plan of Distribution**

(a) If the securities are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the issuer and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

(c) Outline briefly the plan of distribution of any securities being issued which are to be offered through the selling efforts of brokers or dealers or otherwise than through underwriters.

(d) If any of the securities are to be offered for the account of security holders, indicate on the cover page the total amount to be offered for their account and include a cross-reference to a fuller discussion elsewhere in the offering circular. Such discussion should identify each selling

security holder, state the amount owned by him, the amount offered for his account and the amount to be owned after the offering.

(e)(1) Describe any arrangements for the return of funds to subscribers if all of the securities to be offered are not sold; if there are no such arrangements, so state.

(2) If there will be a material delay in the payment of the proceeds of the offering by the underwriter to the issuer, the salient provisions in this regard and the effects on the issuer should be stated.

**Instruction:** Attention is directed to the provisions of Rules 10b-9 [17 CFR §240.10b-9] and 15c2-4 [17 CFR §240.15c2-4] under the Securities Exchange Act of 1934. These rules outline, among other things, antifraud provisions concerning the return of funds to subscribers and the transmission of proceeds of an offering to a seller.

**Item 5. Use of Proceeds to Issuer**

State the principal purposes for which the net proceeds to the issuer from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose

**Instructions:** 1. If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect shall be made together with a statement of the amount of proceeds not so allocated and how the registrant expects to employ such funds not so allocated.

2. Include a statement as to the use of the actual proceeds if they are not sufficient to accomplish the purposes set forth and the order of priority in which they will be applied. However, such statement need not be made if the underwriting arrangements are such that, if any securities are sold to the public, it can be reasonably expected that the actual proceeds of the issue will not be substantially less than the estimated aggregate proceeds to the issuer as shown under Item 2.

3. If any material amounts of other funds are to be used in conjunction with the proceeds, state the amounts and sources of such other funds.

4. If any material part of the proceeds is to be used to discharge indebtedness, describe the terms of such indebtedness. If the indebtedness to be discharged was

incurred within one year, describe the use of the proceeds of such indebtedness.

5. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe and state the cost of the assets. If the assets are to be acquired from affiliates of the issuer or their associates, give the names of the persons from whom they are to be acquired and set forth the principle followed in determining the cost to the issuer.

6. The issuer may reserve the right to change the use of proceeds provided that such reservation is due to certain contingencies which are adequately disclosed.

#### Item 6. Description of Business

(a) Narrative description of business.

(1) Describe the business done and intended to be done by the issuer and its subsidiaries and the general development of the business during the past five years or such shorter period as the issuer may have been in business. Such description should include, but not be limited to, a discussion of the following factors if such factors are material to an understanding of the issuer's business:

(a) The principal products produced and services rendered and the principal markets for and method of distribution of such products and services.

(b) The status of a product or service if the issuer has made public information about a new product or service which would require the investment of a material amount of the assets of the issuer or is otherwise material.

(c) The estimated amount spent during each of the last two fiscal years on company-sponsored research and development activities determined in accordance with generally accepted accounting principles. In addition, state the estimated dollar amount spent during each of such years on material customer-sponsored research activities relating to the development of new products, services or techniques or the improvement of existing products, services or techniques.

(d) The number of persons employed by the issuer, indicating the number employed full time.

(e) The material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the

environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the issuer and its subsidiaries. The issuer shall disclose any material estimated capital expenditures for environment control facilities for the remainder of its current fiscal year and for such further periods as the issuer may deem material.

(2) The issuer should also describe those distinctive or special characteristics of the issuer's operation or industry which may have a material impact upon the issuer's future financial performance. Examples of factors which might be discussed include dependence on one or a few major customers or suppliers (including suppliers of raw materials or financing), existing or probable governmental regulation, material terms of and/or expiration of material labor contracts or patents, trademarks, licenses, franchises, concessions or royalty agreements, unusual competitive conditions in the industry, cyclicality of the industry and anticipated raw material or energy shortages to the extent management may not be able to secure a continuing source of supply.

(3) The following requirement in subparagraph (a) applies only to issuers (including predecessors) which have not received revenue from operations during each of the three fiscal years immediately prior to the filing of the offering statement.

(a) Describe, if formulated, the issuer's plan of operation for the twelve months following the commencement of the proposed offering. If such information is not available, the reasons for its unavailability shall be stated. Disclosure relating to any plan should include, among other things, a statement indicating whether, in the issuer's opinion, the proceeds from the offering will satisfy its cash requirements and whether, in the next six months, it will be necessary to raise additional funds.

(b) Any engineering, management or similar reports which have been prepared or provided for external use by the issuer or by a principal underwriter in connection with the proposed offering should be furnished to the Commission at the time of filing the offering statement or as soon as practicable thereafter. There should also be furnished at the same time a statement as to the actual or proposed use and distribution of such report or memorandum. Such statement should identify each

class of persons who have received or will receive the report or memorandum, and state the number of copies distributed to each such class. If no such report or memorandum has been prepared, the Division should be so informed in writing at the time the report or memorandum would otherwise have been submitted.

(b) Segment Data. If the issuer is required to include segment information in its financial statements, an appropriate cross-reference shall be included in the description of business.

#### Item 7. Description of Property

State briefly the location and general character of the principal plants, and other materially important physical properties of the issuer and its subsidiaries. If any such property is not held in fee or is held subject to any major encumbrance, so state and briefly describe how held.

*Instruction:* What is required is information essential to an investor's appraisal of the securities being offered. Such information should be furnished as will reasonably inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

#### Item 8. Directors, Executive Officers and Significant Employees

(a) List the names and ages of each of the following persons stating his term of office and any periods during which he has served as such and briefly describe any arrangement or understanding between him and any other person(s) (naming such person(s)) pursuant to which he was or is to be selected to his office or position:

(1) directors;

(2) persons nominated or chosen to become directors;

(3) executive officers;

(4) persons chosen to become executive officers;

(5) significant employees.

*Instructions:* 1. No nominee or person chosen to become a director or person chosen to be an executive officer who has not consented to act as such should be named in response to this item.

2. The term "executive officer" means the president, secretary, treasurer, any vice-president in charge of a principal business function (such as sales, administration, or finance) and any other person who performs similar policy making functions for the issuer.

3. The term "significant employee" means persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make significant contributions to the business of the issuer.

(b) Family relationships. State the nature of any family relationship between any director, executive officer, person nominated or chosen by the issuer to become a director or executive officer or any significant employee.

*Instruction:* The term "family relationship" means any relationship by blood, marriage, or adoption, not more remote than first cousin.

(c) Business experience. Give a brief account of the business experience during the past five years of each director, person nominated or chosen to become a director or executive officer, and each significant employee, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. When an executive officer or significant employee has been employed by the issuer for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. What is required is information relating to the level of his professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(d) Involvement in certain legal proceedings. Describe any of the following events which occurred during the past five years and which are material to an evaluation of the ability or integrity of any director, person nominated to become a director or executive officer of the issuer.

(1) A petition under the Bankruptcy Act or any State insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court



date of the most recent balance sheet being filed and for the interim period, if any, between the end of the most recent of such fiscal years and the date of the most recent balance sheet being filed, or for the period of the issuer's existence if less than the period specified above.

If an unaudited income statement for an interim period is filed, a statement shall be made that in the opinion of management all adjustments necessary for a fair statement of the results for the interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise there shall be furnished as supplementary information, but not as a part of the offering statement, a letter describing in detail the nature and amount of any adjustments other than normal recurring adjustments entering into the determination of the results shown.

(c) Past succession to other businesses.  
(1) If, during the period for which its income statements are required, the issuer has by purchase or by pooling of interests succeeded to one or more businesses which in the aggregate would meet the test for significant subsidiary ((c)(2) below), the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheet being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any interim periods. In addition, furnish income statements, separate or combined as appropriate, for such business or businesses for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the same period for which income statements of the issuer are required in Item (b) above.

*Note:* This subsection (c)(1) shall not apply with respect to the issuer's succession to the business of any totally held subsidiary or to the succession of one or more businesses which, considered in the aggregate, would not meet the test of a significant subsidiary.

(2) The term "significant subsidiary" means (a) a subsidiary or (b) a subsidiary

(1) the amount of securities called for by such warrants, convertible securities or rights;

(2) the period during which and the price at which the warrants, convertible securities or rights are exercisable;

(3) the amounts of warrants, convertible securities or rights outstanding; and

(4) any other material terms of such securities.

(d) In the case of any other kind of securities, appropriate information of a comparable character.

#### Item 13. Financial Statements

Furnish the following financial statements of the issuer, or of the issuer and its predecessors, prepared in accordance with generally accepted accounting principles and practices in the United States or, in the case of a Canadian company, a reconciliation to such shall U. S. GAAP shall be filed as part of the financial statements. The statements required for the issuer's latest fiscal year shall be certified by an independent public accountant or certified public accountant in accordance with Regulation S-X if the issuer has filed or is required to file with the Commission certified financial statements for such fiscal year; the statements filed for the period or periods preceding such latest year need not be certified. If audited financial statements are filed by an issuer which is not subject to the reporting requirements of Sections 13 or 15(d) of the Securities Exchange Act of 1934 such audited financial statements need not comply with the requirements of Regulation S-X, except the qualifications and reports of an independent accountant shall comply with the requirements of Article 2 of Regulation S-X.

(a) A balance sheet shall be furnished as of a date within 90 days prior to the filing of an offering statement or such longer period of time, not exceeding six months, as the Commission may permit at the written request of the issuer upon a showing of good cause therefor. For filings made after 90 days subsequent to the end of the issuer's most recent fiscal year the filings shall include a balance sheet as of the end of such recent fiscal year.

(b) Statements of income, statements of changes in financial condition, and statements of other stockholders' equity for each of the two fiscal years preceding the

dividually and in the aggregate of less than 10 percent of any class of equity securities of another corporation furnishing the services to the issuer or its subsidiaries.

#### Item 12. Securities Being Offered

(a) If capital stock is being offered, state the title of the class and furnish the following information:

(1) Outline briefly: (i) dividend rights; (ii) voting rights; (iii) liquidation rights; (iv) preemptive rights; (v) conversion rights; (vi) redemption provisions; (vii) sinking fund provisions; and (viii) liability to further calls or to assessment by the issuer.

(2) Briefly describe potential liabilities imposed on shareholders under state statutes or foreign law, e.g., to laborers, servants or employees of the registrant, unless such disclosure would be immaterial because the financial resources of the registrant are such as to make it unlikely that the liability will ever be imposed.

(b) If debt securities are being offered, outline briefly the following:

(1) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(2) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien.

(3) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(4) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

*Instruction:* In the case of secured debt there should be stated (i) the approximate amount of unbonded property available for use against the issuance of bonds, as of the most recent practicable date, and (ii) whether the securities being issued are to be issued against such property, against the deposit of cash, or otherwise.

(c) If securities described are to be offered pursuant to warrants, rights, or convertible securities, state briefly:

or (iii) from both such position and ownership;

(b) the interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (5) above had an interest of less than 10 percent; or

(c) the interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the issuer or any of its subsidiaries and the transaction is not material to such other person.

3. Include the name of each person whose interest in any transaction is described and the nature of the relationships by reason of which such interest is required to be described. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be disclosed.

4. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the issuer where any of the specified persons was or is to be a principal underwriter or is a controlling person, or member, of a firm which was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the issuer or its subsidiaries.

5. As to any transaction involving the purchase or sale of assets by or to any issuer or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller.

6. Information shall be furnished in answer to this item with respect to transactions not excluded above which involve remuneration from the issuer or its subsidiaries, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership in-

issuer or subsidiary of the issuer is a party or has succeeded to a party by assumption of assignment or in which the issuer or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the issuer and its subsidiaries, it is made in the ordinary course of business and need not be filed unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Any contract to which directors, officers, promoters, voting trustees, security holders named in the offering statement or report, or underwriters are parties except where the contract merely involves the purchase or sale of current assets having a determinable market price, at such market price;

(2) Any contract upon which the issuer's business is substantially dependent, as in the case of continuing contracts to sell the major part of issuer's products or services or to purchase the major part of issuer's requirement of goods, services or raw materials or any franchise or license or other agreement to use a patent, formula, trade secret, process or trade name upon which issuer's business depends to a material extent;

(3) Any contract calling for the acquisition or sale of any property, plant or equipment for a consideration exceeding 10% of all such assets of the issuer and its subsidiaries; or

(4) Any lease under which a significant part of the property described in the offering statement as held by the issuer.

(c) Any management contract or any remunerative plan, contract or arrangement including but not limited to plans relating to options, warrants or rights, pension, retirement or deferred compensation or bonus, incentive or profit sharing (or if not set forth in any formal document, a written description thereof) shall be deemed material and shall be filed except the following:

(1) Ordinary purchase and sales agency agreements.

(2) Agreements with managers of stores in a chain organization or similar organization.

## Item 2. Description of Exhibits

Set forth below is a description of each document for which copies should be filed, where appropriate:

(1) *Underwriting agreement*—Each underwriting contract or agreement with a principal underwriter or letter pursuant to which the securities are to be distributed; if the terms of such documents have not been determined, the proposed forms thereof.

(2) *Charter and by-laws*—The charter and by-laws of the issuer or instruments corresponding thereto as presently in effect and any amendments thereto.

(3) *Instruments defining the rights of security holders*—(a) All instruments defining the rights of (1) holders of the equity or debt securities being issued; (2) holders of long-term debt of the issuer, and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed; and (3) holders of a new class of securities or indebtedness, the creation of which was required to be disclosed in a periodic report.

(b) Where the instrument defines the rights of holders of long-term debt of the issuer and all of its subsidiaries for which consolidated financial statements are required to be filed, there need not be filed:

(1) any instrument with respect to long-term debt not being issued if the total amount of securities authorized thereunder does not exceed 5% of the total assets of the issuer and its subsidiaries on a consolidated basis and if there is filed an agreement to furnish a copy of such agreement to the Commission upon request;

(2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the issuer of the securities being issued; or (3) copies of instruments evidencing scrip certificates for fractions of shares.

(4) *Voting trust agreement*—Any voting trust agreements and amendments thereto.

(5) *Material contracts*—(a) Every contract made in the ordinary course of business which is material to the issuer and is to be performed in whole or in part at or after the filing of the offering statement or was entered into not more than two years before such filing. Only contracts need be filed as to which the

acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such business financial statements, combined if appropriate, which would be required if they were the issuer. In addition, to reflect the succession to any business, there shall be filed in columnar form (i) a balance sheet of the issuer, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession, and (iv) the pro forma balance sheet of the issuer giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the issuer's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase had succession occurred on the date of the latest balance sheet filed. By a note to the financial statements, or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary as defined above.

Instructions: (1) Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of Rule 24 of the Commission's Rules of Practice, be incorporated by reference as an exhibit to any offering statement. (2) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the issuer shall file with the reference a statement containing the text of such modification and the date thereof.

(a) An index to the exhibits filed should be presented immediately following the cover page of Part III.

(b) Each exhibit should be listed in the exhibit index according to the number assigned to it under Item 2.

(c) The index to exhibits should identify the location of the exhibit under the sequential numbering system.

(d) Where exhibits are incorporated by reference, the reference shall be made in the index to exhibits.

and its subsidiaries which meet any of the conditions described below based on (i) the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were an issuer and (ii) the most recent annual consolidated financial statements of the issuer being filed:

1. the parent's and its other subsidiaries' investments in and advances to, or their proportionate share (based on their equity interests) of the total assets (after inter-company elimination) of, the subsidiary exceed 10 percent of the total assets of the parent and its consolidated subsidiaries.

2. the parent's and its other subsidiaries' proportionate share (based on their equity interests) of the total sales and revenues (after intercompany eliminations) of the subsidiary exceeds 10 percent of the total sales and revenues of the parent and its consolidated subsidiaries.

3. the parent's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiary exceeds 10 percent of such income of the parent and its consolidated subsidiaries, provided that if such income of the parent and its consolidated subsidiaries is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

(d) Future successions to other businesses.

(1) If, after the date of the most recent balance sheet filed pursuant to paragraph (a) above, the issuer by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or

## PART III—EXHIBITS

### Item 1. Index to Exhibits

(a) An index to the exhibits filed should be presented immediately following the cover page of Part III.

(b) Each exhibit should be listed in the exhibit index according to the number assigned to it under Item 2.

(c) The index to exhibits should identify the location of the exhibit under the sequential numbering system.

(d) Where exhibits are incorporated by reference, the reference shall be made in the index to exhibits.

(3) Contracts providing for labor or salesmen's bonuses or payments to a class of security holders, as such.

(4) Any remunerative plan, contract or arrangement which pursuant to its terms is available to employees generally and which in operation provides for the same method of allocation of benefits between management and non-management participants.

(6) *Material foreign patents*—Each material foreign patent for an invention not covered by a United States patent. If the filing is an offering statement and if a substantial part of the securities to be offered or if the proceeds therefrom have been or are to be used for the particular purposes of acquiring, developing or exploiting one or more material patents or patent rights, furnish a list showing the number and a brief identification of each such patent or patent right.

(7) *Plan of acquisition, reorganization, arrangement, liquidation, or succession*—Any material plan of acquisition, disposition, reorganization, readjustment, succession, liquidation or arrangement and any amendments thereto described in the offering statement.

(8) *Statement concerning issuer's financing*—If any of the securities proposed to be offered hereunder are to be offered for the account of any person other than the issuer, a written statement signed by the issuer representing that the proposed offering will not interfere with any needed financing by the issuer under this regulation.

(9) *Escrow agreements*—(a) Any escrow agreement or similar arrangement which has been executed in order to effect compliance with Rule 253(c) shall be filed and may be prepared in conformity with Form 7-A. (b) In the event the offering is contingent upon a minimum purchase requirement, any escrow agreement applicable to the proceeds received up to the minimum amount required.

(10) *Consents*—(a) *Experts*—(i) If any accountant, engineer, geologist, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the offering statement or is named as having prepared or certified a report or evaluation, whether or not for use in connection with the offering statement; (ii) if any portion of the report of an expert is quoted or summarized as such in the offering statement, the written consent of the

expert shall expressly state that the expert consents to such quotation or summarization; (iii) if it is stated that any information contained in the offering statement has been reviewed or passed upon by any persons and that such information is set forth in the offering statement upon the authority of or in reliance upon such persons as experts, the written consents of such persons shall be filed with the offering statement.

(b) *Consent and certification by underwriter*—A written consent and certification in the form set forth below, signed by each underwriter of the securities proposed to be offered hereunder. All underwriters may, with appropriate modifications, sign the same consent and certification or separate consents and certifications may be signed by any underwriter or group of underwriters.

#### *Consent and Certification by Underwriter*

1. The undersigned hereby consents to being named as underwriter in an offering statement filed with the Securities and Exchange Commission by (name of issuer) pursuant to Regulation A in connection with a proposed offering of (title of securities) to the public.

2. The undersigned hereby certifies that it furnished the statements and information set forth in such offering statement with respect to the undersigned, its directors and officers or partners, that such statements and information are accurate, complete and fully responsive to the requirements of Parts I, II and III of the Offering Statement thereto, and do not omit any information required to be stated therein with respect of any such persons, or necessary to make the statements and information therein with respect to any of them not misleading.

(Underwriter)

By

Date

3. If a Preliminary Offering Circular will be distributed as permitted by Rule 256(i), the Consent and Certification by Underwriter shall include the following additional paragraph:

The undersigned hereby undertakes, in connection with any distribution of the Preliminary Offering Circular as permitted

(c) *Consent of non-resident*—Each consent to service of process required by Rule 262 shall be filed. Each such consent shall be prepared and executed in conformity with the appropriate form prescribed therefor.

(d) *Formal requirements*—All written consents filed shall be dated and manually signed.

(e) *Application to dispense with consent*—An application to the Commissioner to dispense with any written consent of an expert shall be made by the issuer and shall be supported by an affidavit or affidavits establishing that the obtaining of such consent is impracticable or involves undue hardship on the issuer.

#### SIGNATURE

This offering statement has been signed in the City of \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_ State (or Province) of \_\_\_\_\_.

By \_\_\_\_\_

(Name and title)

(Selling security holder)

by Rule 256(i). (a) to keep an accurate and complete record of the name and address of each person furnished such Preliminary Offering Circular and (b) if such Preliminary Offering Circular is inaccurate or inadequate in any material respect, to furnish a revised Preliminary Offering or an offering circular of the type referred to in Rule 256(i)(4) to all persons to whom the securities are to be sold at least 48 hours prior to the mailing of any confirmation of sale to such persons, or to send such a circular to such persons under circumstances that it would normally be received by them 48 hours prior to their receipt of confirmation of the sale.

**FORM 19**

[As last amended in Release No. 34-2316, November 27, 1939.]

**For American Certificates Against Foreign Issues and for the Underlying Securities**

File No. ....

**SECURITIES AND EXCHANGE COMMISSION**  
Washington, D. C.

**APPLICATION FOR REGISTRATION PURSUANT TO SECTION 12(b) AND (c) OF THE SECURITIES EXCHANGE ACT OF 1934 OF:**

**I. American Certificates**

.....  
.....  
.....  
(Names of Depositors)  
.....  
(Name of Depository)

**II. Underlying Securities**

**Issued by** .....  
(Name of Issuer of the Underlying Securities)  
.....  
(Translation into English of Name of Issuer of Underlying Securities)

**Securities for Registration of which Application is made** .....  
Amount to be registered upon Notice of Issuance .....  
Names of Exchanges on which Registration Applied for

(Title of American Certificates)  
(Title of Underlying Securities)

**Name and Address of Persons Authorized to Receive Notices and Communications from the Securities and Exchange Commission:**  
.....  
(For the person signing Part I)  
.....  
(For the Issuer of the Underlying Securities)

**PART I**

The information required to be given under the items hereinbelow set forth is more specifically defined in the "Instruction Book for Form 19 for American Certificates Against Foreign Issues and for the Underlying Securities."

The Instruction Book also sets forth requirements as to Exhibits which are to accompany this application or to be incorporated herein by reference.

[§ 29.403]

**Organization**

1. Date, and date of expiration, of the deposit agreement.
2. State the name of the issuer of the underlying securities (hereinafter called "The Company"), and the title for such securities.
3. State the number of underlying securities represented by one American certificate
4. Make a specific statement as to whether the deposit agreement contains any provisions restricting deposits and withdrawals. Outline briefly the principal provisions containing such restrictions.

**The Depositors**

5. Names of depositors.
6. Addresses of principal executive offices.
7. Outline briefly the principal provisions of the deposit agreement concerning the powers of the depositor to:
  - (a) Vote the underlying securities.
  - (b) Remove the depository, and designate and remove successor depositories.
  - (c) Terminate the deposit agreement.

8. Give the dates and general effect briefly and concisely stated of every material contract between "The Company" and the depositors or any of them in effect at any time within the last three years.

9. For all the American certificates sold by the depositors within three years prior to the filing of the application with the exchange, furnish the following information:

- (a) Amount sold.
- (b) Date of sale.
- (c) Aggregate net proceeds received by the depositor.
- (d) Names of principal underwriters, if any. State whether any of the depositors was or was not one of such underwriters, and indicate any such underwriters as are, or were at the time of the underwriting, affiliates of any depositor.

**The Depository**

10. Name of depository.
11. Address of principal executive office.
12. Outline briefly the principal provisions of the deposit agreement concerning the powers of the depository to:
  - (a) Vote the underlying securities
  - (b) Terminate the deposit agreement
  - (c) Exchange the underlying securities for other securities.
  - (d) Deal with cash or securities received as interest or dividends upon the underlying securities.

13. Give the following information as to the provisions of the deposit agreement governing the services to be rendered by the depository.

Type of Service	Amount of Fee	By Whom Paid
14. Give in tabular form the following information concerning the remuneration received by the depository for each type of service rendered under the deposit agreement during the past three fiscal years of "The Company."		
Typ of Service for which Remuneration Received		Amount of Remuneration
15. Outline briefly the principal provisions of the deposit agreement limiting the liability of the depository.		By Whom Paid

**Rights and Powers of Certificate Holders**

16. Outline briefly the principal provisions of the deposit agreement concerning:
  - (a) The powers of certificate holders to vote the underlying securities.

Part I, which requires information concerning the depositor, the depository, and the deposit agreement, is to be signed by the depositor or depositors. This Part I, however, may be signed by the Depository, if there are no Depositors in existence. Part II need be filed only if the securities deposited pursuant to the deposit agreement are not otherwise permanently registered on the exchange on which the registration of the American certificates is sought. It requires information concerning the issuer of the securities so deposited and is to be signed by such issuer. Registration of the underlying securities on Part II of this form does not authorize the effecting of transactions in such underlying securities other than through the purchase or sale of the American certificates.

**RULES AS TO PART I OF THE FORM**  
General Rules

1. Any application shall be deemed filed on the proper form unless objection to the Form is made by the Commission prior to the becoming effective of the registration.
2. The application, including financial statements and exhibits, shall be filed with the exchange upon which registration is being sought, and in triplicate with the Commission. At least one application filed with the Commission and one filed with the exchange shall be signed. Reference is made to Rule X-12B-4 of the general Rules and Regulations of the Commission, permitting incorporation of exhibits by reference. If application is made for the registration of the American certificates on more than one exchange, the registrant may prepare one application covering all the American certificates to be registered on any of the exchanges and, in such case, shall file such application with each exchange and in triplicate with the Commission. A registrant may, however, at its option, prepare separate applications for each exchange upon which registration of any of the American certificates is being sought, and, in such case, shall file each such application in triplicate with the Commission.

3. Attention is called to Section 24(b) of the Act and to Rule X-24B-2 of the General Rules and Regulations of the Commission concerning the right of the registrant to object to the public disclosure of material filed and the procedure to be followed in regard thereto.

4. All applications shall be typed or printed on good quality unglazed white paper, 8 1/2 x 13 inches in size except for exhibits. Tables and financial data, however, may be on larger paper if folded to such size. Typed or printed matter shall leave a margin of at least 1 1/2 inches on the left. The application proper shall be securely bound and on the left only. Riders may not be used. If the application is typed on a printed form, and the space provided in the form for an answer to any given item is insufficient, the answer shall be typed on the space provided so far as the space permits and shall include in such space a reference to a full insert page or pages on which the answer shall be continued. Such insert page shall bear the number of the item thus continued. The application proper must contain all of the items of the form as well as the answers thereto.

5. Matters contained in the application proper or in the financial data may be incorporated by reference as answer or partial answer to any particular item in the application proper, provided the reference is specific and the matter incorporated is clearly designated in the reference. A reference to an exhibit will not suffice as an answer, subject, however, to the provisions of the next rule, and except as specifically provided.

6. Where "brief" answers are required, brevity is essential. It is not intended, in such case, that a statement shall be made as to all of the provisions of any document, but only, in succinct and condensed form, as to the most important thereof. In addition, the answer may incorporate by reference particular items, sections or paragraphs of any Exhibit which is in the English language, and may be qualified in its entirety by such reference.

7. For the purpose of answering items which are subdivided, each subdivision shall be considered a separate item to which a separate answer shall be made.

8. All answers shall be so worded as to be intelligible without the necessity of referring to the Instruction Book.

9. (a) Submission of incomplete application prior to formal filing. The registrant may at any time submit to the Commission or the exchange an application which omits material required by the form and the instructions and may request that such application shall not be deemed to be filed pursuant to any provisions of the Act until the material omitted has been inserted in the application, or until the Commission, pursuant to paragraph (b) below, grants permission that registration become effective with the omission of such material.

- (b) The powers of certificate holders to remove the depository or depositors and designate and remove successor depositories or depositors.
- (c) The powers of certificate holders to terminate the deposit agreement.
- (d) The publication or mailing to certificate holders of reports with respect to the business and financial condition of "The Company."
- (e) The rights of certificate holders to inspect the transfer books of the depository and the list of certificate holders.

Part I of this application comprises:  
(1) The application proper, containing pages numbered ..... to ..... consecutive, and insert pages numbered .....

(2) The following exhibits:  
This application is filed subject to the instructions contained in the Instruction Book for Form 19 for American Certificates against Foreign Issues and for the Underlying Securities, as published under date of July 15, 1935, and as amended under date(s) of .....

Upon the basis of the statements and documents comprising Part I of this application the undersigned hereby applies for registration pursuant to Section 12(b) of the Securities Exchange Act of 1934 of the securities specified on the facing sheet of this application on the respective exchange there specified.

..... [Signature of Registrant]  
By [Name] [Title]  
[Name] [Title]

**PART II**

[Part II need not be filed if the securities deposited pursuant to the Deposit Agreement are otherwise permanently registered on the exchange on which registration of the American certificates is sought.]

Submit information as to the securities deposited pursuant to the Deposit Agreement as required by the Form and Instruction Book, appropriate for registration under the Securities Exchange Act of 1934 of such securities themselves. Part II shall be deemed to incorporate in all respects the requirements of such appropriate Form and Instruction Book, except that the Facing Sheet of the appropriate form shall not be submitted.

**INSTRUCTION BOOK FOR FORM 19**

**For American Certificates Against Foreign Issues and for the Underlying Securities**

**RULES AS TO THE USE OF FORM 19**

This Form shall be used for applications filed on or after July 15, 1935, for the permanent registration of American certificates (for example, so-called American Depository Receipts for foreign shares or American Participation certificates in foreign bonds or notes) issued against securities of foreign issuers deposited with an American depository (whether physically held by such depository in America or abroad) and of the foreign securities so deposited.

An application on this Form consists of two parts:

- Part I: For the registration of American certificates;
- Part II: For the registration of securities of foreign issuers deposited pursuant to the Deposit Agreement.

- (b) In the case of *funded debt*, the full designation of the issue, and, if not included therein, the rate of interest, and the date of maturity. If "Income" bonds, debentures or notes, the word "income" should be added to the designation. If due serially, a brief indication should be given of the serial maturities, for example, "maturing serially from 1936 to 1940."
- (c) In case of any other security, a similar designation.

**Instructions as to Particular Items of the Form**

**Facing Sheet:** The information required as to the underlying securities and their issuer need not be given if such securities are otherwise registered on the exchanges upon which registration of the American certificates is sought, but, in such case, the title of the underlying securities and the name of their issuer shall be included in the title of the American certificates.

With respect to the amount of securities to be registered: (a) set forth under the column entitled "Amount to be Registered" only the amount of securities as to which the registrant desires the exchange to certify its approval for listing and registration excluding any amount of securities as to which the registrant desires the exchange to certify its approval for addition to the list and for registration upon notice of issuance; (b) set forth under the column entitled "Amount to be Registered upon Notice of Issuance" only the amount of securities as to which the registrant desires the exchange to certify its approval for addition to the list and for registration upon notice of issuance.

Item 9. If the sales covered by this question are "open-end" ones or otherwise constitute a continuous operation, the information may be given by such totals and periods as will reasonably convey the information required. The information is to be given both for transactions involving sales to the public and private ones. Sales of reacquired securities, as well as of new issues, are to be set forth. No information need be given under this item, as to arbitrage transactions.

**Instructions as to Exhibits**

1. Subject to Rule X-12B-4 of the general Rules and Regulations of the Commission, permitting incorporation by reference, the following exhibits shall be filed as a part of the application:

- EXHIBIT "A"—Copies (specimens, if available) of all securities registered hereunder.
  - EXHIBIT "B"—A copy of the Deposit Agreement or Deposit Agreements under which the securities registered hereunder are issued.
  - EXHIBIT "C"—Copies of all contracts set forth in answer to Item 8.
2. The registrant may file such other exhibits as it may desire, marking them so as to indicate clearly the items to which they refer.
3. All exhibits filed with the application or incorporated therein by reference shall be clearly and specifically identified in the application proper.

4. In any case where two or more contracts, or other documents which are required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, dates of execution or other details, the registrant need file a copy of only one of such substantially identical documents with a schedule identifying the other documents omitted and setting forth the parties thereto, dates of execution and other material details in which such documents differ from the document of which a copy is filed; provided, however, that the Commission may at any time in its discretion require the filing of copies of any documents so omitted and the registrant shall furnish copies thereof upon request.

Until the receipt of such material or the granting of such permission, as the case may be, the application shall not be deemed to be filed under the Act and shall not become a matter of public record.

(b) Delays in furnishing information beyond effective date of registration. If the registrant finds it impracticable owing to peculiar circumstances to furnish any particular material required by Part I of the form or the instructions prior to the date when it is desired that registration become effective, but can furnish such material subsequent thereto, they may file with the exchange a statement identifying the material which they desire to delay filing, setting forth the reasons for such delay, followed by an agreement as follows:

"The undersigned hereby agree that registration pursuant to their application on Part I of Form 19 shall expire on ..... unless prior to such date the undersigned shall have filed as an amendment to their application all of the information specified above."

If the exchange transmits to the Commission the foregoing statement of the registrant and the agreement with respect thereto, and if, in the opinion of the Commission, such delay appears reasonable and necessary under the circumstances, it may permit the registration to become effective with the omission of the specified material, subject to expiration of such registration pursuant to the registrant's agreement, which shall be deemed to be filed as a part of the application.

(c) Omission of material which is neither known nor available. Except as provided in paragraphs (a) and (b) above, information required must be given unless neither known nor available to the registrant without unreasonable effort or expense. In such case, however, an explicit statement to such effect shall be made in the application in lieu of the omitted material, setting forth the reasons why the information is neither known nor available. Information shall not be omitted pursuant to this paragraph if such information can be furnished later as provided in paragraph (a) or (b) above.

10. Except as specifically provided, if any item is inapplicable, or the answer is "none," a statement to such effect is to be made.

**Definitions**

Unless the context clearly indicates to the contrary, all terms used in these instructions and in the form have the same meanings as are assigned to them in the Securities Exchange Act of 1934 and in the general Rules and Regulations of the Commission thereunder. In addition, the following definitions apply, unless the context clearly indicates the contrary:

The term "depositor" means all depositors executing the deposit agreement, or performing the function of "depositor" as that term is generally used in connection with transactions of the type covered by the Form.

The term "The Company" means the issuer of the securities against which the American certificates are issued, whether the issuer of such securities be a corporation, trust, or other organization.

The term "registrant" means the person or persons signing this Part I of the Form.

The term "underlying securities" means the securities held subject to the deposit agreement, and against which the American certificates are issued.

The term "principal underwriter" means an underwriter in privity of contract with the depositor or the issuer of the underlying securities.

The term "material," when used herein to qualify a requirement for the furnishing of information as to any subject, limits the information required to such matters as to which an average prudent investor ought reasonably to be informed.

The term "Deposit Agreement" means the agreement under which the underlying securities are deposited, whether such agreement is embodied in the American certificates or in a separate agreement.

The term "amount" used in regard to securities means the principal amount if relating to evidences of indebtedness, the number of shares, if relating to capital stock, and the number of units, if relating to any other kind of security.

When, in any table required to be furnished, the words "Title of Issue" are used, there shall be given:

- (a) In the case of *shares*, the full designation of the class of shares, and, if not included therein, the rate of dividends, if fixed, and whether cumulative or non-cumulative.

**FORM 20-F**  
**SECURITIES AND EXCHANGE COMMISSION**

Washington, D. C. 20549

[Adopted in Release No. 34-16371  
November 29, 1979, effective for registration statements filed after December 31, 1979 and for annual reports relating to fiscal years ending on or after December 31, 1979, 44 F. R. 70132.]

**For Registration of Securities of Foreign Private Issuers Pursuant to Section 12(b) or (g) of The Securities Exchange Act of 1934**

Or

**For Annual Reports of Foreign Private Issuers Pursuant to Section 13 or 15(d) of The Securities Exchange Act of 1934**

**GENERAL INSTRUCTIONS**

**A. Rule as to Use of Form 20-F.**  
(a) This form is to be used for registration pursuant to Section 12 of the Securities Exchange Act of 1934 of any class of securities of any foreign private issuer except that it shall not be used by:

- (1) any North American issuer if (i) the securities are to be registered pursuant to Section 12(b) of the Act; (ii) if the securities are to be registered under Section 12(g) of the Act as a result of the termination of the exemption provided by Rule 12g3-2(d) [17 CFR 240.12(g) 3-2(d)]; or (iii) the issuer has had the same or any other class of securities registered pursuant to Section 12 of the Act on Form 10 [17 CFR 240.210], or Form 8-A [17 CFR 249.208a] or Form 8-B [17 CFR 249.208b] in lieu of Form 10 within one year prior to the date on which the registration statement is filed or required to be filed under Section 12(g); or
- (2) any foreign private issuer if at the end of the last fiscal year of the issuer (i) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and (ii) the business of such issuer is administered principally in the United States or 50 percent or more of the members of the Board of Directors are residents of the United States.

(c) Annual reports on this form shall be filed within six months after the end of the fiscal year covered by such report.

**B. Application of General Rules and Regulations.**

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the registration statement, the information to be given whenever the title of securities is required to be stated, language to be used and the filing of the registration statement. The definitions contained in Rule 12b-2 [17 CFR 240.12b-2] should be especially noted.

**C. Preparation of Registration Statements and Reports**

(a) This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the registration

statement or annual report. See General Instruction G, as to the items to be reported to in the registration statement or annual report, respectively. The statement or report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. However, where any item requires information to be given in tabular form, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(b) With respect to a registration statement, the information required shall be given as of a date reasonably close to the date of filing the registration statement, and with respect to an annual report, the information shall be given as of the latest practicable date except where the information is required by the item to be given for the fiscal year or as of a specified date.

(c) Attention is directed to Rule 12b-20 [17 CFR 240.12b-20] which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading."

(d) Attention is directed to Rule 12b-21 [17 CFR 240.12b-21] which refers to the omission of information which is unknown or not reasonably available.

**D. Signature and Filing of Registration Statements and Reports.**

Three complete copies of the registration statement or report, including financial statements, exhibits and all other papers and documents filed as part thereof, and five additional copies which need not include exhibits, shall be filed with the Commission. At least one complete copy of the registration statement or report, including financial statements, exhibits and all other papers and documents filed as a part thereof, shall be filed with each exchange on

which any class of securities is to be registered or is registered. At least one complete copy of the registration statement or report filed with the Commission and one such copy filed with each exchange shall be manually signed. Copies not manually signed shall bear typed or printed signatures.

**E. Omission of Information Regarding Foreign Subsidiaries.**

Information required by any item or other requirement of this form with respect to any subsidiary outside the registrant's country of domicile or where organized, may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental and may require its inclusion if such justification is determined not to be consistent with the public interest or the protection of investors.

**F. Incorporation by Reference.**

Attention is directed to Rule 12b-23 [17 CFR 240.12b-23] which provides for the incorporation by reference of information contained in certain documents in answer or partial answer to any item of registration statement or report.

**G. Items to be Responded to in Registration Statements and Annual Reports**

(a) A registration statement on this form shall include the information required by Items 1-14 and 17-18 inclusive.

(b) Subject to the provisions in Items 15-17 regarding the omission of previously reported information, an annual report on this form shall include the information required by Items 1-8 and 13-18 inclusive. If the information required by Item 8 would be unchanged from that given in a previous report, a reference to the previous report which includes the required information will be sufficient. Copies of such previous report need not be filed with the report currently being filed on this form.

FORM 20-F

REGISTRATION STATEMENT PURSUANT TO SECTIONS 12(B) OR (G) OF THE SECURITIES EXCHANGE ACT OF 1934

OR

ANNUAL REPORT PURSUANT TO SECTIONS 13 OR 15(D) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended

Commission file number

(Exact name of registrant as specified in its charter)

(Translation of registrant's name into English)

(Jurisdiction of incorporation or organization)

(Address of principal executive offices)

Securities registered or to be registered pursuant to Section 12(b) of the Act.

Title of each class

Name of each exchange on which registered

Securities registered or to be registered pursuant to Section 12(g) of the Act.

(Title of Class)

(Title of Class)

Securities for which there is a reporting obligation pursuant to Section 15(d) of the Act.

(Title of Class)

Indicate the number of outstanding shares of each of the issuer's classes of capital or common stock as of the close of the period covered by the annual report.

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Yes No

(APPLICABLE ONLY TO ISSUERS INVOLVED IN BANKRUPTCY PROCEEDINGS DURING THE PAST FIVE YEARS)

Indicate by check mark whether the registrant has filed all documents and reports required to be filed by Sections 12, 13 or 15(d) of the Securities Exchange Act of 1934 subsequent to the distribution of securities under a plan confirmed by a court.

Yes No

Item 1. Description of Business.

(a) Describe the business done and intended to be done by the registrant and its subsidiaries. Such description should include, if material to an understanding of the registrant's business, a discussion of:

(1) the general development of the business of the registrant, its subsidiaries and any predecessor(s) during the past five years, or such shorter period as the registrant may have been engaged in business. Information shall be disclosed for earlier periods if material to an understanding of the general development of the business. In describing developments, information shall be given as to matters such as the following: the year in which the registrant was organized and its form of organization; the nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant or any of its significant subsidiaries; the nature and results of any other material reclassification, merger or consolidation of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

(2) the principal products produced and services rendered and the principal markets for and methods of distribution of such products and services.

(3) the breakdown of total sales and revenue during the past five fiscal years by categories of activity and into geographical markets. Any relatively homogeneous activity which contributes significantly to total sales and revenue shall be considered a separate category of activity.

Instruction. If the contribution to total operating profit (or loss) from each of the registrant's categories of activity materially differs from their respective contributions to total sales and revenue, such categories of activity should be identified and appropriate narrative disclosure made concerning the significance of the contributions to total operating profit (or loss) from such category of activity. The actual operating profit (or loss) attributable to each category of activity is not required to be presented unless otherwise required to be disclosed by applicable foreign law or regulations or by foreign stock exchange requirements.

(4) the status of a product or service if the issuer has made public information about a new product or service which would require the investment of a material amount of the assets of the registrant or is otherwise material.

(5) the research and development policy including the estimated amount spent during each of the last two fiscal years on company-sponsored research and development activities.

(b) The registrant should also describe those distinctive or special characteristics of the registrant's operations or industry which may have a material impact upon the registrant's future financial performance. The registrant should briefly describe any material country risks which are unlikely to be known or anticipated by investors and could materially affect the registrant's operations. Examples of factors which might be discussed include dependence on one or a few major customers or suppliers (including suppliers of raw materials or financing), existing or probable governmental regulation, expiration of material labor contracts, patents, trademarks, licenses, franchises, concessions or royalty agreements, unusual competitive conditions in the industry, cyclicity of the industry and anticipated raw material or energy shortages to the extent management may not be able to secure a continuing source of supply.

Item 2. Management's Discussion and Analysis of the Statements of Income.

Provide an analysis of the statements of income which will enable investors to understand and evaluate material periodic changes in the various items in the statements of income.

Item 3. Description of Property.

(a) State briefly the location and general character of the principal plants, mines and other materially important physical properties of the registrant and its subsidiaries. If any such property is not held in fee or is held subject to any major encumbrance, so state and briefly describe how held.

Instructions. 1. What is required is such information as will reasonably inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used by the registrant. De-

registrant or any of its subsidiaries, which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration dates of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

(c) If the registrant discloses to its shareholders or otherwise makes public, pursuant to applicable foreign laws or regulations or stock exchange requirements or otherwise, the information specified in this item for individually named directors and officers, then such information should also be included in response to this item.

**Instruction.** The term "option" as used in this item includes all options, warrants or rights, other than those issued to securityholders as such on a pro rata basis.

**Item 8. Pending Legal Proceedings.**

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

**Instructions 1.** If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.

**2.** No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

**Instruction.** The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

**Item 6. Remuneration of Directors and Officers.**

(a) State the aggregate amount of remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to all directors and officers as a group, without naming them, for services in all capacities.

**Instructions 1.** The information is to be given on an accrual basis if practicable. The information required by this paragraph and paragraph (b) may be shown in a single table if the registrant so desires.

**2.** If any part of the remuneration shown in response to this item was paid pursuant to a material bonus or profit-sharing plan, briefly describe the plan and the basis upon which directors or officers participate therein. See Instruction 1 to paragraph (b) for the meaning of the term "plan."

(b) State the aggregate amount set aside or accrued by the registrant and its subsidiaries during the last fiscal year of the registrant to provide pension, retirement or similar benefits for directors and officers of the registrant, pursuant to any existing plan provided or contributed to by the registrant or its subsidiaries.

**Instructions 1.** The term "plan" in this paragraph includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

**2.** Information need not be furnished with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

(c) If the registrant discloses to its shareholders or otherwise makes public, pursuant to applicable foreign laws or regulations or stock exchange requirements or otherwise, the information specified in this item for individually named directors and officers, then such information should also be included in response to this item.

**Item 7. Options to Purchase Securities from Registrant or Subsidiaries.**

Furnish the following information as to all options to purchase securities from the

(ii) If the estimates of reserves, or any estimated valuation thereof, are represented as being based on estimates prepared or reviewed by independent consultants, those independent consultants should be named in the document.

(b) If oil and gas operations are material to the registrant's and its subsidiaries' business operations or financial position, disclose the information specified in the Appendix to this item.

**Item 4. Control of Registrant.**

(a) As far as known to the registrant, state whether the registrant is directly or indirectly owned or controlled by another corporation(s) or by any foreign government and, if so, give the name(s) of such controlling corporation(s) or government and briefly describe the nature of such control.

(b) If the registrant's outstanding voting securities are in registered form, furnish the following information, as of the most recent practicable date, in substantially the tabular form indicated, with respect to:

(1) any person who is known to the registrant to be the owner of more than ten percent of any class of the registrant's voting securities and (2) the total amount of any class of the registrant's voting securities owned by the officers and directors as a group, without naming them.

(1) Title of Class	(2) Identity of Person or Group	(3) Amount Owned	(4) Percent of Class
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tive officers of the registrant acting solely in their capacities as such.

**2.** The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) or any other person who performs similar policy making functions for the registrant. Where the registrant employs persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make significant contributions to the business of the registrant, such persons should be identified and their background disclosed to the same extent as in the case of executive officers.

(b) State the nature of any family relationship between any director or executive officer and any other director or executive officer.

tailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

**2.** In determining whether properties should be described, the registrant should take into account both quantitative and qualitative factors.

**3.** In the case of an extractive enterprise, material information should be given as to net production, net reserves, locations, developments, and the nature of the registrant's interest. If individual properties are of major significance to the registrant: (i) more detailed information concerning these matters should be furnished; and (ii) appropriate maps should be used to disclose location data of significant properties except in cases for which numerous maps would be required.

**4.** (i) If reserve estimates are referred to in the document, the staff of the Office of Engineering, Division of Corporation Finance, of the Commission should be consulted. That office may request that a copy of the full report of the engineer or other expert who estimated the reserves be furnished as supplemental information and not as part of the filing. Upon request and where consistent with the protection of investors and with the Freedom of Information Act, the supplemental information will be returned to the registrant.

(c) Describe any arrangements, known to the registrant, the operation of which may at a subsequent date result in a change in control of the registrant.

**Item 5. Directors and Officers of Registrant.**

(a) List the names of all directors and executive officers of the registrant and all persons chosen to become directors or executive officers; indicate all positions and offices with the registrant held by each such person; state his term of office as director and/or as executive officer and the period during which he has served as such; and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director or executive officer.

**Instructions 1.** Do not include arrangements or understandings with directors or execu-

in which the registrant is organized relating to restrictions on the export or import of capital, including but not limited to foreign exchange controls, affecting the remittance of dividends, interest and other payments to nonresident holders of the registrant's securities.

(b) As to each class of securities to be registered hereunder, state whether there are any limitations, either by the law of the country under which the registrant is organized or in the charter or other constituent document of the registrant, on the right of foreigners to hold or vote the securities. Outline briefly any such limitations.

**Item 14. Taxation.**

Outline briefly all taxes, including withholding provisions, to which United States securityholders are subject under existing laws and regulations of the foreign country of origin. A brief description of pertinent provisions of any reciprocal tax treaties between such foreign country and the United States regarding withholding should be included. If there are no such treaties, so state.

**Item 15. Changes in Securities and Changes in Security for Registered Securities.**

*General Instruction.* If the information called for by this item has been reported previously in a report on Form 6-K, it may be incorporated by specific reference in the annual report to the previous filing.

(a) If the constituent instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

*Instruction.* Working capital restrictions and other limitations upon payment of dividends are to be reported hereunder.

(c) If there has been a material withdrawal or substitution of assets securing any class of registered securities of the registrant, furnish the following information: (1) give the title of the securities.

ing the issue, the modification of the terms of the security, and similar provisions.

(e) The name and address of the trustee and the nature of any material relationship with the registrant or any of its affiliates, the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The names and addresses of paying agents.

(g) The currency or currencies in which payable and, if payable in two or more currencies, state the basis of determination for the currency conversion and at whose option.

(h) The provisions of any law or decree determining the extent to which the securities of the issuer may be serviced.

(i) The circumstances concerning any failure to pay principal, interest, or any sinking or amortization installment.

*Instructions.* 1. The instructions to Item 10 shall also apply to this item.

2. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance monies, and similar provisions, need not be described in answer to paragraph (d).

3. If the securities to be registered are guaranteed, state the name of the guarantor and briefly outline the contract of guarantee.

**Item 12. Other Securities to be Registered.**

If securities other than capital stock or long-term debt are to be registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

*Instruction.* The instructions to Item 10 shall also apply to this item.

**Item 13. Exchange Controls and Other Limitations Affecting Security Holders.**

(a) Describe briefly any governmental laws, decrees or regulations in the country

(a) Outline briefly (i) dividend rights; (ii) voting rights; (iii) liquidation rights; (iv) pre-emptive rights; (v) conversion rights; (vi) redemption provisions; (vii) sinking fund provisions; and (viii) liability to further calls or to assessment by the registrant.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

*Instructions.* 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

**Item 11. Debt Securities to be Registered.**

If debt securities are to be registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to each lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets secur-

3. Notwithstanding Instructions 1 and 2, any material bankruptcy, receivership, or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described.

4. Any material proceedings to which any director, officer, affiliate of the registrant, or any associate of any such director or officer is a party adverse to the registrant or any of its subsidiaries or has a material interest adverse to the registrant or any of its subsidiaries, also shall be described.

5. With respect to annual reports, information relating to pending litigation shall be furnished in accordance with the provisions of Item 8, except that the report should include also a description of the disposition of any previously reported litigation which occurred during the last fiscal year.

**Item 9. Nature of Trading Market.**

As to each class of securities to be registered, indicate briefly the nature and extent of the principal non-United States trading market for such securities, and also the nature of the trading market in the United States. If practicable, indicate what proportion of the outstanding securities in each such class is held in the United States and the number of record holders thereof in the United States.

*Instructions.* 1. If the registrant's outstanding equity securities of the class being registered are wholly or partially in bearer form, the response to this item should so indicate together with as much information as the registrant is able to provide with respect to security holdings in the United States.

2. If the securities being registered trade in the United States in the form of American Depositary Receipts or similar certificates, the response to this item should so indicate together with the name of the depository issuing such receipts and the number of shares or other units of the underlying security representing the trading unit in such receipts. If the primary market in the United States involves the American Depositary Receipts, the market price information specified in this item should relate to that market.

**Item 10. Capital Stock to be Registered.**

If capital stock is to be registered, state the title of the class and furnish the following information:

(2) identify and describe briefly the assets involved in the withdrawal or substitution.

(3) indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

**Instruction.** This paragraph need not be answered when the withdrawal or substitution is made pursuant to the terms of an indenture which has been qualified under the Trust Indenture Act of 1939.

(d) If the trustees or paying agents for any registered securities have changed during the last fiscal year, furnish the names and addresses of the new trustees or paying agents.

**Item 16. Defaults Upon Senior Securities.**  
**General Instruction.** If the information called for by this item has been reported previously in a report on Form 6-K, it may be incorporated by specific reference in the annual report to the previous filing.

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the registrant or any of its significant subsidiaries exceeding 5 percent of the total assets of the registrant and its consolidated subsidiaries, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

**Instruction.** This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends state the amount and the total arrearage on the date of filing this report.

**Instruction.** Item 16 need not be answered as to any default or arrearage with respect to any class of securities all of which is held by, or for the account of, the registrant or its totally held subsidiaries.

**Item 17. Interest of Management in Certain Transactions.**

**General Instructions.** 1. The information specified in this item need be furnished only to the extent that the registrant discloses to its shareholders or otherwise makes public, pursuant to applicable foreign laws or regulations or stock exchange requirements or otherwise, the information specified in this item for individually named directors and officers.

2. With respect to annual reports, information relating to these transactions shall be furnished in accordance with the provisions of this Item 17 except that the information may be limited to the period since the beginning of the last fiscal year up to the latest practicable date.

3. If the information called for by this item has been reported previously in a report on Form 6-K, it may be incorporated by specific reference in the annual report to the previous filing.

(a) Describe briefly any material transactions during the last three fiscal years or any presently proposed transactions, to which the registrant or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person, such person's relationship to the registrant, the nature of the interest in the transaction and, where practicable, the amount of such interest:

(1) any director or officer of the registrant;

(2) any security holder named in answer to Item 4(a);

(3) any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the registrant.

(b) State as to each of the following persons who was indebted to the registrant or its subsidiaries at any time during the last three years (i) the largest aggregate amount of indebtedness outstanding at any time during such period, (ii) the nature of the indebtedness and of the transaction in which it was incurred, (iii) the amount thereof outstanding as of the latest

practicable date, and (iv) the rate of interest paid or charged thereon;

(1) each director or officer of the registrant; and

(2) each associate of any such director or officer.

**Item 18. Financial Statements and Exhibits.**

(a) List separately all financial statements filed as part of the registration statement or annual report.

(b) List all exhibits filed as part of the registration statement or annual report, including those incorporated by reference.

**Instructions.** 1. Where any financial statement or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this item. See Rule 12b-23.

2. See the Instructions as to Exhibits herein.

## SIGNATURES

Pursuant to the requirements of Section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement [annual report] to be signed on its behalf by the undersigned, thereunto duly authorized.

.....  
(Registrant)

.....  
(Signature)\*

Date .....

\* Print the name and title of the signing officer under this signature.

## INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Every issuer registering securities or filing an annual report on this Form shall file as part of its registration statement or report the same financial statements, schedules and accountants' certificates which would be required to be filed if the registration statement were filed on Forms 10 or 10-K, respectively. Any material variation in accounting principles or practices used in preparing such financial statements from those generally accepted in the United States or those prescribed in Regulation S-X or from the form and content of financial statements prescribed in Regulation S-X shall be disclosed and, to the extent practicable, the effect of each such variation given. If the effects of each such variation are omitted, the reasons therefor should be indicated briefly.

2. The Commission may, upon the request of the registrant and where consistent with the public interest and the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution thereof of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition

to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more generally accepted auditing standards or procedures or the substitution of other appropriate auditing standards or procedures.

## INSTRUCTION AS TO EXHIBITS

**A. Registration Statements.**

Subject to Rule 12b-32 [17 CFR 240.12b-32] regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the registration statement. A list of such exhibits appropriately lettered or numbered for convenient reference should be included. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits.

(2) the immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of the reservoir.

(B) Reserves which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

(C) Estimate of proved reserves do not include the following: (1) oil that may become available from known reservoirs but is classified separately as "indicated additional reserves"; (2) crude oil, natural gas, and natural gas liquids, the recovery of which is subject to reasonable doubt because of uncertainty as to geology, reservoir characteristics, or economic factors; (3) crude oil, natural gas, and natural gas liquids, that may occur in undrilled prospects; and (4) crude oil, natural gas, and natural gas liquids, that may be recovered from oil shales, coal, gilsonite and other such sources.

(ii) Proved developed oil and gas reserves are reserves that can be expected to be recovered through existing wells with existing equipment and operating methods. Additional oil and gas expected to be obtained through the application of fluid injection or other improved recovery techniques for supplementing the natural forces and mechanisms of primary recovery should be included as "proved developed reserves" only after testing by a pilot project or after the operation of an installed program has confirmed through production response that increased recovery will be achieved.

2. Estimates of probable or possible reserves and any estimated value thereof generally shall not be disclosed in any document publicly filed with the Commission. Notwithstanding, if any foreign government restricts the disclosure of estimated reserves for properties under its governmental authority, or amounts under long-term supply, purchase, or similar agreements, or if the foreign government

during the fiscal year and not previously filed. See Rule 24b-2 for the procedure to be followed in requesting confidential treatment of information required to be filed.

3. Copies of the amendments to all constituent instruments and other documents referred to in Item 15.

4. Upon request of the Commission, a list or diagram of all parents and subsidiaries of the registrant indicating as to each person named (a) country or other jurisdiction of incorporation or organization, (b) relationship to the registrant and (c) the percentage of voting securities owned or other basis of control by its immediate parent, if any.

**APPENDIX TO ITEM 3(b)—  
OIL AND GAS**

Reserve and Production Disclosure.

Registrant specified in Item 3(b) should furnish the following information under appropriate captions (in tabular form if practicable, and with cross references, where applicable, to related information disclosed in financial statements):

(a) As of the end of each of the last two fiscal years (but not for fiscal years ending prior to December 31, 1979), estimated net quantities of: (i) proved oil and gas reserves; (ii) proved developed oil and gas reserves; and (iii) oil and gas applicable to long-term supply or similar agreements with foreign governments or authorities in which the registrant acts as producer.

Instructions. 1. The following definitions shall apply to this Appendix:

(i) proved oil and gas reserves. Proved oil and gas reserves are the estimated quantities of crude oil, natural gas, and natural gas liquids which geological and engineering data demonstrate with reasonable certainty to be recoverable in future years from known reservoirs under existing economic and operating conditions, i.e., prices and costs as of the date the estimate is made. Prices include consideration of changes in existing prices provided only by contractual arrangements, but not on escalations based upon future conditions.

(A) Reservoirs are considered proved if economic producibility is supported by either actual production or conclusive formation test. The area of a reservoir considered proved includes (1) that portion delineated by drilling and defined by gas-oil and/or oil-water contacts, if any, and

tract merely involves purchase or sale of current assets having a determinable market price, at such price;

(2) it is of such materiality as to call for specific reference to it in answer to Items 1, 3 or 17;

(3) the registrant's business is substantially dependent upon it, as in the case of continuing contracts to sell the major part of registrant's production in the case of a manufacturing enterprise or to purchase the major part of registrant's requirements of goods in the case of a distribution enterprise, or licenses to use a patent or formula upon which registrant's business depends to a material extent;

(4) it calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of all fixed assets of the registrant and its subsidiaries;

(5) it is a lease under which a material part of the property described under Item 3 is held by the registrant; or

(6) the amount of contract, or its importance to the business of the registrant and its subsidiaries, is material, and the terms and conditions are of a nature of which investors reasonably should be informed.

5. A copy of any law, decree or regulation outlined in answer to Item 13.

6. Upon request of the Commission, copies of each material foreign patent for an invention not covered by a United States patent.

7. Upon request of the Commission, a list or diagram of all parents and subsidiaries of the registrant indicating as to each person named (a) country or other jurisdiction of incorporation or organization, (b) relationship to the registrant and (c) the percentage of voting securities owned or other basis of control by its immediate parent, if any.

**B. Annual Reports**

Subject to Rule 12b-32 regarding the incorporation of exhibits by reference, the following exhibits shall be filed as part of the report:

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all contracts and other documents of a character required to be filed as an exhibit to an original registration statement which were executed or in effect

1. Copies of the charter and bylaws or instruments corresponding thereto as presently in effect.

2. Copies of any plan of acquisition, reorganization, readjustment, or succession described in answer to Item 1 or 8.

3. (a) Specimens or copies of all securities to be registered hereunder, and copies of all constituent instruments defining the right of holders of long-term debt of the registrant and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) any instrument with respect to long-term debt not to be registered hereunder if the total amount of securities authorized thereunder does not exceed 5 percent of the total assets of the registrant and its subsidiaries on a consolidated basis and if there is filed an agreement to furnish a copy of such instrument to the Commission upon request, (2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the registrant of the securities to be registered, or (3) copies of instruments evidencing scrip certificates for fractions of shares.

4. (a) Copies of every material contract not made in the ordinary course of business which is to be performed in whole or in part at or after the filing of the registration statement or which was made not more than two years before filing, except contracts called for, or the omission of which, is expressly authorized by the foregoing instructions. Only contracts need be filed as to which the registrant or a subsidiary of the registrant is a party or has succeeded to a party by assumption or assignment, or in which the registrant or such subsidiary has a beneficial interest. See Rule 24b-2 [17 CFR 240.24b-2] for the procedure to be followed in requesting confidential treatment of information required to be filed under the Act.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the registrant and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) directors, officers and/or promoters are parties thereto except where the con-

## Notice of Right of Cancellation and Refund

: [As adopted in Release No. IC-9482, October 18, 1976, 41 F. R. 47032.]

[Owner's Name]  
[Owner's Address]

[Name and Address of Life Insurer]

[Date of Mailing]  
RE: [Contract Number  
Insured's Name  
Plan Name  
Premium/Mode  
Annualized Premium]

This notice is sent to you in accordance with the laws administered by the United States Securities and Exchange Commission ("SEC"). Please read it carefully and retain it with your important records.

You have purchased a variable life insurance contract from [Name of Life Insurer] under which benefits depend on the investment experience of [Name of Separate Account] ("Account"). You have, pursuant to requirements of the SEC and the terms of your contract, the right to return your contract for cancellation at any time from the date of issuance of your contract to the expiration of twenty-four (24) months from that date [specify exact date of expiration of refund right] and to receive, in cash, the surrender value of the contract at the time of cancellation as determined in accordance with the provisions of your contract, and an amount equal to that part of the excess paid for sales loading which is over the sum of 30 per centum of payments made for the first contract year plus 10 per centum of payments made for the second contract year.

You should be aware that, in any event, your right to a refund of a portion of the premium paid for sales load in addition to the cash surrender value of your contract expires not later than [specify exact date]. Further, you should also be aware that, during this twenty-four (24) month period, if you fail to make any premium payment due on or before the due date for such premium payment or within the grace period [specify number of days in grace period] and if you do not request cancellation of your contract and the partial refund of sales load available to you, your contract will lapse and your cash surrender value will be applied in accordance with the non-forfeiture option under the contract which you select or which is automatically applicable in lieu of your voluntary selection, and you will not receive any partial refund of sales load.

In determining whether or not to exercise your right of cancellation and refund, you should consider, among other things, the projected cost of your contract and your ability to make the scheduled payments for the premium payment period of your contract as they become due. Your contract provides for payments as stated above.

Also, you have already been furnished a prospectus which described the deductions from premiums before amounts are allocated to the Account. These are:

For sales load, a deduction which will not exceed the following percentages of the premium (exclusive of the annual deduction for administrative expenses described below and premiums paid for extra mortality risks and optional insurance benefits, if any): [State the level of sales load deductions in percentages as specified in the prospectus].

For administrative expenses, deductions will be made from premiums in the following percentages for designated expenses: [State the administrative charges in dollar amounts or percentages deducted from the premium as specified in the prospectus for this variable life insurance contract].

If you should have any questions regarding your rights of cancellation and refund, please refer to your prospectus and your contract at [pages . . .]. Should you decide to exercise your right of cancellation and refund, complete the enclosed form and return your contract as outlined in the enclosed instructions, post marked on or before the latest date permitted for cancellation as described above.

[Name and Title of Officer]

any change of a property interest into a long-term supply, purchase, or similar agreement.

[end of Instructions to paragraph (a)]

(b) Net quantities of oil (including condensate and natural gas liquids) and of gas produced for each of the last two fiscal years (but not for fiscal years ending prior to December 31, 1979) and the new quantities of each received during each of these years applicable to long-term supply or similar agreements with foreign governments or authorities in which the registrant acts as producer, by areas no larger than the geographic areas used for estimated reserves in paragraph (a) above.

*Instructions.* 1. Generally, net production should include only production that is owned by the registrant and produced to its interest, less royalties and production due others. However, in special situations (e.g., foreign production) net production before royalties may be provided if more appropriate. If "net before royalty" production figures are furnished, the change from the common usage of "net production" should be noted.

2. Any part of natural gas liquids production obtained through or from processing plant ownership rather than through leasehold ownership should be reported separately, if material.

3. The amounts of oil and gas purchased under long-term supply, purchase, or similar agreements with governments or authorities need be disclosed separately under this paragraph (2) only when such purchases represent the registrant's production, or partial production, under a previous equity interest, or when the registrant has invested monies in such prospects or has some special arrangement.

requires the disclosure of reserves other than proved, the registrant should notify the Office of Engineering, Division of Corporation Finance, of the Commission. If the required information is not disclosed or if categories of reserves other than proved are disclosed for these reasons, the document should identify the country, cite the law or regulation which restricts or requires such disclosure, and indicate that the reported reserve estimates or amounts do not include figures for the named country or that the reserve estimates include reserves other than proved.

3. The amounts of oil and gas subject to purchase under long-term supply, purchase, or similar agreements with foreign governments or authorities need be disclosed separately under this paragraph (1) only when such agreements cover all or part of the registrant's reserves under a previous equity interest, or when the registrant has invested monies in foreign prospects, or has some special arrangement.

4. If these reserves are located entirely within the registrant's home country, that fact shall be disclosed. If some or all of the reserves are located in foreign countries, the disclosure of net quantities of reserves of oil shall be separately reported for the entity's home country (if significant reserves are located there) and each foreign geographic area in which significant reserves are located. Foreign geographic areas are individual countries or groups of countries, as appropriate, for meaningful disclosure in the circumstances.

5. Disclosure shall be given of the effect on ownership of reserves of any takeover or nationalization within the most recent fiscal year by foreign governments of properties owned by the registrant, including

Notice of Withdrawal Right

[As adopted in Release No. IC-9482, October 18, 1976, 11 F. R. 47032.]

FRONT

Instructions

Please Read Carefully

To the Contractowner:

If, after reading the enclosed notice, you elect to return your contract for cancellation and refund you must:

1. Sign and date the reverse of this form
2. Mail the form together with your contract (if received by you) to [Name and Address of Life Insurer]
3. The post mark on the envelope must be on or before the latest date permitted for cancellation as described in the attached letter.
4. Please check the box on the reverse if you have not yet received your contract when mailing this form.

BACK

Important—See Instructions on Reverse

To: [Name of Life Insurer]

Pursuant to the terms of the notice previously furnished by [Name of Life Insurer], I hereby return the contract numbered below (the "contract") for cancellation and request the payment to me in cash of the cash surrender value next computed after my request for cancellation is received plus the amount paid for sales load which is over the sum of 30 per centum of payments made for the first contract year plus 10 per centum of the payments made for the second contract year.

Date

Signature of Contract Owner(s)

Contract Number

I have not yet received the contract and should it be received I will return it to [Name of Life Insurer].

[Owner's Name]

[Owner's Address]

[Name and Address of Life Insurer]

[Date of Mailing]

RE: [Contract Number  
Insured's Name  
Plan Name  
Premium/Mode  
Annualized Premium]

This notice is sent to you in accordance with the laws administered by the United States Securities and Exchange Commission ("SEC"). Please read it carefully and retain it with your important records.

You have recently purchased a variable life insurance contract from [Name of Life Insurer] under which benefits depend on the investment experience of [Name of Separate Account] ("Account"). You have, pursuant to requirements of the SEC and your contract, the right to examine and return your contract for cancellation, and receive a full refund of all premiums paid, at any time within 10 days from delivery of the contract or 45 days from the date of Part 1 of the application, whichever is later, but in any event you have until 10 days from the date of mailing of this notice, as determined by its post mark, to return the contract for cancellation. (Accompanying your contract will be an illustration of the way in which the death benefit and cash surrender value under your contract will vary to reflect investment performance by the Account.) [Parenthetical statement is optional depending upon whether an illustration based upon the insured's age, sex, underwriting classification and premium mode assuming a gross annual investment return, after allowance for any federal income taxes, of 0%, 4% and 8%, will be furnished.]

In determining whether or not to exercise your right, you should consider, among other things, the projected cost of your contract and your ability to make the scheduled payments for life as they become due. Your contract provides for payments as stated above. Also you have already been furnished a prospectus which describes the deductions from premiums before amounts are allocated to the Account. These are:

For sales load, a deduction which will not exceed the following percentages of the premium (exclusive of the annual deduction for administrative expenses described below and premiums paid for extra mortality risks and optional insurance benefits, if any): [State the level of sales load deductions in percentages as specified in the prospectus].

For administrative expenses, deductions will be made from premiums in the following percentages for designated expenses: [State the administrative charges in dollar amounts or percentages deducted from the premium as specified in the prospectus for this variable life insurance contract].

Should you decide to exercise this right of cancellation, complete the enclosed form and return your contract in accordance with the enclosed instructions, post marked on or before the latest date permitted for cancellation as described above.

[Name and Title of Officer]

FRONT

FORM 18

[As last amended in Release No. 379, September 26, 1935.]

For Foreign Governments and Political Subdivisions Thereof

To the Contract Owner:

If, after reading the enclosed notice, you elect to return your contract for cancellation you must:

1. Sign and date the reverse of this card.
2. Mail the card together with your contract (if received by you) to  
[Name and Address of Life Insurer]
3. The post mark on the envelope must be on or before the latest date permitted for cancellation as described in the attached letter.
4. Please check the box on the reverse if you have not yet received your contract when mailing this card.

BACK

Important—See Instructions on Reverse

To: [Name of Life Insurer]

Pursuant to the terms of the notice previously furnished me by [Name of Life Insurer] I hereby return the contract numbered below for cancellation and request a full refund of the premium paid by me for the contract.

..... Date  
 ..... Signature of Contractowner  
 ..... Contract Number

I have not yet received the contract and should it be received I will return it to [Name of Life Insurer]

Published 7/5/35

File No. .... (Leave Blank)

APPLICATION FOR REGISTRATION PURSUANT TO SECTION 12(b) AND (c) OF THE SECURITIES EXCHANGE ACT OF 1934

SECURITIES AND EXCHANGE COMMISSION

Washington, D. C.

(Name of Registrant)

Securities to be Registered

Title of Issue or Issues

Amount to be Registered

Names of Exchanges on which Registration Applied for

Name and Address of Person Authorized to Receive Notices and Communications from the Securities and Exchange Commission:

Rule as to the Use of Form 18

This form shall be used for applications for the permanent registration of securities of foreign governments and political subdivisions thereof, filed on or after July 1, 1935; provided, however, that any public corporation or other autonomous entity in the nature of a political subdivision, except a state, province, county or municipality or similar body politic, may, at its option, use Form 21 in lieu of this Form.

Instructions

1. The application, including exhibits, is to be filed with the exchange upon which registration is being sought and in triplicate with the Commission. At least one application filed with the Commission and one filed with the exchange is to be signed. If application is made for the registration of securities of the registrant on more than one exchange, the registrant may prepare one application covering all securities to be registered on any of the exchanges and, in such case, should file such application with each exchange and in triplicate with the Commission. A registrant may, however, at its option prepare separate applications for each exchange upon which registration of any of its securities is being sought, and, in such case, should file each such application in triplicate with the Commission.
2. All applications should be typed or printed on paper 8 1/2 by 13 inches in size. Tables and financial data, however, may be on larger paper but should be folded to such size. Typed or printed matter should leave a margin of at least 1 1/2 inches on the left. Applications should be securely bound and on the left only. The registrant's typewritten or printed application should contain both the items in the form and the answers thereto.
3. Where "brief" answers are indicated, the answer may incorporate by reference particular items, sections or paragraphs of any Exhibit, and may be qualified in its entirety by such reference.
4. If there are several principle parties obligor of the securities being registered, the financial information required may be presented in a consolidated form, if that is desired.
5. Where information is asked as of the close of the last fiscal year, if such information is not yet available for such date, it may be furnished as of the close of the latest fiscal year for which it is available.
6. The application is to be made in the English language.

9. If any exchange control has been established by the registrant, or, if the registrant is other than a national government, by its national government, briefly describe such exchange control.  
(Note: If the registrant is a governmental unit other than a national government, it need not answer the following items.)
10. A brief statement regarding the note issue and gold reserves of the central bank of issue of the registrant, and of any further gold stocks held by the registrant, as of a date reasonably close to the date of filing the application with the exchange.
11. A statement, in terms of weight and value, of imports and exports of merchandise for the last fiscal year of the registrant. If the statistics have been established only in terms of value, such will suffice.
12. Set forth the balance of international payments of the registrant for the last fiscal year of the registrant, conforming, if possible, to the nomenclature and form used in the "Statistical Handbook of the League of Nations." (This statement need be furnished only if the registrant has published a balance of international payments.)

#### Exhibits

The following Exhibits should be attached as part of the application. The registrant may file such other Exhibits as it may desire, marking them so as to indicate clearly the items to which they refer.

- Exhibit "A"—Copies (specimens, if available) of all securities registered hereunder.
- Exhibit "B"—A copy of the General Bond, Fiscal Agency Agreement, Loan Contract, or any other agreement defining the rights of the holders of the securities registered hereunder. If not in English, submit in addition, a translation into English.

Exhibit "C"—A copy of the last annual budget of the registrant as presented to its legislative body. This document need not be translated.

Exhibit "D"—A copy of any law, decree, or administrative document outlined in answer to Item 3 (e). If not in English, submit in addition, a translation into English.

Upon the basis of the statements and documents comprising this application the undersigned hereby applies for registration pursuant to Section 12(b) and (c) of the Securities Exchange Act of 1934 of the securities specified on the facing sheet of this application on the respective exchanges there specified.

For ..... (Name of Registrant)  
By ..... (Name)  
..... (Title)

7. *Privilege of Filing Prospectus*  
If the registrant has filed a registration statement under the Securities Act of 1933 which has become effective within the current fiscal year of the registrant or becomes effective within the current fiscal year of the registrant on or prior to the effective date of the registration of the securities covered by the application herein and is not subject to any proceeding under Section 8(d) of the Act or to an order entered thereunder, the registrant may substitute for the information required by Items 1 to 12 inclusive (1) a copy of the registrant's prospectus filed with the registration statement under the Securities Act of 1933 and (2) a description of the securities being registered as required by Item 3 herein unless such description is contained in such prospectus. If this procedure is followed the prospectus and the description shall be physically substituted for the items of this form and the answers thereto, and the text of the items shall be omitted from the application.

#### Definitions

Unless the context clearly indicates the contrary, all terms used in these instructions and in the Form have the same meaning as in the Securities Exchange Act of 1934 and in the general Rules and Regulations of the Commission thereunder.

- Name of registrant.
- If the registrant is a governmental unit other than a national government, give the name of the national government of which the registrant is a unit and a brief description of the relationship of the registrant to such national government.
- For each issue of securities to be registered hereunder:
  - Give the title and full designation of the issue, and if not included therein, the rate of interest and the date of maturity. If due serially, a brief indication should be given of the serial maturities, for example, "maturing serially from 1936 to 1940."
  - State the currency or currencies in which payable, and give the basis of determination for the currency conversion and at whose option, if payable in two or more currencies.
  - Outline briefly the amortization, sinking fund, redemption and retirement provisions.
  - State whether secured by any lien, the kind thereof, and briefly describe the property or revenues subjected to such lien.
  - If by law, decree, or other administrative action, the security is not being serviced according to its original terms, outline briefly the provisions of such law, decree, or other administrative action.
  - State briefly the circumstances of any other failure to pay principal, interest or any sinking fund or amortization installment.
  - If guaranteed, state by whom guaranteed, and outline briefly the terms of the guarantee.
- Give the date of the close of the last fiscal year of the registrant.
- State as of the close of the last fiscal year of the registrant the total outstanding of:
  - Internal Funded Debt of the registrant. (Total to be stated in the currency of the registrant. If any internal funded debt is payable in a foreign currency it should not be included under this item, but under 5 (b).)
  - External Funded Debt of the registrant. (Totals to be stated in the respective currencies in which payable.)
- Give the title and amount outstanding, together with the currency or currencies in which payable, of each issue of Funded Debt of the registrant outstanding as of the close of the last fiscal year of the registrant.
- State as of the close of the last fiscal year of the registrant to the estimated total of:
  - Internal floating indebtedness of the registrant. (Total to be stated in the currency of the registrant.)
  - External floating indebtedness of the registrant. (Total to be stated in the respective currencies in which payable.)
- A statement of the receipts, classified by source, and of the expenditures, classified by purpose, of the registrant for the last fiscal year of the registrant. This statement should be so itemized as to be reasonably informative and should cover both ordinary and extraordinary receipts and expenditures.

CERTIFICATION PURSUANT TO RULE 12g-4 OR NOTICE PURSUANT TO RULE 15d-6

Under the Securities Exchange Act of 1934

(See General Instructions on Reverse Side of Form. Please Print or Type.)

SEC FILE NUMBER

FULL NAME OF REGISTRANT

ADDRESS OF PRINCIPAL EXECUTIVE OFFICE (Street and Number, City, State, Zip Code)

PLEASE PLACE AN X IN APPROPRIATE BOX AND FURNISH ALL INFORMATION REQUIRED BY THE FORM

FORM 12g-4 - CERTIFICATION TO TERMINATE REGISTRATION OF A CLASS OF SECURITY UNDER SEC. 12(g)

Title of Security covered by this certification.
Approximate number of holders of records as of the certification date
Will registration under Sec. 12(g) remain in effect for any other class of equity security?
Will Section 15(d), subject to Rule 12h-3, become applicable because this class of securities has been offered pursuant to an effective Securities Act registration and the tests of Section 15(d) are met?
Please check the box corresponding to the provision under which this Form 12g-4 is being filed.
Holders of record below 300 persons.
Holders of record below 500 persons and total assets within the Rule 12g-4 (a)(2) limits.

FORM 15d-6 - NOTICE OF SUSPENSION OF DUTY TO FILE REPORTS PURSUANT TO SEC. 15(d)

Approximate number of holders of records as of the current fiscal year for which duty to file reports has been suspended
Please check the box corresponding to the provision under which this Form 15d-6 is being filed.
Holders of record below 300 persons.
Holders of record below 500 persons and total assets within the Rule 15d-6(a)(2) limits.

State below the date and nature of the transaction or event requiring or enabling the filing of this Form, including the name, address and fiscal year of any successor issuer:

Pursuant to the requirements of the Securities Exchange Act of 1934,

(NAME OF REGISTRANT AS SPECIFIED IN CHARTER)

has caused this certification/notice to be signed on its behalf by the undersigned duly authorized person.

DATE BY
The form may be signed by an officer of the registrant, by counsel or by any other duly authorized person. The name and title of the person signing the form shall be typed or printed under the signature.

GENERAL INSTRUCTIONS

1. This Form is required by Rule 12g-4 and Rule 15d-6 of the General Rules and Regulations in the Securities Exchange Act of 1934, which state:

Rule 12g-4 Certifications of termination of registration under section 12(g).

(a) Termination of registration of a class of securities shall take effect in 90 days, or such shorter period as the Commission may determine, after the issuer certifies to the Commission on Form 12g-4/15d-6 that: (1) the number of holders of record of such class of securities is reduced to less than 300 persons; or (2) the number of holders of record of such class of securities is reduced to less than 500 persons and the total assets of the issuer have not exceeded \$3,000,000 on the last day of each of the issuer's three most recent fiscal years.

(b) The issuer's duty to file any reports required under section 13(a) shall be suspended immediately upon certification on Form 12g-4/15d-6. Provided, however, that if the certification on Form 12g-4/15d-6 is subsequently withdrawn or denied, the registrant shall, within 60 days after the date of such withdrawal or denial, file with the Commission all reports which would have been required to be filed had the certification on Form 12g-4/15d-6 not been filed. If the issuer had merged into, or consolidated with another issuer or issuers, the form shall be filed by the successor issuer. The form shall be filed in addition to any other report required to be filed with the Commission in connection with the number of holders of record.

Rule 15d-6 Suspension of duty to file reports.

(a) The duty of any issuer to file reports pursuant to section 15(d) of the Act for any fiscal year shall be suspended if:

(1) At the beginning of such fiscal year, other than the fiscal year within which such registration statement under the Securities Act of 1933 became effective, all securities of each class registered under the Securities Act of 1933 are held of record by less than 300 persons; or

(2) At the beginning of such fiscal year, other than the fiscal year within which a registration statement under the Securities Act of 1933 became effective and the succeeding two fiscal years, all securities of each class registered under the Securities Act of 1933 are held of record by less than 500 persons and on the last day of each of the issuer's three most recent fiscal years total assets of the issuer have not exceeded \$3,000,000.

(b) If the duty of any issuer to file reports pursuant to section 15(d) of the Act as to any fiscal year is suspended in accordance with paragraph (a)(1) or (2) of this section, such issuer shall, within 30 days after the beginning of the first such fiscal year, file a notice on Form 15d-6 informing the Commission of such suspension. If the suspension resulted from the issuer's merger into, or consolidation with, another issuer or issuers, the notice shall be filed by the successor issuer. The notice shall be filed in addition to any other report required to be filed with the Commission in connection with the transaction or event giving rise to such suspension.

2. Three copies of the form shall be filed with the Commission, one of which shall be manually signed. Copies not manually signed shall bear typed or printed signatures.

3. If the space provided on the form for setting forth the details of the transaction or event involving the decrease in the number of holders of record is insufficient, the complete answer should be prepared on a separate sheet and attached to the form. Reference thereto must be made on the form in the space provided for such details.

4. It should be noted that a company is required to file a notice on Form 15d-6 only for the first fiscal year in which the suspension is operative and not for each continuously successive fiscal year during which the suspension of the reporting requirements continues.

5. Any request for acceleration of the effective date of termination of registration under Section 12(g) and Rule 12g-4 shall be made in writing and filed with the Commission as a separate document and shall briefly describe the reasons therefor. Such request is considered on the basis of the facts and circumstances relevant to it.







## FORM 3 Initial Statement of Beneficial Ownership of Securities

## GENERAL INSTRUCTIONS

1. **When Statements are to be Filed.**  
(a) A statement on this form is to be filed within 10 days after the occurrence of any event which requires the filing of such statements. The events which require the filing of statements on this form are set forth in Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 and Section 30(f) of the Investment Company Act of 1940.  
(b) Statements are not deemed to be filed with the Commission or an exchange until they are actually received by the Commission or exchange.
2. **Where Statements are to be Filed.**  
(a) Three copies of each statement, at least one of which shall be manually signed, shall be filed with the Securities and Exchange Commission, Washington, D. C. 20549. One manually signed copy thereof shall also be filed with each exchange on which any class of equity securities of the company is listed and registered unless the company has, in accordance with Rule 16a-1, designated a single exchange to receive such statements.  
(b) Acknowledgment of receipt of the statement by the Commission may be obtained by enclosing a self-addressed, stamped postal card identifying the statement filed.
3. **Separate Statements for Each Company - Exceptions.**  
A separate statement shall be filed with respect to the securities of each company, except that a single statement shall be filed with respect to the securities of a registered public utility holding company and of all of its subsidiary companies.
4. **Date as of Which Information is to be Given.**  
Information as to the amount of securities beneficially owned, including those subject to puts, calls, options, warrants, etc., shall be given as of the date on which the event occurred which requires the filing of the statement on this form.
5. **Relationships of Reporting Person to Company.**  
Indicate clearly the relationships of the reporting person to the company; for example, "Director", "Vice President", "Director and President", "Beneficial owner of more than 10 percent of the company's common stock", etc.
6. **Classes of Securities to be Reported.**  
(a) Persons reporting pursuant to Section 16(a) of the Securities Exchange Act of 1934 shall include information as to their beneficial ownership of all classes of equity securities of the company even though one or more of such classes may not be registered pursuant to Section 12 of the Act.  
(b) Persons reporting pursuant to Section 17(a) of the Public Utility Holding Company Act of 1935 shall include information as to their beneficial ownership of all classes of securities of the registered holding company and of all of its subsidiary companies.  
(c) Persons reporting pursuant to Section 30(f) of the Investment Company Act of 1940 shall include information as to their beneficial ownership of all classes of securities of the registered closed-end investment company (other than "short-term paper," as defined in Section 2(a)(36) of the Act).
7. **Statement Required Although No Securities are Owned.**  
If any person required to file a statement on this form does not own any securities required to be reported, a statement on this form shall be filed to report that fact.
8. **Reporting of Ownership in Certain Cases.**  
(a) When two or more securities are owned as a unit, such as debentures and transferable warrants to purchase common stock, report each security separately and describe the unit relationship in the space provided for explanation on page 2 of the form. If one or more of the securities comprising the unit is not required to be reported, the other security or securities shall be reported separately and the unit relationship described as indicated above.

(b) In reporting the ownership of a convertible security or a transferable warrant, the number of shares or units subject to the conversion privilege and the conversion or exercise price per share or unit shall be set forth in the explanation space on page 2. Transferable warrants issued by the issuer of the security subject to the warrants shall be reported in Table I (in which case the exercise price and date of expiration of the warrant shall be reported in the explanation space on page 2).

(c) Securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

9. **Title of Securities.**

The statement of the title of the securities, Column 1 of Tables I and II, shall clearly identify the class even though there is only one class of securities outstanding; for example, "Common stock", "Class A common stock", "\$6 Convertible Preferred Stock", "5% Debentures due 1985", etc. Include the name of the issuer of the securities if it is a public utility holding company or a subsidiary thereof.

10. **Statement of Amounts of Securities.**

In stating amounts of securities in Column 3 of Table I and Column 4 of Table II, give the face amount of debt securities or the number of shares or other units of other securities. In the case of securities indirectly owned beneficially through a spouse, relative or other natural person, or through a partnership, corporation, trust or other entity, the entire amount of securities owned by such natural person, partnership, corporation, trust or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interest in the holdings of the partnership, corporation, trust or other entity through which securities are beneficially owned.

11. **Nature of Ownership of Securities - Table I.**

(a) In reporting the nature of beneficial ownership of securities in Column 4 of Table I, if the securities are owned directly, so state. If they are owned indirectly, state the nature of such indirect ownership; for example, "By self as trustee for sons", "By wife", "By X, Trust", "By Y Corporation", etc. If the securities are owned directly and other securities are owned indirectly, the required information shall be furnished separately for each type of ownership; see Instruction 8(c) above. Securities held as joint tenants, tenants in common, tenants by the entirety or as community property are to be reported as held directly.

(b) Beneficially owned securities held in the name of the reporting person or in the name of a bank, broker or nominee for the account of the reporting person shall be reported as directly owned by him. A person is regarded as the indirect beneficial owner of securities held in the name of another person if by reason of any contract, understanding, relationship, including a family relationship, or arrangement, such person obtains therefrom benefits substantially equivalent to those of ownership. For example, a person may be the indirect beneficial owner of securities held in the name of a spouse, relative or other person if such person may obtain a benefit substantially equivalent to those of ownership (see Securities Exchange Act Release 7824). A person may also be the indirect beneficial owner of securities held in the name of a partnership, corporation, trust or other entity if such person or a spouse or relative of such person, individually or collectively, may exercise a controlling influence over the purchase, sale or voting of such securities. See also Rule 16a-8.

12. **Puts, Calls, Options and Other Rights - Table II.**

The terms "puts" and "calls" in Table II include, in addition to separate puts and calls, any combination of the two, such as spreads, straddles, strips and straps. In reporting the nature of the option in Column 3 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell, the securities subject to the option.

13. **Price at which Options may be Exercised.**

If a warrant is not presently exercisable, state the price at which it will first become exercisable. If a warrant, put, call or option is exercisable at various increasing prices, state the price at which it is presently exercisable.

14. **Inclusion of Additional Information.**

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

15. **Signature.**

If the statement is filed for a corporation, partnership, trust or other entity, the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him. If signed on his behalf by another person, the authority of such person to sign the statement shall be confirmed to the Commission in writing as soon as practicable by the individual for whom the statement is filed, unless such a confirmation which is still in effect is on file with the Commission.





## FORM 4 Statement of Changes in Beneficial Ownership of Securities

### GENERAL INSTRUCTIONS

1. **When Statements are to be Filed.**  
A statement on this form is to be filed on or before the 10th day after the end of each month in which any change in beneficial ownership has occurred. Statements are not deemed to be filed with the Commission or an exchange until they are actually received by the Commission or exchange.
2. **Where Statements are to be Filed.**  
(a) Three copies of each statement, at least one of which shall be manually signed, shall be filed with the Securities and Exchange Commission, Washington, D.C. 20549. One manually signed copy thereof shall also be filed with each exchange on which any class of equity securities of the company is listed and registered unless the company has, in accordance with Rule 16b-1, designated a single exchange to receive statements.  
(b) Acknowledgement of receipt of the statement by the Commission may be obtained by enclosing a self-addressed, stamped postal card identifying the statement filed.
3. **Separate Statement for Each Company - Exceptions.**  
A separate statement shall be filed with respect to the securities of a registered public utility holding company and all of its subsidiary companies.
4. **Relationships of Reporting Person to Company**  
Indicate clearly the relationships of the reporting person to the company; for example, "Director", "Vice President", "Director and President", "Beneficial Owner of more than 10 percent of the company's common stock".
5. **Classes of Securities to be Reported.**  
(a) Persons reporting pursuant to Section 16(a) of the Securities Exchange Act of 1934 shall include information as to changes in the amount of securities beneficially owned, changes in the nature of beneficial ownership and the amount of their beneficial ownership at the end of the month of all classes of equity securities of the company even though one or more of such classes may not be registered pursuant to Section 12 of the Act.  
(b) Persons reporting pursuant to Section 17(c) of the Public Utility Holding Company Act of 1935 shall include information as to changes in the amount of securities beneficially owned, changes in the nature of beneficial ownership and the amount of their beneficial ownership at the end of the month of all classes of securities of the registered holding company and of all of its subsidiary companies.  
(c) Persons reporting pursuant to Section 30(f) of the Investment Company Act of 1940 shall include information as to changes in the amount of securities beneficially owned, changes in the nature of beneficial ownership and the amount of their beneficial ownership at the end of the month of all classes of securities of the registered closed-end investment company (other than "short-term paper", as defined in Section 2(a)(36) of the Act).
6. **All Transactions shall be Reported.**  
Every transaction shall be reported even though acquisitions and dispositions during the month are equal, or the change involves only the nature of ownership, such as a change from indirect ownership through a trust or corporation to direct ownership by the reporting person.
7. **Reporting of Transactions.**  
(a) When a transaction relates to the acquisition or disposition of two or more securities as a unit, such as debentures and transferable warrants to purchase common stock report each security separately and describe the unit relationship in the space provided for explanation on page 2 of the form. If one or more of the securities comprising the unit is not required to be reported, the other security or securities shall be reported separately and the unit relationship described as indicated above.  
(b) In reporting the acquisition or disposition of a convertible security or a transferable warrant, the number of shares or units subject to the conversion privilege or warrant and the conversion or exercise price per share or unit shall be set forth in the explanation space on page 2. When a convertible security is converted or a warrant is exercised, the amount of securities acquired as a result of such conversion or exercise shall be reported and, in addition, the disposition of the convertible security or warrant shall be reported as a separate transaction.  
(c) Securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

(d) The acquisition, disposition, exercise, or expiration or cancellation of a put, call, option or other right or obligation to buy or sell securities (all hereinafter referred to as "options") is deemed to effect a change in beneficial ownership of the security to which the option relates and shall be reported in Table II. If the option is exercised, the transaction shall be reported in Table II and the acquisition or disposition of the security subject to the option shall be reported in Table I. Transferable warrants issued by the issuer of the security subject to the warrants shall be reported in Table I (in which case the exercise price and date of expiration of the warrant shall be reported in the explanation space on page 2).

8. **Title of Securities.**  
The statement of the title of the securities, Column 1 of Tables I and II, shall clearly identify the class even though there is only one class of securities outstanding; for example, "Common stock", "Class A common stock", "6% Convertible Preferred Stock", "5% Debentures due 1985", etc. Include the name of the issuer of the securities if it is a public utility holding company or a subsidiary thereof. See Instruction 7 with respect to the separate reporting of two or more securities acquired as a unit.

9. **Statement of Dates.**  
In giving the dates required by Column 3 of Tables I and II, the month, day and year shall be given. Dates may be abbreviated; for example January 8, 1977 may be expressed as 1/8/77. The date shall be set forth opposite the transaction to which it relates. In the case of market transactions, the trade date shall be given and in the case of stock splits, stock dividends, etc., the record date shall be given.

10. **Statement of Amounts of Securities.**  
In stating amounts of securities in Columns 4 and 8 of Table I and Column 5 of Table II, give the face amount of debt securities or the number of shares or other units of other securities. In the case of securities indirectly owned beneficially through a spouse, relative or other natural person, or through a partnership, corporation, trust or other entity, the entire amount of securities involved in the transaction or owned by such partnership, corporation, trust or other entity shall be stated. The person whose ownership is reported and, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interest in the transaction or holdings of the partnership, corporation, trust or other entity through which securities are beneficially owned.

11. **Nature of Ownership of Securities - Table I.**  
(a) In reporting the nature of ownership of securities on Columns 5 and 9 of Table I, if the securities are owned directly, so state. If they are owned indirectly, state the nature of such indirect ownership; for example, "By self as trustee for sons", "By wife", "By X Trust", "By Y Corporation", etc. If the securities are owned directly and other securities are owned indirectly, the required information shall be furnished separately for each type of ownership; see Instruction 7(c) above. Securities held as joint tenants, tenants in common, tenants by the entirety or as community property are to be reported as held directly.  
(b) Beneficially owned securities held in the name of the reporting person or in the name of a bank, broker or nominee for the account of the reporting person shall be reported as directly owned by him. A person is regarded as the indirect beneficial owner of securities held in the name of another person if by reason of any contract, understanding, relationship, including a family relationship, or arrangement, such person obtains therefrom benefits substantially equivalent to those of ownership. For example, a person may be the indirect beneficial owner of securities held in the name of a spouse, a relative or other person if such person may obtain therefrom benefits substantially equivalent to those of ownership (see Securities Exchange Act Release 7824). A person may also be the indirect beneficial owner of securities held in the name of a partnership, corporation, trust or other entity if such person or a spouse or relative of such person, individually or collectively, may exercise a controlling influence over the purchase, sale or voting of such securities. See also Rule 16a-8.

12. **Character of Transaction.**  
(a) In reporting the character of transaction in Column 6 of Table I, select the category below which most closely states the character of the transaction reported:  
Open market purchase      Exchange or conversion  
Private purchase          Exercise of rights  
Acquired by gift            Exercise of warrants  
Private sale                  Acquired by gift  
Acquired by inheritance      Disposed of by gift  
Disposed of by bequest        Redeemed (called, matured, retired)  
Stock dividend  
(b) In reporting the character of transaction in Column 6 of Table II, select the category below which most closely states the character of the transaction reported:  
Acquisition of other option  
Disposition of other option  
Purchase of put or call        Exercise of other option  
Sale of put or call            Expiration of put or call  
Exercise of put or call        Cancellation of other option  
Expiration of put or call      Cancellation of other option

13. **Purchase or Sale Price of Securities.**  
(a) If any transaction reported in Table I involved a purchase or sale of securities for cash or obligation to pay cash, including the exercise of an option, state in Column 7 the purchase price per share or other unit, exclusive of brokerage commissions or other costs of execution. If the transaction was only partly for cash and partly for other consideration, state the amount of cash per share or other unit and the nature of the additional consideration. Column 7 need not be answered for transactions not involving cash.

Form N-27E-1

[As last amended in Release No. IC-7152, May 2, 1972, 37 F. R. 9990.]

**NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS  
OF 18 MONTH SURRENDER RIGHTS WITH RESPECT TO PERIODIC  
PAYMENT PLAN CERTIFICATES**

**IMPORTANT**

(Date of Mailing)

Dear (2) :

Re: (1)

This notice is required to be sent to all purchasers of plan certificates pursuant to laws administered by the United States Securities and Exchange Commission. You should read it carefully and retain it with your financial records.

You have missed (3) after your (4) plan certificate was issued. Until (5) you will be entitled to surrender your plan certificate and receive, in addition to the value of your account on the date your certificate is received, a refund of that portion of the sales charges you have paid in excess of 15 percent of the gross payments under your plan.

For example, if your certificate had been received for surrender (6) you would have received a total of \$(7) for it (the value of your account \$(8) plus a refund of \$(9) of the sales charges you have paid). After your right expires you will be entitled to receive only the value of your account. Of course, the value of your account will vary from day to day and by the date your right expires it may be more or less than it is today.

In determining whether to exercise your right to terminate your plan, you should consider that, while the average sales charge deducted from your payments has amounted to (10) percent of the total payments made, the sales charge for the remainder of the payments under the plan, if you continue the plan, will be (11) and the average sales charge if you complete the plan will be (12) percent. Exercising your right to terminate your plan, however, will result in a net sales charge of 15 percent of your total payments. Accordingly, if you believe you may discontinue making further payments on your plan, it would probably be to your advantage to exercise this right now.

If you wish to exercise your right to terminate your plan, you may return your certificate to (13) by (14) in accordance with the enclosed instructions.

Very truly yours,  
(15)

[The numbers in parentheses refer to the corresponding numbers in the instructions of the form.]

(b) When two or more securities are purchased or sold as a unit (see Instruction 8(a) above), the purchase or sale price of the unit shall be stated opposite one of the securities and cross-referred to opposite the other security or securities.

(c) If an option reported in Table II is exercisable at varying increasing prices, state in Column 7 of that table the price at which it is presently exercisable.

**14. Beneficial Ownership at End of Month.**

Beneficial ownership at the end of the month covered by the statement (Columns 8 and 9 of Table I) of all accounts required to be reported shall be shown even though there has been no change during the month in the ownership of securities of one or more classes or accounts. For example, a person reporting a transaction relating to common stock shall in addition to providing all the information on Table I relating to such transaction, report the amount of preferred stock, convertible debentures, etc., owned at the end of the month. In addition, any options owned at the end of the month should be reported in Table II.

**15. Puts, Calls, Options and Other Rights - Table II.**

The terms "put" and "call" in Table II include, in addition to separate puts and calls, any combination of the two, or any combination of puts, calls, and options. In reporting the nature of the option in Column 4 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell, the securities less subject to the option.

**16. Inclusion of Additional Information.**

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

**17. Signatures.**

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him. If signed on his behalf by another person, the authority of such person to sign the statement shall be confirmed to the Commission in writing as soon as practicable by the individual for whom the statement is filed, unless such a confirmation which is still in effect is on file with the Commission.

INSTRUCTIONS FOR USE OF FORM N-27E-1  
**FORM N-27E-1**  
**INSTRUCTIONS**

**General Instructions**

- A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type as large as 10-point modern type. All type shall be leaded at least 2 points. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.
- B. The notice shall bear the letterhead of the sender and the mailing date. An inconspicuous reference to the form number may appear on the notice.

**Itemized Instructions**

Insert the following in the corresponding numbered spaces on Form N-27E-1.

- (1) The same of the Plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.
  - (2) The name of certificate holder or an identification such as "Investor" or "Planholder."
  - (3) Whichever of the following statements is appropriate: "three or more payments during the first 15 months" or "a payment after the 15th month."
  - (4) The name of the plan.
  - (5) The date of the first business day which is 18 months from the date of the issuance of the certificate or in the event such notice is not mailed prior to 15 days before the expiration of the 18th month, the date of the first business day which is 15 days from the date such notice is mailed.
  - (6) A date which is not more than two business days prior to the date of the notice.
  - (7) The sum of Items 8 and 9.
  - (8) The value of the account payable to the certificate holder if the certificate had been received on the date set forth in Item 6. In the event such certificate holder has made a partial withdrawal in accordance with the terms of his certificate, the notice may state after the first sentence in the third paragraph that "The value of your account reflects the partial withdrawal which you made previously."
  - (9) The amount as of the date set forth in Item 6 which is equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made by the certificate holder.
  - (10) Average percentage deducted for sales charges to the date set forth in Item 6.
  - (11) The percentage to be deducted for sales charges after the date set forth in Item 6.
- If the holder has made less than 12 monthly payments, the following shall be substituted for the first sentence of the third paragraph of the notice:
- "In determining whether to exercise your right to terminate your plan, you should consider that, while the sales charge deducted from your payments has amounted to (10) percent of the total payments made, the sales charge for the next (11a) payments will be (11b) percent and the sales charge for the remainder of the payments will be (11c) percent. If you complete the plan, the average sales charge will be (12) percent."
- (11a) The number of payments yet to be made which are subject to the initial sales percentage.
  - (11b) The percentage to be deducted for sales charges from such payments.
  - (11c) The percentage to be deducted for sales charges from all subsequent payments.
  - (12) Average percentage to be deducted for sales charges from inception of the plan to completion.
  - (13) Name and address of the custodian bank or other person authorized to accept surrendered certificates.
  - (14) Same date as in Item 5.
  - (15) The name of a responsible officer of the sender, with his title.

**Form N-27F-1**

[As last amended in Release No. IC-11086, effective April 23, 1980, 45 F. R. 17957.]

**NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS  
 OF 45 DAY WITHDRAWAL RIGHT WITH RESPECT TO  
 PERIODIC PAYMENT PLAN CERTIFICATES**

**IMPORTANT**

(Date of mailing)

Re: — (1) —

Dear — (2)—: This notice is required to be sent to all purchasers of plan certificates pursuant to laws administered by the U. S. Securities and Exchange Commission. You should read it carefully and retain it with your financial records.

Of the \$— (3) — you have paid on your — (4) — plan, representing — (5) — regular monthly payments, \$— (6) — or — (7) — percent has been deducted for various charges.

[The following sentence is to be included when any periodic payment remains outstanding in which the sales load charges exceed 9 percent of such payment.] A total of \$— (8) — or — (9) — percent of your first — (10) — monthly payments will be deducted from those payments for similar charges.

Charges of \$— (11) — or — (12) — percent will be deducted from each subsequent payment. You have until — (13) — to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, and, in addition, the value of your account on the date your certificate is received.

In determining whether or not to exercise your right you should consider, among other things, the projected cost of your investment and your ability to make the scheduled payments over the life of your plan as they become due. Your plan provides for — (14) — payments of \$— (15) — per — (16) —, or total payments of \$— (17) —. If you made all of the scheduled payments over the full term of your plan, the total deductions would be \$— (18) — or an effective charge of — (19) — percent of your total payments. However, if you do not complete your program, the deduction of various charges from your initial payments will result in your paying effective charges in excess of that rate. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

If you wish to exercise your right of withdrawal, return your plan certificate to — (20) — by — (21) — in accordance with the enclosed instructions.

Very truly yours,

— (22) —

[The numbers in parentheses refer to the corresponding numbers in the instructions of the form.]

**INSTRUCTIONS FOR USE OF FORM N-27F-1**

**FORM N-27F-1**

*General instructions.* A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. An inconspicuous reference to the form number may appear on the notice.

*Itemized instructions.* Insert the following in the corresponding numbered spaces on Form N-27F-1.

## Form N-18F-1

[As adopted in Release No. IC-6561, June 14, 1974.]

## SECURITIES AND EXCHANGE COMMISSION

Washington, D. C. 20549

**NOTIFICATION OF ELECTION PURSUANT TO RULE 18f-1  
UNDER THE INVESTMENT COMPANY ACT OF 1940.**

- (1) The name of the plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.
- (2) The name of the certificate holder or an identification such as "Investor" or "Planholder."
- (3) The total amount paid by the certificate holder as of the date of the mailing.
- (4) The name of the plan.
- (5) The number of regular monthly payments or their equivalent made by the certificate holder as of the date of mailing.
- (6) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of mailing.
- (7) The percentage that the total charges set forth in Item (6) are of the total payments included under Item (3) above.
- (8) The total dollar amount of all charges scheduled to be deducted from the payments made by the certificate holder before the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.
- (9) The percentage that the total charges set forth in Item 8 are of the total payments included under Instruction 8 above.
- (10) The number of regular monthly payments required to be made before the rate of the sales charges deducted from such regular payment is reduced to less than 9 percent of the certificate holder's gross payment.
- (11) The dollar amount of the charges to be deducted from each payment made by the certificate holder after the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment. If a portion of the payments is used for the purchase of completion insurance, the amount attributable thereto shall not be included as a charge and the following phrase shall be added: "Apart from insurance premiums based upon the amount of coverage in effect at the time of payment."
- (12) The percentage that the amount of the charges set forth in Item 11 are of the amount of the payment included under Instruction 11 above.
- (13) The date which is 45 days from the date on which the notice will be mailed.
- (14) The number of monthly or quarterly payments provided for under the plan.
- (15) The dollar amount of each scheduled periodic payment to be made by the certificate holder.
- (16) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.
- (17) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.
- (18) The total dollar amount of all charges scheduled to be deducted over the full term of the plan.
- (19) The percentage that the total charges as set forth in Item 18 are of the total payments scheduled to be made by the certificate holder over the full term of the plan.
- (20) The name and address of the custodian bank or other person authorized to accept surrendered certificates.
- (21) The date which is 45 days from the date on which the notice will be mailed.
- (22) The name of a responsible officer of the sender with his title.

.....  
Exact Name of Registrant

INSTRUCTIONS FOR FORM N-18F-1

Read instructions carefully before preparing this notification. It will not be deemed acceptable unless it is prepared, executed and filed substantially in accordance with these instructions.

(a) This form shall be used as the notification of election filed with the Commission pursuant to Rule 18f-1 under the Investment Company Act of 1940.

(b) Signature

An original and three copies of each notification of election shall be filed. The three copies of the notification may have facsimile or typed signatures.

(c) Filing

The notification of election and all inquiries and communications with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D. C. 20549.

(d) Fee

There is no fee charged for filing the notification.

NOTIFICATION OF ELECTION

The undersigned registered open-end investment company hereby notifies the Securities and Exchange Commission that it elects to commit itself to pay in cash all redemptions by a shareholder of record as provided by Rule 18f-1 under the Investment Company Act of 1940. It is understood that this election is irrevocable while such Rule is in effect unless the Commission by order upon application permits the withdrawal of this Notification of Election.

SIGNATURE

Pursuant to the requirements of Rule 18f-1 under the Investment Company Act of 1940, the registrant has caused this notification of election to be duly executed on its behalf in the city of \_\_\_\_\_ and the state of \_\_\_\_\_, 19\_\_\_\_.

Signature (Name of Registrant)

By (Name of director, trustee or officer signing on behalf of Registrant)

(Title)

Attest: (Name)

(Title)

Form N-30A-2

ANNUAL REPORT OF UNIT INVESTMENT TRUSTS WHICH ARE CURRENTLY ISSUING SECURITIES

[As last amended in Release No. IC-5531, November 1, 1968.]

SECURITIES AND EXCHANGE COMMISSION Washington, D. C.

Pursuant to Section 30(a) of the Investment Company Act of 1940 and Section 15(d) of the Securities Exchange Act of 1934 For Fiscal Year Ended \_\_\_\_\_ 19\_\_\_\_

NAME OF UNIT INVESTMENT TRUST:

IRS Empl. Ident. No.

DEPOSITOR:

Name of: \_\_\_\_\_ IDS Empl. Ident. No. \_\_\_\_\_

Address of Principal Executive Offices:

No. and Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

TRUSTEE:

Name of: \_\_\_\_\_ IDS Empl. Ident. No. \_\_\_\_\_

Address of Principal Executive Offices:

No. and Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

- Not the Issuer of Periodic Payment Plan Certificates. Issuer of Periodic Payment Plan Certificates.

SIGNATURE

(See General Instruction 2 (k))

Pursuant to the requirements of the Investment Company Act of 1940, the \_\_\_\_\_ (depositor or trustee or custodian) of the trust has caused this annual report to be duly signed on behalf of the trust in the City of \_\_\_\_\_ and State of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature

(Name of trust)

{SEAL}

By (Name of depositor or trustee or custodian)

By (Name of officer of depositor or trustee or custodian)

(Name)

(Title)

## INSTRUCTIONS FOR FORM N-30A-2

READ INSTRUCTIONS CAREFULLY BEFORE PREPARING THE ANNUAL REPORT. THE ANNUAL REPORT WILL NOT BE DEEMED ACCEPTABLE UNLESS IT IS PREPARED, EXECUTED AND FILED SUBSTANTIALLY IN ACCORDANCE WITH THESE INSTRUCTIONS.

1. *Rule as to Use of Form*

This form shall be used for annual reports to be filed, pursuant to Section 15(d) of the Securities Exchange Act of 1934, and pursuant to Section 30(a) of the Investment Company Act of 1940, by unit investment trusts which are currently issuing securities, including unit investment trusts which are issuers of periodic plan certificates.

2. *Preparations and Filing of Annual Report*

(a) *Items to Be Answered:* Every item and subdivision thereof is to be answered fully and accurately.

(b) *Test of Items Which May Be Omitted From Report:*

(1) Where the answer to an item or subdivision thereof is "no", "none", "not applicable", or "no change", the text of such item or subdivision thereof may be omitted from the report, provided that: (a) the item number and subdivision letter thereof, if any, is retained; and (b) the appropriate answer is furnished.

(2) Where the answer to an item and all subdivisions thereof is "no", "none", "not applicable", or "no change", it is not necessary to furnish the subdivision letter of, or answer to, each such subdivision.

(c) *Test of Items to be Included in Report:* Where the answer to an item or subdivision thereof is other than "no", "none", "not applicable", or "no change", the full text of the item or subdivision thereof (but not the instructions thereto) and the full heading of each table shall be stated, together with the appropriate answer thereto. The tabular form may be dispensed with, provided all of the information called for by the table is furnished.

(d) *Period Covered by Report:* Every item is to be answered as at the close of the fiscal year for which the report is filed, unless the context clearly indicates the contrary.

(e) *Formal Requirements:* The annual report shall conform to the requirements provided in Rule 8b-12 under the Act.

(f) *Names Called for in Report:* Names shall be given in full. *Initials will not suffice.*

(g) *Provisions of Indentures:* References to indenture provisions should be succinct and condensed and should not quote such provisions verbatim unless necessary to do so. The answer may be qualified, however, by reference to particular provisions of any indenture filed as an exhibit.

(h) *Incorporation by Reference:* The answer to any of the items, 1 to 34, inclusive, in the annual report may be incorporated by reference as answer, or partial answer, to any other item in the annual report, provided that the item referred to is specifically designated. However, none of the financial statements, or any of the exhibits, required by the annual report may be incorporated by reference as all or part of the answer to any of such items.

(i) *Information Unknown or Not Available:* Information required need be given only insofar as known or reasonably available to the depositor or the trustee or custodian. If any required information is unknown and not reasonably available either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person neither controlling, controlled by, nor under common control with the trust, depositor or trustee or custodian, such information may be omitted subject to the following conditions:

- (1) Such information as is known or can be acquired without unreasonable effort or expense shall be given together with the sources thereof. A disclaimer of responsibility for the accuracy or completeness of all or part of such information may be included.

(2) As to all information omitted, a statement shall be included either showing that unreasonable effort or expense would be involved or indicating the absence of either any relationship with, or any control over, the person within whose knowledge the information rests and stating the results of a request made to such person for such information.

(j) *Data Pertaining to Other Persons:* It is recommended that to the extent the preparation of the annual report requires data pertaining to persons other than the person filing the report on behalf of the trust, such data should be obtained under the signature of the person to whom it pertains. These signed statements should be kept by the depositor or trustee or custodian for future reference, and the information therein contained should constitute the basis for preparing the answers to such items of the annual report.

(k) *Signature:* The original copy of the annual report shall be signed on behalf of the trust by an officer, director or partner of its depositor or trustee or custodian.

(l) *Filing:* Filing of the annual report and all inquiries and communications with respect thereto shall be addressed to the Securities and Exchange Commission, Washington, D. C. 20549. One original and three copies of each annual report shall be filed. The three copies of the annual report may have facsimile or typewritten signatures of the persons who signed the original copy of the annual report.

(m) *Time for Filing:* A unit investment trust required to use this form for its annual report must file such report not more than 120 days after the close of each fiscal year ending after the close of the last full fiscal year for which financial statements of the trust were filed in its registration statement on Form N-8B-2; provided, however, that the annual report for any fiscal year ending on or before February 28, 1943 need not be filed prior to June 30, 1943.

3. *Companies Subject to Section 15 (d) of the Securities Exchange Act of 1934*

The facing sheet of each copy of an annual report for a unit investment trust which is required to file reports pursuant to Section 15(d) of the Securities Exchange Act of 1934 shall clearly indicate that the report is filed pursuant to Section 15(d) of the Securities Exchange Act of 1934 and also pursuant to Section 30(a) of the Investment Company Act of 1940. No additional copies of the annual report need be filed for the purpose of complying with Section 15(d) of the Securities Exchange Act of 1934.

4. *Definitions*

Unless the context clearly indicates the contrary, terms used in the annual report form have meanings as defined in Section 2 of the Investment Company Act of 1940. In addition, the following definitions apply:

**Act:** The term "Act" means the Investment Company Act of 1940.

**Depositor:** The term "depositor" includes the person primarily responsible for the organization of the trust and the person who has continuing functions or responsibilities with respect to the administration of the affairs of the trust other than the trustee or custodian. The term includes the sponsor or manager of the trust. If there is more than one such person the information called for in this form for the depositor shall be set forth for each such person.

**Fiscal Year:** The term "fiscal year" means the last fiscal year of the trust ending prior to the filing of the report.

**Security Holder:** The term "security holder" includes the holder of a periodic payment plan certificate.

**Trust:** The term "trust" means unit investment trust as defined in Section 4(2) of the Act. Unless the context indicates otherwise, the term "trust" refers to the unit investment trust on behalf of which the annual report is filed.

**Underlying Securities:** The term "underlying securities" means the portfolio securities purchased by the trust with the proceeds of payments made by the security holders of the trust and in which they have a direct beneficial interest.

1. *Title of Securities.*

Furnish the title of any new class or series of securities issued by the trust during the last fiscal year.

2. *Modifications or Changes in Trust Agreement.*  
Outline briefly any modification or change in the trust agreement made during the fiscal year and the effect of any such modification or change on the rights or obligations of security holders of the trust.
3. *Material Litigation.*  
Furnish a description of any pending legal proceeding, including the substance of the claims involved in such proceeding and the title of the proceeding, instituted during the fiscal year, which is material with respect to the security holders of the trust by reason of the nature of the claim involved therein or the amount thereof and to which the trust, the depositor, or the principal underwriter is a party or of which the assets of the trust are the subject. Furnish a similar statement with respect to any pending administrative proceeding commenced by a governmental authority during the fiscal year or any such proceeding known to be contemplated by a governmental authority.  
*Instruction—Item 3.* Include any proceeding which, although immaterial in itself, is representative of a group of proceedings which in the aggregate is material.
4. *Loads, Fees, Charges and Expenses.*  
If any charge occurred during the fiscal year in the nature of the loads, fees, expenses or other charges made in connection with (1) principal payments, (2) underlying securities, (3) distributions, (4) cumulated or reinvested distributions or income, or (5) redemptions, furnish the information required by Item 13 (a) of Form N-8B-2.
5. *Relationship of Annual Charges and Expenses to Income.*  
State the percentage that the aggregate annual charges, deductions for maintenance and other expenses of the trust bore to the dividend and interest income from the trust property during the fiscal year.
6. *Receipt of Payments for Securities.*  
Describe any change made during the fiscal year in the procedure with respect to receipt of payments from purchasers of securities of the trust and the handling of the proceeds thereof.
7. *Receipt, Custody and Disposition of Income.*  
Describe any change made during the fiscal year with respect to the receipt, custody and disposition of the income and other distributable funds of the trust.
8. *Distributions to Security Holders.*  
(a) Submit a schedule showing the periodic and special distributions made to security holders during the fiscal year. State for each such distribution the aggregate amount distributed, the amount per share and the net asset value per share at each distribution date.  
(b) If distributions from sources other than current income were made, identify each such other source and indicate whether such distribution represented the return of principal payments to security holders. If payments were made in other than cash, describe the nature of such payments, the account charged, and the basis of determining the amount of such charge.
9. *Loans to Security Holders.*  
If loans are made to security holders, furnish the aggregate amount of loans outstanding at the end of the fiscal year, the amount of interest collected during the fiscal year which was allocated to the depositor, principal underwriter, trustee or custodian, or any affiliated person of any of the foregoing, and the aggregate amount of loans in default at the end of the fiscal year.
10. *Insurance of Holders of Securities.*  
If insurance is made available to the holders of securities of the trust, furnish the following information:  
(a) The name and address of the insurance company.  
(b) The aggregate amount of premiums paid to the insurance company during the fiscal year.  
(c) The name of any person other than the insurance company receiving any part of such premiums, the amount received, and the nature of the services rendered therefor.
11. *Sales of Securities.*  
Furnish the following information with respect to all securities of the trust, other than periodic payment plan certificates, sold during the fiscal year:  
(a) Total number of shares sold.  
(b) Average selling price per share.  
(c) Aggregate selling price.  
*Instruction—Item 11.* Include in answer to this item securities reacquired and resold.
12. *Computation of Offering Price of Securities.*  
Describe briefly any change made during the fiscal year in the method of computing the offering price of securities of the trust.  
*Instruction—Item 12.* In answering this item, reference should be made to the information set forth in the registration statement in answer to Item 44 of Form N-8B-2. Any change in the information given in answer to that item should be set forth in answer to this item.
13. *Redemption of Securities.*  
Furnish the following information with respect to all securities of the trust, other than periodic payment plan certificates, redeemed during the fiscal year:  
(a) Total number of shares redeemed.  
(b) Average redemption price per share.  
(c) Aggregate redemption price.
14. *Computation of Redemption Price.*  
Describe briefly any change made during the fiscal year in the method of computing the redemption price of securities of the trust.  
*Instruction—Item 14.* In answering this item, reference should be made to the information set forth in the registration statement in answer to Item 46 of Form N-8B-2. Any change in the information given in answer to that item should be set forth in answer to this item.
15. *Suspension of Sales of Securities.*  
If sales of the trust's securities were suspended for more than a month during the fiscal year, describe briefly the reasons for such suspension.
16. *Revocation and Denial of Right to Sell Securities of the Trust.*  
(a) Furnish the following information with respect to each instance during the fiscal year where any federal or state governmental officer, agency, or regulatory body denied authority to distribute securities of the trust, excluding a denial which was merely a procedural step prior to any determination by such officer, etc., and which denial was subsequently rescinded:  
(1) Name of officer, agency or body.  
(2) Date of denial.  
(3) A brief statement of reason given for denial.  
(b) Furnish the following information with respect to each instance during the fiscal year where the authority to distribute securities of the trust was revoked by any federal or state governmental officer, agency, or regulatory body:  
(1) Name of officer, agency, or body.  
(2) Date of revocation.  
(3) A brief statement of reason given for revocation.
17. *Suspension of Redemption of Securities of the Trust.*  
Furnish the following information with respect to any suspension during the fiscal year of the redemption rights of the securities issued by the trust:  
(a) By whose action redemption rights were suspended.  
(b) The number of days' notice given to security holders prior to the suspension of redemption rights.  
(c) Reason for suspension.  
(d) Period during which suspension was in effect.

18. *Officials and Affiliated Persons of Depositor.*

Furnish as of the close of the fiscal year the following information with respect to the depositor of the trust, with respect to each officer, director, or partner of the depositor, and with respect to each natural person directly or indirectly owning, controlling or holding with power to vote, 5% or more of the outstanding voting securities of the depositor.

Col. A	Col. B
Name and principal business address	Nature of relationship or affiliation with depositor of the trust

Ownership of all securities of the depositor

Col. C	Col. D	Col. E	Col. F
Title of class	Securities owned of record which are also owned beneficially	Securities owned of record which are not owned beneficially	Securities owned beneficially which are not owned of record
Amount Percent of class		Amount Percent of class	Amount Percent of class

Ownership of all securities of the trust

Col. G	Col. H	Col. I	Col. J
Title of class	Securities owned of record which are also owned beneficially	Securities owned of record which are not owned beneficially	Securities owned beneficially which are not owned of record
Amount Percent of class		Amount Percent of class	Amount Percent of class

Other companies of which each of the persons named above is presently an officer, director or partner

Col. K	Col. L	Col. M
Name and principal business address of such other company	Nature of business of such other company	Nature of affiliation with such other company

*Instruction—Item 18.* Exclude from columns K, L, and M persons whose affiliations with the depositor arise solely by virtue of security ownership (Section 2 (a) (3) (A) of the Act).

19. *Companies Owning Securities of Depositor.*

Furnish as of the close of the fiscal year the following information with respect to each company which directly or indirectly owns, controls or holds with power to vote, 5% or more of the outstanding voting securities of the depositor.

Col. A	Col. B
Name and principal business address	Nature of business

Ownership of all securities of the depositor

Col. C	Col. D	Col. E	Col. F
Title of class	Securities owned of record which are also owned beneficially	Securities owned of record which are not owned beneficially	Securities owned beneficially which are not owned of record
Amount Percent of class		Amount Percent of class	Amount Percent of class

20. *Controlling Persons.*

Furnish as of the close of the fiscal year the following information with respect to any person, other than those named in answer to Items 18 and 19, who directly or indirectly controls the depositor.

Col. A	Col. B	Col. C
Name and principal business address	Nature of principal business of such person	Brief description of basis of control

*Instruction—Item 20.* "Control" for the purposes of this item means "control" as defined in Section 2 (a) (9) of the Act, but without reference to the presumption created therein.

21. *Remuneration of Depositor.*

(a) Furnish the following information with respect to all fees received by the depositor of the trust during the fiscal year in connection with the exercise of any functions or duties concerning securities of the trust:

Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G
Year	Total payments by security holders	Amount of administration fees received	Amount of sales load received	Amount of management fees received	Amount of other fees received	Aggregate gross amount of load, fees, etc. received

(b) Furnish the following information with respect to any fee or any participation in fees received by the depositor during the fiscal year from any investment company, the securities of which constituted the underlying securities of the trust, or from any affiliated person or investment adviser of such company:

- (1) The nature of such fee or participation.
- (2) The name of the person making payment.
- (3) The nature of the services rendered in consideration for such fee or participation.
- (4) The aggregate amount received during the fiscal year.

22. *Remuneration of Officers of Depositor.*

Furnish the following information with respect to the remuneration for services paid by the depositor during the fiscal year:

Col. A	Col. B	Col. C
Name of Person	Capacity in which received and nature of services	Amount of remuneration paid

(b) Directly to all officers or partners of the depositor as a group exclusive of persons whose remuneration is included under Item 22 (a), stating separately the aggregate amount paid by the depositor itself and the aggregate amount paid by all subsidiaries of the depositor.

(c) Indirectly or through subsidiaries to each of the officers or partners of the depositor.

Col. A	Col. B	Col. C	Col. D
Name of Person	Relationship of person to depositor	Name of company receiving remuneration	Relationship of person to company receiving remuneration
Col. E	Col. F	Col. G	
Nature of services	Name of each paying company	Amount paid by each such company	

**Instruction—Item 22.** The term "remuneration for services" includes (1) salaries, fees, commissions, and all other forms of direct compensation paid to the person in question individually by the depositor for all services rendered with respect to the trust, and (2) indirect compensation paid by an underwriter or investment adviser of the trust (other than the depositor) or by a subsidiary of the depositor in connection with services rendered with respect to the trust. Indirect compensation also includes brokerage commissions, other agency commissions, investment advisory fees, legal fees and similar remuneration paid (before deducting expenses of rendering such services) to any partnership of which the person in question is a member or to any other company in which such person has an interest of 5% or more, but it is not necessary to make any allocation of the individual's proportionate interest in such indirect compensation. The term "remuneration for services" does not include fees for acting as transfer agent, registrar, paying agent or similar services ordinarily performed by a bank or trust company, nor does it include payments for rent or services incident to a lesser-lessee relationship or similar payments.

**23. Remuneration of Directors of Depositor.**

Furnish the following information with respect to the remuneration for services, exclusive of remuneration reported under Item 22, paid by the depositor during the fiscal year:

- (a) The aggregate direct remuneration to directors.
- (b) Indirectly or through subsidiaries to directors.

Col. A	Col. B	Col. C	Col. D
Name of person	Relationship of person to depositor	Name of company receiving remuneration	Relationship of person to company receiving remuneration
Col. E	Col. F	Col. G	
Nature of services	Name of each paying company	Amount paid by each such company	

**Instruction—Item 23.** The instruction to Item 22 shall be applicable to this item.

**24. Remuneration of Employees of Depositor.**

(a) Furnish the following information with respect to the aggregate amount of remuneration for services of all employees of the depositor (exclusive of persons whose remuneration is reported in Items 22 and 23) who received remuneration in excess of \$10,000 during the fiscal year from the depositor and any of its subsidiaries:

(b) Furnish the following information with respect to the remuneration for services paid directly during the fiscal year to the following classes of persons (exclusive of those persons covered by Item 24 (a)): (1) Sales managers, branch managers, district managers and other persons supervising the sale of registrant's securities;

- (2) Salesmen, sales agents, canvassers and other persons making solicitations but not in supervisory capacity;
- (3) Administrative and clerical employees; and
- (4) Others (specify).

Col. A	Col. B	Col. C
Class of persons	Number	Aggregate remuneration

**Instructions—Item 24.** The instruction to Item 22 shall be applicable to this item.

**Item 24 (b).** If a person is employed in more than one capacity, classify according to predominant type of work.

**25. Remuneration of Other Persons.**

Furnish the following information with respect to the aggregate amount of remuneration for services paid any person (exclusive of persons whose remuneration is reported in answer to Items 22, 23 and 24) whose aggregate remuneration from the depositor and its subsidiaries, for services rendered with respect to the trust, exceed \$10,000 during the fiscal year:

Col. A	Col. B	Col. C	Col. D
Name of Person	Capacity in which remuneration was received	Name of each company paying remuneration	Amount of remuneration paid by each such company

**Instruction—Item 25.** The instruction to Item 22 shall be applicable to this item.

**26. Relationship of Depositor to Other Investment Companies.**

If the depositor acted in any capacity with respect to any investment company or companies other than the trust during the fiscal year, state the name or names of such company or companies, their relationship, if any, to the trust, and the nature of the depositor's activities therewith. If the depositor has ceased to act in such named capacity, state the date of and circumstances surrounding such cessation.

**27. Information Required for Each Depositor.**

If more than one person acted as depositor for the trust during the fiscal year, the information required by Item 18 to 26, inclusive, shall be furnished with respect to each such person.

**Instruction—Item 27.** The term "depositor" is defined in general instruction 4.

**28. Ownership of Securities of the Trust by Principal Underwriter and Others.**

Furnish as of the close of the fiscal year the following information with respect to each principal underwriter currently distributing securities of the trust and with respect to each of the officers, directors or partners of such underwriter:

Col. A		Col. B	
Name and principal business address of each such person		Position with principal underwriter	
Ownership of Securities of the Trust			
Col. C	Col. D	Col. E	Col. F
Title of Class	Securities owned of record which are also owned beneficially	Securities owned of record which are not owned beneficially	Securities owned beneficially
Amount	Percent of class	Amount	Percent of class

**Instruction—Item 28.** If the depositor and the principal underwriter are identical, this item may be answered by making reference to the answer to Item 18.

29. *Remuneration of Principal Underwriter.*

(a) Furnish the following information with respect to all fees received by each principal underwriter of the securities of the trust during the fiscal year from the sale of securities of the trust and from any other functions performed in connection with the trust:

Year	Name of Principal Underwriter					Aggregate gross amount of load, fees, etc. received	
	Col. A	Col. B	Col. C	Col. D	Col. E		Col. F
	Total payments by security holders	Amount of sales load received	Amount of administration fees received	Amount of management fees received	Amount of other fees received		

(b) Furnish the following information with respect to any fee or any participation in fees received by each principal underwriter during the fiscal year from any investment company, the securities of which constitute the underlying securities of the trust, or from any affiliated person or investment adviser of such company:

- The nature of such fee or participation.
- The name of the person making payment.
- The nature of the services rendered in consideration for such fee or participation.
- The aggregate amount received.

*Instruction—Item 29.* If the depositor and principal underwriter are identical, this item may be answered by making reference to the answer to Item 21.

30. *Relationship of Principal Underwriter to Other Investment Companies.*

If any principal underwriter of the securities of the trust acted in any capacity with respect to any investment company or companies other than the trust during the fiscal year, state the name or names of such company or companies, their relationship, if any, to the trust and the nature of such activities. If a principal underwriter has ceased to act in such named capacity, state the date of and the circumstances surrounding such cessation.

*Instruction—Item 30.* If the depositor and principal underwriter are identical, this item may be answered by making reference to the answer to Item 26.

31. *Brokerage Commissions Received by Principal Underwriter.*

Furnish, for the fiscal year, the amount of brokerage commissions received by any principal underwriter who is a member of a national securities exchange and who is currently distributing the securities of the trust or effecting transactions for the trust in the portfolio securities of the trust.

32. *Fees of Trustee.*

State the basis for payment of fees or expenses of the trustee or custodian for services rendered with respect to the trust and its securities, and the aggregate amount thereof for the fiscal year. Indicate the person paying such fees or expenses. If any fees or expenses are prepaid, state the unearned amount.

33. *Elimination and Substitution of Portfolio Securities.*

(a) Describe briefly any change made during the fiscal year in the provisions of the trust indenture or any agreement affecting the conditions upon which and the method by which portfolio securities must or may be eliminated or must or may be replaced by other portfolio securities.

(b) Describe any change in the policy of the trust made during the fiscal year with respect to the substitution and elimination of portfolio securities.

(c) Furnish for the fiscal year the following information with respect to each transaction involving the elimination of underlying securities:

- Description of security eliminated.
- Date of elimination.

- Reasons for elimination.
- The use of the proceeds from the sale of the eliminated security.
- Description of security substituted, if any.
- Whether the depositor, principal underwriter, trustee, or custodian, or any affiliated person of any of the foregoing were involved in the transaction.
- Compensation or remuneration received by each such person directly or indirectly as a result of the transaction.

*Instruction—Item 33.* In answering subdivisions (a) and (b) of this item, reference should be made to the information set forth in the registration statement in answer to Item 52 (a) and (b) of Form N-8B-2. Any change in the information given in the registration statement in answer to that item should be set forth in answer to this item.

34. *Regulated Investment Company.*

(a) State whether the trust has elected to be a regulated investment company as defined in Section 851 of the Internal Revenue Code.

(b) If the trust has elected to be a regulated investment company, state whether it qualified as a regulated investment company during its last taxable year.

35. *Statistical Information Regarding Periodic Payment Plan Certificates.*

If the trust is the issuer of periodic payment plan certificates, furnish for the fiscal year in respect of certificates sold during such period, the following information for each fully paid type and each installment payment type of periodic payment plan certificate currently being issued by the trust.

	Year 19—	
	Annual	Cumulative
<i>Distribution of Certificates</i>		
1. Number	.....	.....
2. Total denomination of all certificates distributed	.....	.....
3. Total payments by all certificate holders	.....	.....
4. Expense deductions:		
(a) Sales load	.....	.....
(b) Insurance premiums	.....	.....
(c) Other expenses	.....	.....
(d) Total expenses (a + b + c)	.....	.....
5. Amount invested (3 - 4d)	.....	.....
<i>Termination of Certificates*</i>		
6. Number	.....	.....
7. Total denomination of certificates terminated	.....	.....
8. Total payments by such certificate holders	.....	.....
9. Total payments or credits to such certificate holders:		
(a) Net asset proceeds (cash or value of portfolio securities) (See 19)	.....	.....
(b) Income distributions (excluding reinvestments)	.....	.....
(c) Total (a + b)	.....	.....
10. Total payments by such certificate holders OVER (+) or UNDER (-) payments to such certificate holders; (8 - 9c)	.....	.....
<i>Certificates Outstanding</i>		
11. Number	.....	XXXX
12. Total denomination of certificates outstanding	.....	XXXX
13. Total payments by such certificate holders (3 - 8)	.....	XXXX
14. Total payments to and investment of such certificate holders:		
(a) Net investment-market value (See 20)	.....	XXXX
(b) Income distributions (excluding reinvestments)	.....	XXXX
(c) Total (a + b)	.....	XXXX

\* Partial liquidations may be prorated or, if less than 5% of total terminations for any year, on a termination basis, and offer difficulty of treatment, they may be omitted from the statement. In such case the denomination and amount paid should be shown by appropriate footnote. Comparisons between series may be treated as distributions and terminations, and explained as to amounts, etc., by footnotes.

- the creation and servicing of this trust and all other investment trusts or investment companies the amount of
- (A) Underwriting commissions, sales load and all other similar charges.
  - (B) Fees and deductions for investment management and all other similar services.
  - (C) Income from trading in the shares of such trusts or companies, other than income included under (A) and (B) above.
  - (D) Income from trading or dealing in the trust property of such trusts or companies, other than income included under (A), (B) and (C) above.
  - (E) Any costs of performing bookkeeping or other administrative services of a character normally performed by the trustee or custodian of a periodic payment plan.

(e) *Certification*

All financial statements required to be filed shall be certified by an independent public accountant in accordance with Article 2 of Regulation S-X.

EXHIBITS

The following exhibits shall be filed as a part of the annual report:

- (a) Copies of any amendments or modifications to all exhibits previously filed under the Act.
- (b) Copies of any of the following which were made or executed during the fiscal year and which have not been previously filed:
  - (1) The indenture or agreement under the terms of which the trust was organized or issued securities.
  - (2) The indenture or agreement pursuant to which the proceeds of payments of securities are held by the custodian or trustee, if such indenture or agreement is not the same as the indenture or agreement referred to in paragraph (1).
  - (3) Distributing contracts:
    - (a) Agreements between the trust and principal underwriter or between the depositor and principal underwriter.
    - (b) Specimen of typical agreements between principal underwriter and dealers, managers, sales supervisors and salesmen.
    - (c) Schedules of sales commissions.
  - (4) Any agreement between the depositor, principal underwriter and the custodian or trustee other than indentures or agreements set forth in paragraphs (1), (2) and (3) with respect to the trust or its securities.
  - (5) The form of each type of security.
  - (6) The certificate of incorporation or other instrument of organization and by-laws of the depositor.
  - (7) Any insurance policy under a contract between the trust and the insurance company or between the depositor and the insurance company, together with the table of insurance premiums.
  - (8) Any agreement between the trust or the depositor concerning the trust with the issuer, depositor, principal underwriter or investment adviser of any underlying investment company or any affiliated person of such persons.
  - (9) All other material contracts not entered into in the ordinary course of business of the trust or of the depositor concerning the trust.
  - (10) Form of application for a periodic payment plan certificate.
    - (c) Copies of each notice sent to security holders of the trust during the fiscal year pursuant to Section 19 of the Act.
    - (d) The name and address of each dealer, not previously reported, to or through whom any principal underwriter currently offering securities of the trust, distributed securities of the trust during the fiscal year. (This exhibit shall be supplied separately as confidential information pursuant to Rule 45a-1.)

	Year 19—
	Annual Cumulative
15 Total payments by such certificate holders OVER (+) or UNDER (-) net investment of and income distributions to certificate holders; (13 - 14c) .....	XXXX
16 Investors' combined gain (+) or loss and shrinkage (-) in value (10 + 15) .....	XXXX
17 Distribution of Item 16:	
(a) Expense deductions .....	XXXX
(b) Realized and unrealized appreciation (+) or depreciation (-) of assets .....	XXXX
(c) Total (a + b) .....	XXXX
18 Ratios:	
(a) Percentage of payments by (8) to payments to (9c) holders of terminated certificates .....	XXXX
(b) Percentage of payments by (13) to payments to and investment at market (14c) for holders of outstanding certificates .....	XXXX

Memorandum Data

- 19. Amount (annual and cumulative) of reinvested distributions .....
  - 20. Amount (cumulative) of reinvested distributions .....
36. *Financial Statements*  
 Financial statements shall be filed in accordance with the instructions set forth below:

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

*Financial Statements of the Trust*

(a) *Financial Statements Required*

The following financial statements shall be filed for the trust:

- (1) A statement of condition as of the close of the fiscal year, and
- (2) A statement of income and other distributable funds for the fiscal year.

(b) *Form and Content of Financial Statements*

The form and content of financial statements of the trust including supplementary schedules shall be governed by Articles 2, 3, 6A, and 12 of Regulation S-X promulgated under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940.

*Financial Statements of the Depositor*<sup>1</sup>

(c) *Financial Statements Required*

There shall be filed for each such person:

- (1) A balance sheet as of the end of its last fiscal year.
- (2) A profit and loss statement and a statement of surplus for the fiscal year ending as of the date of the balance sheet filed.

(d) *Form and Content of Financial Statements*

The financial statements required by instruction (c) above shall be in the form prescribed by the applicable articles of Regulation S-X, provided, however, that:

- (1) With respect to each balance sheet filed for each such person, if any amount is carried as a receivable representing uncollected sales load on periodic payment plan certificates sold, there shall be set up and shown separately reserves to provide for such amount. Reserves shall also be provided to cover any excess in the estimated cost of servicing outstanding periodic payment plan certificates over the anticipated income from loading charges on such certificates or administrative fees to be received from trust income or principal.
- (2) With respect to each profit and loss statement filed for each such person, there shall be shown separately as to income and expense in connection with

<sup>1</sup> See definition of "depositor" in general instructions.

Form N-30A-3

**ANNUAL REPORT OF UNINCORPORATED MANAGEMENT INVESTMENT COMPANIES CURRENTLY ISSUING PERIODIC PAYMENT PLAN CERTIFICATES**

(Size of form: 8 1/2" x 13", 18 pages)

**SECURITIES AND EXCHANGE COMMISSION**

Washington, D. C.

For Fiscal Year Ended .....

Name of Registrant .....

Name of Depositor .....

Address of Principal Executive Offices .....

Name of Trustee .....

Address of Principal Executive Offices .....

**INSTRUCTIONS FOR FORM N-30A-3**

**READ INSTRUCTIONS CAREFULLY BEFORE PREPARING THE ANNUAL REPORT. THE ANNUAL REPORT WILL NOT BE DEEMED ACCEPTABLE UNLESS IT IS PREPARED, EXECUTED AND FILED SUBSTANTIALLY IN ACCORDANCE WITH THESE INSTRUCTIONS.**

**1. Rule as to Use of Form**

This form shall be used for annual reports to be filed, pursuant to Section 15(d) of the Securities Exchange Act of 1934 and pursuant to Section 30(a) of the Investment Company Act of 1940, by unincorporated management investment companies currently issuing periodic payment plan certificates.

**2. Preparation and Filing of Annual Report**

- (a) **Items to Be Answered:** Every item and subdivision thereof is to be answered fully and accurately.
- (b) **Test of Items Which May Be Omitted from Report:** (1) Where the answer to an item or subdivision thereof is "no," "none," "not applicable," or "no change," the text of such item or subdivision thereof may be omitted from the report, provided that: (a) the item number and subdivision letter thereof, if any, is retained; and (b) the appropriate answer is furnished. (2) Where the answer to an item and all subdivisions thereof is "no," "none," "not applicable," or "no change," it is not necessary to furnish the subdivision letter of, or answer to, each such subdivision.
- (c) **Test of Items to Be Included in Report:** Where the answer to an item or subdivision thereof is other than "no," "none," "not applicable," or "no change," the full text of the item or subdivision thereof (but not the instructions thereto) and the full heading of each table shall be stated together with the appropriate answer thereto. The tabular form may be dispensed with, provided all of the information called for by the table is furnished.
- (d) **Period Covered by Report:** Every item is to be answered as at the close of the fiscal year for which the report is filed, unless the context clearly indicates the contrary.
- (e) **Formal Requirements:** All answers are to be printed, mimeographed or typewritten in black ink, and prepared on good quality white paper, 8 1/2" x 13" in size, leaving a margin of at least 1 1/4" on the back or stitching margin. Tables, financial state-

ments and schedules, however, may be on larger paper if folded to such size. Documents submitted as exhibits may differ from such size. All copies of the annual report shall be securely bound on the back or stitching margin.

- (f) **Names Called for in Report:** Names shall be given in full. *Initials will not suffice.*
- (g) **Provisions of Indentures:** References to indenture provisions should be succinct and condensed and should not quote such provisions verbatim unless necessary to do so. The answer may be qualified, however, by reference to particular provisions of any indenture filed as an exhibit.
- (h) **Incorporation by Reference:** The answer to any of the Items, 1 to 44, inclusive, in the annual report may be incorporated by reference as answer, or partial answer, to any other item in the annual report, provided that the item referred to is specifically designated. However, none of the financial statements, or any of the exhibits, required by the annual report may be incorporated by reference as all or part of the answer to any of such items.

(i) **Information Unknown or Not Available:** Information required need be given only insofar as known or reasonably available to the depositor or the trustee or custodian. If any required information is unknown and not reasonably available either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person neither controlling, controlled by, nor under common control with the registrant, depositor or trustee or custodian, such information may be omitted subject to the following conditions:

- (1) Such information as is known or can be acquired without unreasonable effort or expense shall be given together with the sources thereof. A disclaimer of responsibility for the accuracy or completeness of all or part of such information may be included.
  - (2) As to all information omitted, a statement shall be included either showing that unreasonable effort or expense would be involved or indicating the absence of either any relationship with, or any control over, the person within whose knowledge the information rests and stating the result of a request made to such person for such information.
- (j) **Data Pertaining to Other Persons:** It is recommended that to the extent the preparation of the annual report requires data pertaining to persons other than the person filing the report on behalf of the registrant, such data should be obtained under the signature of the person to whom it pertains. These signed statements should be kept by the depositor or trustee or custodian for future reference, and the information therein contained should constitute the basis for preparing the answers to such items of the annual report.

(k) **Signature:** The original copy of the annual report shall be signed on behalf of the registrant by an officer, director or partner of its depositor or trustee or custodian.

(l) **Filing:** Filing of the annual report and all inquiries and communications with respect thereto shall be addressed to the Securities and Exchange Commission, Washington, D. C. One original and three copies of each annual report shall be filed. The three copies of the annual report may have facsimile or typewritten signatures of the persons who signed the original copy of the annual report.

(m) **Time for Filing:** An unincorporated management investment company required to use this form for its annual report must file such report not more than 120 days after the close of each fiscal year ending after the close of the last full fiscal year for which financial statements of the registrant were filed in its registration statement on Form N-83-3; provided, however, that the annual report for any fiscal year ending prior to February 28, 1943 need not be filed prior to June 30, 1943.

**3. Companies Subject to Section 15(d) of the Securities Exchange Act of 1934**

The facing sheet of each copy of an annual report for a company which is required to file reports pursuant to Section 15(d) of the Securities Exchange Act of 1934 shall clearly indicate that the report is filed pursuant to Section 15(d) of the Securities Exchange Act of 1934 and also pursuant to Section 30(a) of the Investment Company Act of 1940. No additional copies of the annual report need be filed for the purpose of complying with Section 15(d) of the Securities Exchange Act of 1934.

#### 4. Definitions

Unless the context clearly indicates the contrary, terms used in the annual report have meanings as defined in Section 2 of the Investment Company Act of 1940.

In addition, the following definitions apply:

**Act:** The term "Act" means the Investment Company Act of 1940.

**Depositor:** The term "depositor" includes the person primarily responsible for the organization of the registrant and the person who has continuing functions or responsibilities with respect to the administration of the affairs of the registrant other than the trustee or custodian. The term includes the sponsor or manager of the registrant. If there is more than one such person the information called for in this form for the depositor shall be set forth for each such person.

**Fiscal Year:** The term "fiscal year" means the last fiscal year of the registrant ending prior to the filing of the report.

**Registrant:** The term "registrant" means the unincorporated management investment company on behalf of which the annual report is filed.

**Security Holder:** The term "security holder" includes the holder of a periodic payment plan certificate.

**Underlying Securities:** The term "underlying securities" means the portfolio securities purchased by the registrant with the proceeds of payments made by the security holder of the registrant and in which they have a direct beneficial interest.

#### 1. Title of Securities

Furnish the title of any new class or series of securities issued by the registrant during the fiscal year.

#### 2. Modifications or Changes in Indenture or Other Agreements

Outline briefly any modification or change made during the fiscal year in any indenture or other agreement governing the rights or obligations of security holders of the registrant and state the effect of any such modification or change on the rights or obligations of security holders.

#### 3. Material Litigation

Furnish a description of any legal proceedings commenced during the fiscal year, material with respect to the security holders of the registrant by reason of the nature of the claim or the amount thereof, to which the registrant, the depositor, or the principal underwriter is a party or of which the assets of the registrant are the subject, including the substance of the claims involved in such proceeding and the title of the proceeding. Furnish a similar statement with respect to any administrative proceeding commenced by a governmental authority, during the fiscal year or any such proceeding or legal proceeding known to be contemplated by a governmental authority.

**Instruction—Item 3.** Include any proceeding which, although immaterial in itself, is representative of a group of proceedings which in the aggregate is material.

#### 4. Loads, Fees, Charges and Expenses

If any change occurred during the fiscal year in the nature of the loads, fees, expenses or other charges made in connection with (1) principal payments, (2) underlying securities, (3) distributions, (4) cumulated or reinvested distributions or income, or (5) redemptions, furnish the information required by Item 11(a) of Form N-8B-3.

#### 5. Relationship of Annual Charges and Expenses to Income

State the percentage that the aggregate annual charges, deductions for maintenance and other expenses of the registrant bore to the dividend and interest income received by the registrant during the fiscal year.

#### 6. Receipt of Payments for Securities

Describe any change made during the fiscal year in the procedure with respect to receipt of payments from purchasers of securities of the registrant and the handling of the proceeds thereof.

#### 7. Receipt, Custody and Disposition of Income.

Describe any change made during the fiscal year with respect to the receipt, custody and disposition of the income and other distributable funds of the registrant.

#### 8. Distributions to Security Holders.

(a) Submit a schedule showing the periodic and special distributions made to security holders during the fiscal year. State for each such distribution the aggregate amount distributed, the amount per unit or beneficial interest and the net asset value per unit or beneficial interest at each distribution date.

(b) If distributions from sources other than current income were made, identify each such other source and indicate whether such distribution represented the return of principal payments to security holders. If payments were made in other than cash, describe the nature of such payments, the account charged, and the basis of determining the amount of such charge.

#### 9. Loans to Security Holders.

If loans are made to security holders, furnish the aggregate amount of loans outstanding at the end of the fiscal year, the amount of interest collected during the fiscal year which was allocated to the depositor, principal underwriter, trustee or custodian, or any affiliated person of any of the foregoing, and the aggregate amount of loans in default at the end of the fiscal year.

#### 10. Insurance of Holders of Securities.

If insurance is made available to the holders of securities of the registrant, furnish the following information:

(a) The name and address of the insurance company.

(b) The aggregate amount of premiums paid to the insurance company during the fiscal year.

(c) The name of any person other than the insurance company receiving any part of such premiums, the amount received, and the nature of the services rendered therefor.

#### 11. Computation of Valuation of Underlying Securities.

Describe briefly any change made during the fiscal year in the method of determining the valuation of shares or interests in the underlying securities acquired by the security holders of the registrant.

**Instruction—Item 11.** In answering this item, reference should be made to the information set forth in the registration statement in answer to Item 43 of Form N-8B-3. Any change in the information given in answer to that item should be set forth in answer to this item.

#### 12. Computation of Redemption Price.

Describe briefly any change made during the fiscal year in the method of determining the redemption or withdrawal valuation of securities of the registrant.

**Instruction—Item 12.** In answering this item, reference should be made to the information set forth in the registration statement in answer to Item 45 of Form N-8B-3. Any change in the information given in answer to that item should be set forth in answer to this item.

#### 13. Suspension of Sales of Securities.

If sales of the registrant's securities were suspended for more than a month during the fiscal year, describe briefly the reasons for such suspension.

#### 14. Revocation and Denial of Right to Sell Securities of the Registrant.

(a) Furnish the following information with respect to each instance during the fiscal year where any federal or state governmental officer, agency, or regulatory body denied authority to distribute securities of the registrant, excluding a denial which was merely a procedural step prior to any determination by such officer, etc., and which denial was subsequently rescinded:

- (1) Name of officer, agency or body.
- (2) Date of denial.
- (3) A brief statement of reason given for denial.

(b) Furnish the following information with respect to each instance during the fiscal year where the authority to distribute securities of the registrant was revoked by any federal or state governmental officer, agency, or regulatory body:

- (1) Name of officer, agency or body.
- (2) Date of revocation.
- (3) A brief statement of reason given for revocation.

15. **Suspension of Redemption of Securities of the Registrant.**  
Furnish the following information with respect to any suspension during the fiscal year of the redemption rights of the securities issued by the registrant:

- (a) By whose action redemption rights were suspended.
- (b) The number of days' notice given to security holders prior to the suspension of redemption rights.
- (c) Reason for suspension.
- (d) Period during which suspension was in effect.

16. **Officers and Affiliated Persons of Depositor.**  
Furnish as of the close of the fiscal year the following information with respect to the depositor, and with respect to each natural person directly or indirectly owning, controlling or holding with power to vote, 5% or more of the outstanding voting securities of the depositor.

Col. A		Col. B		Col. C		Col. D		Col. E		Col. F	
Name and principal business address		Nature of relationship of affiliation with depositor of the registrant		Securities owned of record which are also owned beneficially		Securities owned of record which are not owned beneficially		Securities owned of record which are not owned beneficially		Securities owned beneficially which are not owned of record	
Title of class	Amount	Percent of class	Amount	Percent of class	Amount	Percent of class	Amount	Percent of class	Amount	Percent of class	Amount
Ownership of all securities of the depositor											
Ownership of all securities of the registrant											
Other companies of which each of the persons named above is presently an officer, director or partner											
Col. K		Col. L		Col. M							
Name and principal business address of such other company		Nature of business of such other company		Nature of affiliation with such other company							

*Instruction—Item 16.* Exclude from columns K, L, and M persons whose affiliations with the depositor arise solely by virtue of security ownership (Section 2(a)(3)(A) of the Act).

17. **Companies Owning Securities of Depositor.**  
Furnish as of the close of the fiscal year the following information with respect to each company which directly or indirectly owns, controls or holds with power to vote, 5% or more of the outstanding voting securities of the depositor.

Col. A		Col. B	
Name and principal business address		Nature of business	
Ownership of all securities of the depositor			
Col. C	Col. D	Col. E	Col. F
Title of class	Securities owned of record which are also owned beneficially	Securities owned of record which are not owned beneficially	Securities owned beneficially which are not owned of record
Amount	Percent of class	Amount	Percent of class

18. **Controlling Persons.**  
Furnish as of the close of the fiscal year the following information with respect to any person, other than those named in answer to Items 16 and 17, who directly or indirectly controls the depositor.

Col. A	Col. B	Col. C
Name and principal business address	Nature of principal business of such person	Brief description of basis of control
<i>Instruction—Item 18.</i> "Control" for the purposes of this item means "control" as defined in Section 2(a)(9) [§ 47,180] of the Act, but without reference to the presumption created therein.		

19. **Remuneration of Depositor.**  
(a) Furnish the following information with respect to all fees received by the depositor of the registrant during the fiscal year in connection with the exercise of any functions or duties concerning securities of the registrant:

Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G
Year	Total payments by security holders	Amount of sales load received	Amount of administration fees received	Amount of management fees received	Amount of other fees received	Aggregate gross amount of load, fees, etc., received

(b) Furnish the following information with respect to any fee or any participation in fees received by the depositor during the fiscal year from any investment company, the securities of which constitute the underlying securities of the registrant, or from any affiliated person or investment adviser of such company:

- (1) The nature of such fee or participation.
- (2) The name of the person making payment.
- (3) The nature of the services rendered in consideration for such fee or participation.
- (4) The aggregate amount received during the fiscal year.

20. **Remuneration of Officers of Depositor.**  
Furnish the following information with respect to the remuneration for services paid by the depositor during the fiscal year:

remuneration is reported in Items 20 and 21) who received remuneration in excess of \$5,000 during the fiscal year from the depositor and any of its subsidiaries:

Col. A	Col. B	Col. C	Col. D
Name of person	Capacity in which remuneration was received	Name of each company paying remuneration	Amount of remuneration paid by each such company

(b) Furnish the following information with respect to the remuneration for services paid directly during the fiscal year to the following classes of persons (exclusive of those persons covered by Item 22(a)): (1) Sales managers, branch managers, district managers and other persons supervising the sale of registrant's securities; (2) Salesmen, sales agents, canvassers and other persons making solicitations but not in supervisory capacity; (3) Administrative and clerical employees; and (4) Others (specify).

Col. A	Col. B	Col. C
Class of persons	Number	Aggregate remuneration

*Instruction—Item 22.* The instruction to Item 20 shall be applicable to this item.

*Item 22(b).* If a person is employed in more than one capacity, classify according to predominant type of work.

23. *Remuneration of Other Persons.*  
Furnish the following information with respect to the aggregate amount of remuneration for services paid any person (exclusive of persons whose remuneration is reported in answer to Items 20, 21 and 22) whose aggregate remuneration from the depositor and its subsidiaries, for services rendered with respect to the registrant exceeded \$5,000 during the fiscal year:

Col. A	Col. B	Col. C	Col. D
Name of person	Capacity in which remuneration was received	Name of each company paying remuneration	Amount of remuneration paid by each such company

*Instruction—Item 23.* The instruction to Item 20 shall be applicable to this item.

24. *Relationship of Depositor to Other Investment Companies.*  
If the depositor acted in any capacity with respect to any investment company or companies other than the registrant during the fiscal year, state the name or names of such company or companies, their relationship, if any, to the registrant, and the nature of the depositor's activities therewith. If the depositor has ceased to act in such named capacity, state the date of and circumstances surrounding such cessation.

25. *Information Required for Each Depositor.*  
If more than one person acted as depositor of the registrant during the fiscal year, the information required by Items 16 to 24, inclusive, shall be furnished with respect to each such person.

*Instruction—Item 25.* The term "depositor" is defined in general instruction 4.

26. *Ownership of Securities of the Registrant by Principal Underwriter and Others.*  
Furnish as of the close of the fiscal year the following information with respect to each principal underwriter currently distributing securities of the registrant and with respect to each of the officers, directors or partners of such underwriter:

Col. A	Col. B	Col. C
Name and principal business address of each such person	Position with principal underwriter	

(a) Directly to each of the officers or partners of the depositor directly receiving the three highest amounts of remuneration.

Col. A	Col. B	Col. C
Name of person	Capacity in which received and nature of services	Amount of remuneration paid

(b) Directly to all officers or partners of the depositor as a group exclusive of persons whose remuneration is included under Item 20(a), stating separately the aggregate amount paid by the depositor itself and the aggregate amount paid by all subsidiaries of the depositor.

(c) Indirectly or through subsidiaries to each of the officers or partners of the depositor.

Col. A	Col. B	Col. C	Col. D
Name of person	Relationship of person to depositor	Name of company receiving remuneration	Relationship of person to company receiving remuneration

Col. E Col. F Col. G

Nature of services Name of each paying company Amount paid by each such company

*Instruction—Item 20.* The term "remuneration for services" includes (1) salaries, fees, commissions, and all other forms of direct compensation paid to the person in question individually by the depositor for all services rendered with respect to the registrant, and (2) indirect compensation paid by an underwriter or investment advisor of the registrant (other than the depositor) or by a subsidiary of the depositor in connection with services rendered with respect to the registrant. Indirect compensation also includes brokerage commissions, other agency commissions, investment advisory fees, legal fees and similar remuneration paid (before deducting expenses of rendering such services) to any partnership of which the person in question is a member or to any other company in which such person has an interest of 5% or more, but it is not necessary to make any allocation of the individual's proportionate interest in such indirect compensation. The term "remuneration for services" does not include fees for acting as transfer agent, registrar, paying agent or similar services ordinarily performed by a bank or trust company, nor does it include payments for rent or services incident to a lessor-lessee relationship or similar payments.

21. *Remuneration of Directors of Depositor.*  
Furnish the following information with respect to the remuneration for services, exclusive of remuneration reported under Item 20, paid by the depositor during the fiscal year:

(a) The aggregate direct remuneration to directors.  
(b) Indirectly or through subsidiaries to directors.

Col. A	Col. B	Col. C	Col. D
Name of person	Relationship of person to depositor	Name of company receiving remuneration	Relationship of person to company receiving remuneration

Col. E Col. F Col. G

Nature of services Name of each paying company Amount paid by each such company

*Instruction—Item 21.* The instruction to Item 20 shall be applicable to this item.

22. *Remuneration of Employees of Depositor.*  
(a) Furnish the following information with respect to the aggregate amount of remuneration for services of all employees of the depositor (exclusive of persons whose

Ownership of Securities of the Registrant

Col. C	Col. D	Col. E	Col. F
Title of class	Securities owned of record which are also owned beneficially	Securities owned of record which are not owned beneficially	Securities owned beneficially which are not owned of record
Amount	Percent of class	Amount	Percent of class

*Instruction—Item 26.* If the depositor and the principal underwriter are identical, this item may be answered by making reference to the answer to Item 16.

27. Remuneration of Principal Underwriter.

(a) Furnish the following information with respect to all fees received by each principal underwriter of securities of the registrant during the fiscal year from the sale of securities of the registrant and from any other functions performed in connection with the registrant:

Name of Principal Underwriter

Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G
Year	Total payments by security holders	Amount of sales load received	Amount of administration fees received	Amount of management fees received	Amount of other fees received	Aggregate gross amount of load, fees, etc. received

(b) Furnish the following information with respect to any fee or any participation in fees received by each principal underwriter during the fiscal year from any investment company, the securities of which constitute the underlying securities of the registrant, or from any affiliated person or investment adviser of such company:

- (1) The nature of such fee or participation.
- (2) The name of the person making payment.
- (3) The nature of the services rendered in consideration for such fee or participation.
- (4) The aggregate amount received.

*Instruction—Item 27.* If the depositor and principal underwriter are identical, this item may be answered by making reference to the answer to Item 19.

28. Relationship of Principal Underwriter to Other Investment Companies.

If any principal underwriter of the securities of the registrant acted in any capacity with respect to any investment company or companies other than the registrant during the fiscal year, state the name or names of such company or companies, their relationship, if any, to the registrant and the nature of such activities. If a principal underwriter has ceased to act in such named capacity, state the date of and the circumstances surrounding such cessation.

*Instructions—Item 27.* If the depositor and principal underwriter are identical, this item may be answered by making reference to the answer to Item 24.

29. Brokerage Commissions Received by Principal Underwriter.

Furnish, for the fiscal year, the amount of brokerage commissions received by any principal underwriter who is a member of a national securities exchange and who is currently distributing the securities of the registrant or effecting transactions for the registrant in the portfolio securities of the registrant.

30. Fees of Trustee.

State the basis for payment of fees or expenses of the trustee or custodian for services rendered with respect to the registrant and its securities, and the aggregate amount thereof for the fiscal year. Indicate the person paying such fees or expenses. If any fees or expenses are prepaid, state the unearned amount.

31. Remuneration of Investment Adviser.

Furnish the following information with respect to the amount of remuneration paid during the fiscal year by or on behalf of the registrant or by any investment adviser of registrant to any person for services as an investment adviser of registrant:

Name of investment adviser	Amount of aggregate remuneration	By whom remuneration paid
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32. Provisions of Governing Instruments Regulating Investments.

Summarize briefly the general effect of any change made during the fiscal year in any indenture or agreement which specifically authorizes or restricts the policy of the registrant with respect to each of the following:

- (1) The type of securities (for example, bonds, preferred stocks, common stocks) in which it may invest, indicating the proportion of its assets which may be invested in each such type of security.
- (2) The percentage of assets which it may invest in the securities of any one issuer.
- (3) The percentage of voting securities of any one issuer which it may acquire.
- (4) Investment in companies for the purpose of exercising control or management.
- (5) Investment in securities of other investment companies.
- (6) Any other restrictions or limitations on its investments.

33. Investments in Particular Types of Securities.

Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to the types of securities (for example, bonds, preferred stocks, common stocks) in which it invests, indicating the proportion of its assets which it invests in each such type of security.

34. Investments for Purpose of Exercising Control.

Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to investments in companies for the purpose of exercising control or management.

35. Borrowing Money.

- (a) Summarize briefly the general effect of any change made during the fiscal year in any indenture or agreement which specifically authorizes, or restricts the power of, the registrant to borrow money.
- (b) Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to such borrowings.
- (c) Furnish, as at the end of each quarter of the fiscal year, the amount of such borrowings outstanding, and describe to the extent practicable the reasons for such borrowings.

36. Underwriting Securities Issued by Persons Other Than Registrant.

Summarize briefly the general effect of any change made during the fiscal year in any indenture or agreement which authorizes, or restricts the power of, the registrant (other than the mere authorization to buy and sell or otherwise deal in securities) to act as an underwriter of securities issued by persons other than registrant.

Describe any change made during the fiscal year in the policy of registrant as recited in its registration statement with respect to acting as underwriter of securities issued by other persons.

State the approximate number of issues of which the registrant was an underwriter during the fiscal year and the approximate aggregate amount of the commitments as underwriter during such period.

37. Concentration of Investments in Particular Industries.

- (a) Summarize briefly the general effect of any change made during the fiscal year in any indenture or agreement which specifically requires or forbids the registrant to concentrate its investments in a particular industry or group of industries.
- (b) Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to concentrating its investments in a particular industry or group of industries.

38. *Purchase and Sale of Real Estate.*

- (a) Summarize briefly the general effect of any change made during the fiscal year in any indenture or agreement which specifically authorizes, or restricts the power of, the registrant to engage in the purchase and sale of real estate.
- (b) Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to the purchase and sale of real estate (except real estate used exclusively in the current operation of its affairs).
- (c) Describe briefly the general character and location of any real estate of material importance to registrant which was acquired or sold during the fiscal year.

*Instruction—Item 38.* For the purposes of this item, "real estate" means any fee simple interest in land, any leasehold with an unexpired term of more than five years, and mortgages other than publicly distributed certificates of beneficial participation in mortgages, or publicly distributed bonds secured by mortgage.

39. *Purchase and Sale of Commodities and Commodity Contracts.*

- (a) Summarize briefly the general effect of any change made during the fiscal year in any indenture or agreement which specifically authorizes, or restricts the power of, the registrant to engage in the purchase and sale of commodities and commodity contracts.
- (b) Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to the purchase and sale of commodities and commodity contracts.
- (c) Indicate the types and state the approximate dollar amounts of commodities and commodity contracts purchased or sold by the registrant during the fiscal year.

40. *Loans to Other Persons.*

- (a) Describe the general effect of any change made during the fiscal year in any indenture or agreement which specifically authorizes, or restricts the power of, the registrant to make loans to other persons.
- (b) Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to the making of loans to other persons.
- (c) Indicate, where practicable, the persons to whom loans were made by the registrant during the fiscal year and the amount and life of each such loan.

*Instruction—Item 40 (c).* For the purpose of this item the purchase of the portion of an issue of bonds, debentures or other securities issued by persons other than the registrant, whether or not the purchase was made upon the original issue of the securities, is not to be considered the making of a loan by the registrant.

41. *Portfolio Turnover.*

- (a) Summarize briefly the general effect of any change made during the fiscal year in any indenture or agreement which specifically restricts the registrant's portfolio turnover.
- (b) Describe any change made during the fiscal year in the policy of the registrant as recited in its registration statement with respect to portfolio turnover.
- (c) Furnish the following information with respect to transactions by the registrant in portfolio securities (exclusive of government securities) during the fiscal year:  
Approximate cost of securities purchased.  
Approximate proceeds from securities sold.  
Purchase balance (+) or sales balance (-).
- (d) State the approximate aggregate brokerage commissions paid by registrant during the fiscal year to all brokers for effecting securities transactions for the account of registrant.

42. *Other Fundamental Policies.*

- Describe any change made during the fiscal year in any policy of the registrant as recited in its registration statement which the registrant elected to treat as a matter of fundamental policy pursuant to Sections 8 (b) (2) and 13 (a) (3) of the Act (exclusive of policies covered by Items 33 to 40, inclusive).

43. *Regulated Investment Company.*

- (a) State whether registrant has elected to be a regulated investment company as defined in Section 361 of the Internal Revenue Code.
- (b) If registrant has elected to be a regulated investment company, state whether registrant qualified as a regulated investment company during its last taxable year.

44. *Status of Registrant as a Diversified or Non-Diversified Investment Company.*

Furnish as at the close of the fiscal year the following information:

- (a) With respect to total assets:

Summary classification of assets	Column A	Column B	Column C
	Value	Value	% of total assets
Cash and cash items (including receivables)			
Government securities			
Securities of other investment companies			
Other securities			
Other assets			
Total assets			

- (b) With respect to each company (exclusive of investment companies) in which the registrant had invested in all classes of such company's securities more than 5% of the total assets of registrant:

Name of company	Column A	Column B	Column C	Column D
	Percentage of value of registrant's total assets invested in all classes of securities of such company	Percentage of voting securities of such company held by registrant	Nature of principal business of such company	Nature of principal business of such company

- (c) With respect to each company (exclusive of investment companies) more than 10% of the voting securities of which were owned by the registrant (omitting companies named in Item 44 (b)):

Name of company	Column A	Column B	Column C	Column D
	Percentage of voting securities of such company owned by registrant	Percentage of value of registrant's total assets in all classes of securities of such company	Nature of principal business of such company	Nature of principal business of such company

- (d) If the registrant is a diversified company, furnish the following information with respect to each commitment as underwriter made by the registrant during the fiscal year:

- (1) Value of total assets of registrant immediately after each such commitment as underwriter.
- (2) Dollar amount of all outstanding commitments as underwriter at such time.
- (3) Value at such time of registrant's investments in all securities of issuers (other than investment companies) of which registrant owned more than 10% of the outstanding voting securities.

- (e) If registrant, in valuing its assets for the purpose of Item 44 (a), (b), (c) and (d), has adopted a method of valuation permitted by paragraph (a) of Rule N-2A-1 indicate the method adopted. Indicate the method adopted.

*Instructions—Item 44.* The term "value" for the purposes of Item 44 (a), (b), (c) and (d) is defined in Section 2(a)(39) of the Act and rules and regulations of the Commission thereunder.

It is important to note that Section 5(c) of the Act provides that a diversified company which at the time of its qualification as such meets the requirements of paragraph (1) of Section 5(b) shall not lose its status as a divers-

filed company because of any subsequent discrepancy between the value of its various investments and the requirements of said paragraph, so long as any such discrepancy existing immediately after its acquisition of any security or other property is neither wholly nor partly the result of such acquisition.

A registrant which at the time of its registration pursuant to Section 8(a) of the Act met the requirements of paragraph (1) of Section 5(b), but which at the end of the fiscal year failed to meet such requirements, shall indicate in an explanatory note to Item 44(c) whether such failure resulted from additional purchases of securities or from other causes.

**45. Statistical Information Regarding Certificates.**

Furnish for the fiscal year in respect of certificates sold during such period, the following information for each fully paid type and each installment payment type of periodic payment plan certificate currently being issued by the registrant.

	Year	Cumulative
	19	
	Annual	

**Distribution of Certificates**

1. Number .....
2. Total denomination of all certificates distributed .....
3. Total payments by all certificate holders .....
4. Expense deductions:
  - (a) Sales load .....
  - (b) Insurance premiums .....
  - (c) Other expenses .....
  - (d) Total expenses (a + b + c) .....
5. Amount invested (3 - 4c) .....

**Termination of Certificates<sup>1</sup>**

6. Number .....
7. Total denomination of certificates terminated .....
8. Total payments by such certificate holders .....
9. Total payments or credits to such certificate holders:
  - (a) Net asset proceeds (cash or value of portfolio securities) (See 19) .....
  - (b) Income distributions (excluding reinvestments) .....
  - (c) Total (a + b) .....
10. Total payments by such certificate holders OVER (+) or UNDER (-) payments to such certificate holders (8 - 9c) .....

**Certificates Outstanding**

11. Number .....
12. Total denomination of certificates outstanding .....
13. Total payments to and investment of such certificate holders (3 - 8) .....
14. Total payments to and investment of such certificate holders:
  - (a) Net investment-market value (See 20) .....
  - (b) Income distributions (excluding reinvestments) .....
  - (c) Total (a + b) .....
15. Total payments by such certificate holders OVER or UNDER (-) net investment of and income distributions to certificate holders; (13 - 14c) .....

**Summary**

16. Investors' combined gain (+) or loss and shrinkage (-) in value (10 + 15) .....
17. Distribution of Item 16:
  - (a) Expense deductions .....
  - (b) Realized and unrealized appreciation (+) or depreciation .....
  - (c) Total (a + b) .....

<sup>1</sup> Partial liquidations may be prorated or, if less than 5% of total terminations for any year, on a termination basis, and after difficulty of treatment, they may be omitted from the statement. In such case the denomination and amount paid should be shown by appropriate footnote. Conversions between series may be treated as distributions and terminations, and explained as to amounts, etc., by footnotes.

**18. Ratios:**

- (a) Percentage of payments by (8) to payments to (9c) holders of terminated certs. .... XXXX
- (b) Percentage of payments by (13) to payments to and investment at market (14c) for holders of outstanding certs. .... XXXX

**Memorandum Data**

19. Amount (annual and cumulative) of reinvested distributions. .... XXXX
20. Amount (cumulative) of reinvested distributions .....

**46. Financial Statements.**

Financial statements shall be filed in accordance with the instructions set forth below:

**INSTRUCTIONS AS TO FINANCIAL STATEMENTS**

**Financial Statements of the Registrant**

**(a) Financial Statements Required**

The following financial statements shall be filed for the registrant:

- (1) A statement of condition as of the close of the fiscal year, and
- (2) A statement of income and other distributable funds for the fiscal year.

**(b) Form and Content of Financial Statements**

The form and content of financial statements of the registrant including supplementary schedules shall be governed by Articles 2, 3, 6A and 12 of Regulation S-X promulgated under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940.

**Financial Statements of the Depositor<sup>2</sup>**

**(c) Financial Statements Required**

There shall be filed for each such person:

- (1) A balance sheet as of the end of its last fiscal year.
- (2) A profit and loss statement and a statement of surplus for the fiscal year ending as of the date of the balance sheet filed.

**(d) Form and Content of Financial Statements**

The financial statements required by instruction (c) above shall be in the form prescribed by the applicable articles of Regulation S-X, provided, however, that:

- (1) With respect to each balance sheet filed for each such person, if any amount is carried as a receivable representing uncollected sales load on periodic payment plan certificates sold, there shall be set up and shown separately reserves to provide for such amount. Reserves shall also be provided to cover any excess in the estimated cost of servicing outstanding periodic payment plan certificates over the anticipated income from loading charges on such certificates or administrative fees to be received from trust income or principal.
- (2) With respect to each profit and loss statement filed for each such person, there shall be shown separately as to income and expense in connection with the creation and servicing of the registrant and all other investment companies the amount of

- (A) Underwriting commissions, sales load and all other similar charges.
- (B) Fees and deductions for investment management and all other similar services.
- (C) Income from trading in the shares of investment companies, other than income included under (A) and (B) above.
- (D) Income from trading or dealing in the trust property of investment companies, other than income included under (A), (B) and (C) above.
- (E) Any costs of performing bookkeeping or other administrative services of a character normally performed by the trustee or custodian of a periodic payment plan.

**(e) Certification**

All financial statements required to be filed shall be certified by an independent public accountant in accordance with Article 2 of Regulation S-X.

<sup>2</sup> See definition of "depositor" in general instructions.

Form N-2

EXHIBITS

The following exhibits shall be filed as a part of the annual report:

- (a) Copies of any amendments or modifications to all exhibits previously filed under the Act.
- (b) Copies of any of the following which were made or executed during the fiscal year and which have not been previously filed:
  - (1) The indenture or agreement under the terms of which the registrant was organized or issued securities.
  - (2) The indenture or agreement pursuant to which the proceeds of payments of securities are held by the custodian or trustee, if such indenture or agreement is not the same as the indenture or agreement referred to in paragraph (1).
  - (3) Distributing contracts:
    - (a) Agreements between the registrant and principal underwriter or between the depositor and principal underwriter.
    - (b) Specimen of typical agreements between principal underwriter and dealers, managers, sales supervisors and salesmen.
    - (c) Schedules of sales commissions.
  - (4) Any agreement between the depositor, principal underwriter and the custodian or trustee other than indentures or agreements set forth in paragraphs (1), (2) and (3) with respect to the registrant or its securities.
  - (5) The form of each type of security.
  - (6) The certificate of incorporation or other instrument of organization and by-laws of the depositor.
  - (7) Any insurance policy under a contract between the registrant and the insurance company or between the depositor and the insurance company, together with the table of insurance premiums.
  - (8) Any agreement between the registrant or the depositor concerning the registrant with the issuer, depositor, principal underwriter or investment adviser of any underlying investment company or any affiliated person of such persons.
  - (9) All other material contracts not entered into in the ordinary course of business of the registrant or of the depositor concerning the registrant.
  - (10) Form of application for a periodic payment plan certificate.
- (c) Copies of each notice sent to security holders of the registrant during the fiscal year pursuant to Section 19 of the Act.
- (d) The name and address of each dealer, not previously reported, to or through whom any principal underwriter currently offering securities of the registrant, distributed securities of the registrant during the fiscal year. (This exhibit shall be supplied separately as confidential information pursuant to Rule N-45A-1.)

SIGNATURE

(See General Instruction 2 (k))

Pursuant to the requirements of the Investment Company Act of 1940, the \_\_\_\_\_ of the registrant has caused this annual report to be signed on behalf of the registrant in the City of \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_.

{SEAL}

Signature

(Name of registrant)

BY

(Name of depositor or trustee or custodian)

BY

(Name of officer of depositor or trustee or custodian)

(Name)

(Title)

Attest:

If the Registration Statement or an amendment thereto is being filed under only one of the Acts, reference to the other Act

[As last amended in Release No. IC-11850, July 8, 1981, effective for filings with the Commission or transmissions to shareholders made by management investment companies after October 4, 1981, 46 F. R. 46795.]

SECURITIES AND EXCHANGE COMMISSION  
Washington, D. C. 20549

FORM N-2

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Pre-Effective Amendment No. \_\_\_\_\_

Post-Effective Amendment No. \_\_\_\_\_

and/or

REGISTRATION STATEMENT UNDER THE INVESTMENT COMPANY ACT OF 1940

Amendment No. \_\_\_\_\_

(Check appropriate box or boxes.)

(Exact Name of Registrant as Specified in Charter)

(Address of Principal Executive Offices)

(Zip Code)

Registrant's Telephone Number, including Area Code

(Name and Address of Agent for Service)

Approximate Date of Proposed Public Offering

CALCULATION OF REGISTRATION FEE UNDER THE SECURITIES ACT OF 1933

Title of Securities Being Registered	Amount Being Registered	Proposed		Amount of Aggregate Offering Price	Amount of Registration Fee
		Maximum	Minimum		

should be omitted from the facing sheet. The "Approximate Date of Proposed Public Offering" and the table showing the calculation of the registration fee under the Securities Act of 1933 should be included only where shares are being registered under the Securities Act of 1933.

GENERAL INSTRUCTIONS

A. Rule as to Use of Form N-2

Form N-2 shall be used by all closed-end management investment companies except small business investment companies licensed as such by the United States Small Business Administration for filing (1) an initial Registration Statement required by Section 8(b) of the Investment Company Act of 1940 ("1940 Act"), (2) an annual amendment to a 1940 Act Registration Statement required by Rule 8b-16 [17 CFR 270.8b-16] under the 1940 Act, and any other amendments thereto, (3) a Registration Statement required under the Securities Act of 1933 ("1933 Act") and any amendments thereto, or (4) any combination of the above 1940 Act and 1933 Act filings.

B. Registration Fees

Section 6(b) of the 1933 Act and Rule 457 [17 CFR 230.457] thereunder set forth the fee requirements under the 1933 Act. Rule 8b-6 [17 CFR 270.8b-6] under the 1940 Act sets forth the fee requirements for filing an initial Registration Statement under that Act. The 1940 Act fee is in addition to the fee required to be paid under the 1933 Act.

C. Application of General Rules and Regulations

If the Registration Statement is being filed under both Acts or under only the 1933 Act, the General Rules and Regulations under the 1933 Act, particularly those comprising Regulation C [17 CFR 230.400-494], shall apply, and compliance therewith will be deemed compliance with the corresponding Rules pertaining to Registration Statements under the 1940 Act. However, if the Registration Statement is being filed under only the 1940 Act, the General Rules and Regulations under that Act, particularly those comprising Regulation 8B [17 CFR 270.8b-1 to 8b-32], shall apply, except as noted in General Instruction D below.

D. Amendments

1. Attention is specifically directed to Rule 8b-16 [17 CFR 270.8b-16] under the 1940 Act which requires annual amendments of Registration Statements filed pursuant to Section 8(b) of the 1940 Act. Where Form N-2 has been used to file a Registration Statement under both the 1933 and 1940 Acts, any amendments of that Registration Statement shall be deemed to be filed under both Acts unless otherwise indicated on the facing sheet. Irrespective of the purpose for which an amendment is filed, the number of copies of amendments specified in Rule 472 [17 CFR 230.472] under the 1933 Act shall be filed with the Commission.

Page No.

Table listing page numbers for sections A through G: A. Rule as to Use of Form N-2, B. Registration Fees, C. Application of General Rules and Regulations, D. Amendments, E. Incorporation by Reference, F. Documents Comprising a Registration Statement or Amendment, G. Preparation of the Registration Statement of Amendment.

Part I INFORMATION REQUIRED IN A PROSPECTUS OR REGISTRATION STATEMENT

Table listing items 1 through 20 for Part I: 1. Cover Page (Prospectus Only), 2. Synopsis (Prospectus Only), 3. Condensed Financial Information (Prospectus Only), 4. Plan of Distribution, 5. Use of Proceeds, 6. General Information and History, 7. Investment Objectives and Policies, 8. Tax Status, 9. Brokerage Allocation, 10. Pending Legal Proceedings, 11. Control Persons and Principal Holders of Securities, 12. Directors, Officers and Advisory Board Members, 13. Remuneration of Directors and Others, 14. Custodian, Transfer Agent and Dividend-Paying Agent, 15. Investment Advisory and Other Services, 16. Defaults and Arrears on Senior Securities, 17. Capital Stock, 18. Long-Term Debt, 19. Other Securities, 20. Financial Statements.

Part II OTHER INFORMATION

Table listing items 1 through 10 for Part II: 1. Marketing Arrangements, 2. Other Expenses of Issuance and Distribution, 3. Indemnification, 4. Financial Statements and Exhibits, 5. Persons Controlled by or Under Common Control, 6. Number of Holders of Securities, 7. Location of Accounts and Records, 8. Business and Other Connections of Investment Adviser, 9. Management Services, 10. Undertakings.

Table listing SIGNATURES and SUMMARY PROSPECTUS.

#### E. Incorporation by Reference

Attention is directed to Rules 411, 412, 422 and 447 under the 1933 Act [17 CFR 230.411, 230.412, 230.422 and 230.447], and Rules 0-4, 8b-23 and 8b-32 under the 1940 Act [17 CFR 270.0-4, 270.8b-23 and 270.8b-32] for guidelines governing incorporation by reference of information into a Registration Statement filed on Form N-2 contained in other statements, applications or reports filed with the Commission. In general, a Registrant may incorporate by reference, in answer or partial answer to any item in a Registration Statement on Form N-2 not required to be included in a prospectus, any information contained elsewhere in the Registration Statement or any information contained in other statements, applications or reports filed with the Commission.

Attention is also directed to Rule 24 of the Commission's Rules of Practice [17 CFR 201.24]. The above incorporation by reference rules under both the 1933 Act and the 1940 Act are subject to the limitation of Rule 24. Since the provisions of Rule 24 may be amended from time to time, Registrants are advised to review the rule as in effect at the time the Registration Statement is filed prior to incorporating by reference any document as an exhibit to such Registration Statement.

#### F. Documents Comprising Registration Statement or Amendment

1. A Registration Statement or an amendment thereto filed under both the 1933 and 1940 Acts shall consist of the facing sheet of the Form, Part I, Part II, required signatures, an opinion and consent of counsel as to the legality of the securities being registered, and all other documents which are required or which the Registrant may file as a part of the Registration Statement.

2. A Registration Statement or an amendment thereto which is filed under only the 1933 Act shall contain all the information and documents specified in paragraph 1 of this Instruction F.

3. A Registration Statement or an amendment thereto which is filed under only the 1940 Act shall consist of the facing sheet of the Form, responses to all Items of Part I except Items 1, 2, 3, 4 and 5 thereof, responses to all items of Part II except Items 1, 2, 4(b)(7), 4(b)(11), 4(b)(12), 4(b)(13) and 10, required signatures, and all other documents which are required or which the Registrant may file as part of the Registration Statement.

#### G. Preparation of the Registration Statement or Amendment

1. Instructions for Part I ("Prospectus") where Form N-2 is filed under both the 1933 and 1940 Acts or only under the 1933 Act:

a. The purpose of the prospectus is to inform investors. Hence, the information set forth in the prospectus must be presented in a clear, concise, and understandable fashion. The prospectus should contain the information called for by Part I of the Form. No response need be made to inapplicable Items. The information required by the items need not be set forth in the prospectus in the same order in which the Items appear in this Form, with the following exceptions:

(1) Items 1, 2 and 3 of Part I must be set forth in the prospectus in the same order in which the Items appear in this Form.

(2) Item 3, "Condensed Financial Information," should not be further back in the prospectus than the fifth page thereof and should not be preceded by any other chart or table (except for the table of contents required by Rule 421 [17 CFR 230.421] under the 1933 Act).

b. Where it is necessary or desirable to call attention to information duplicated elsewhere in the prospectus, appropriate cross-references should be used.

c. The cross-reference sheet required by Rule 404(c) [17 CFR 230.404(c)] under the 1933 Act shall show the location in the prospectus of the information called for by the Items in Part I.

#### 2. Instructions for numbers and captions of Items:

The numbers and captions of the items shall precede each response for:

a. Part I, where Form N-2 is filed only under the 1940 Act and

b. Part II for all filings.

For these purposes inapplicable items may not be omitted.

#### 3. Instructions for charts, graphs, tables and sales literature:

a. A Registration Statement on this Form may include any chart, graph or table that is not misleading; however, no chart, graph or table should precede the condensed financial information specified in Item 3.

b. The prospectus should not be presented in fold-out or road-map type fashion. The use of colored print or pages is not objectionable so long as it does not detract from the prospectus presentation. Pictures of management may be used. Type size requirements, which are the minimum acceptable standard, are specified in Rule 420 [17 CFR 230.420] under the Securities Act.

c. If "sales literature" is included in the prospectus, issuers should be aware of the following: (1) sales literature should not be of such quantity as to lengthen the prospectus, and it should not be so placed as to obscure essential disclosure, and (2) members of the National Association of Securities Dealers are not relieved of the filing and other requirements of the NASD with respect to investment company sales literature (See Securities Act Release No. 5359, January 26, 1973 [38 FR 7220, March 20, 1973]).

Part 1. INFORMATION REQUIRED IN PROSPECTUS OR REGISTRATION STATEMENT

Item 1. Cover Page (Prospectus only)

Every prospectus of a closed-end management investment company utilized to offer securities to the public shall include an outside front cover page containing only the following items of information:

- (a) the name, address and telephone number of the Registrant; the investment objective(s), and a brief statement of how the Registrant proposes to achieve its objective(s);
- (b) the date of the prospectus;
- (c) the statement required by Rule 425 [17 CFR 230.425] under the 1933 Act;
- (d) a statement advising investors to read and retain the prospectus for future reference;
- (e) cross-reference to the narrative part of the prospectus which describes (a) commissions paid by persons other than the Registrant, and other considerations to the underwriters, (b) finder's fees or similar payments made and (c) if any of the securities being registered are to be offered for the account of security holders, the name of each holder, the amount held by him and the amount offered for his account;
- (f) at the discretion of the Registrant, such legend, logotype, pictures, or other attention-getting devices that are not misleading;
- (g) the information called for by the following table in substantially the tabular form indicated as to all securities being registered which are to be offered for cash (estimate, if necessary):

Per Unit	Price to Public	Underwriting Discounts	Commissions	Proceeds to Registrant or Other Persons
Total				

- (i) the name of each principal underwriter of the Registrant;
- (j) such other items of information as required by this Item and any Rule or Regulation of the Commission or of any other governmental authority having jurisdiction over the Registrant or the issuance of its securities. Attention is directed to the provisions of Rules 425a [17 CFR 230.425a] and 426 [17 CFR 230.426] of the General Rules and Regulations under the 1933 Act regarding statements that may have to be set forth on the front or back cover page of the prospectus

Instructions:

1. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. In addition, if the securities are to be offered at the market, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.

2. The term "commissions" has the meaning given in paragraph (17) of Schedule A of the 1933 Act. Only commissions paid in cash by the Registrant or the selling security holders are to be included in the table. In addition any use of the proceeds for sales and distribution expenses must be disclosed in a footnote to the table specified in (f) above.

Item 2. Synopsis (Prospectus only)

Set forth under an appropriate caption (and sub-captions if appropriate) a synopsis or summary of the contents of the prospectus highlighting the salient features of the offering and the Registrant with appropriate cross-references to detailed disclosures elsewhere in the prospectus. Such synopsis must precede any data furnished in response to Item 3 hereof. The synopsis, which may be in question and answer format, must include:

- (a) the class of capital stock or other securities being offered for sale;
- (b) the names of each investment adviser and principal underwriter of the Registrant;
- (c) a brief description of the principal trading market for the Registrant's securities and, if available, the average weekly trading volume of the Registrant's securities on such principal trading market during its most recent fiscal year; if none, so state;
- (d) the minimum initial and subsequent investment required, if any;
- (e) a brief statement of the Registrant's investment objectives;
- (f) a statement as to whether Registrant proposes to operate as a closed-end diversified or a closed-end non-diversified investment company; if non-diversified, cross-reference to the textual discussion which describes any risks involved;
- (g) the nature of the business of the adviser and the investment advisory fee;
- (h) the principal speculative or risk factors peculiar to the Registrant; these factors may be due to such matters as an absence of an operating history of the Registrant or the nature of the business in which Registrant engages or proposes to engage;

(i) any other material information describing the operations of the Registrant which the Registrant desires to set forth in the synopsis.

**Item 3. Condensed Financial Information (Prospectus only)**

(a) Furnish the following information for the Registrant, or for the Registrant and its subsidiaries consolidated as prescribed in Rule 6-02 [17 CFR 210.6-02] of Regulation S-X:

**PER SHARE INCOME AND CAPITAL CHANGES**

(for a share outstanding throughout the year)

1. investment income;
2. expenses;
3. net investment income;
4. dividends from net investment income;
5. net realized and unrealized gains (losses) on securities;
6. distributions from net realized gains on securities;
7. net increase (decrease) in net asset value;
8. net asset value at beginning of period;
9. net asset value at end of period;

**RATIOS**

10. expenses to average net assets;
11. net investment income to average net assets;
12. portfolio turnover rate;
13. number of shares outstanding at end of period.

**Instructions:**

1. The information shall be presented in comparative columnar form for each of the last ten fiscal years of the Registrant (or for the life of the Registrant and its immediate predecessors, if less) but only for periods subsequent to the effective date of Registrant's first 1933 Act Registration Statement. In addition, the information shall be presented for the period between the end of the latest fiscal year and the date of the latest balance sheet or statement of assets and liabilities furnished.

2. Per share amounts shall be given at least to the nearest cent. If the computation of the offering price is extended to tenths of a cent or more, then the amounts on the table shall be given in tenths of a cent.

3. Appropriate adjustments shall be made and indicated in a footnote to reflect any stock split-up or stock dividend during the period.

4. If the investment adviser has been changed during the period covered by this item, the date(s) of such change(s) should be shown in a footnote.

5. The condensed financial information for at least the latest five fiscal years shall be audited.

6. The amount to be shown at caption 3 is derived by adding (deducting) the increase (decrease) per share in undistributed net income for the year to dividends from net investment income per share for the year (caption 4). Such increase (decrease) may be derived from a comparison of the per-share figures obtained by dividing the undistributed net income at the beginning and end of the year by the number of shares outstanding on those respective dates. (Any other acceptable method should be explained in a footnote to this table.) The amounts to be shown at captions 1 and 2 are derived by applying to the net investment income on a per-share basis the ratio of such items, as shown in the financial statements prepared under Rule 6-04 [17 CFR 210.6-04] of Regulation S-X, to the net income as shown in such statements.

7. "Expenses," as used in caption 2 above, include the expenses described in captions 2 and 3 of Rule 6-04 of Regulation S-X. If there were income deductions such as those described in captions 4 and 6 of that Rule, compute the per-share amounts thereof and state them separately immediately after caption 2 above.

8. The amount to be shown at caption 5, while mathematically determinable by the summation of amounts computed for as many periods during the year as shares were sold or repurchased (which could be as often as twice daily) is also the balancing figure derived from the other figures in the statement and should be so computed. The amount shown at this caption for a share outstanding throughout the year may not accord with the change in the aggregate gains and losses in the portfolio securities for the year because of the timing of sales and repurchase of Registrant's shares in relation to fluctuating market values for the portfolio.

9. Distributions not exceeding the capital gains computed on the Federal tax basis may be treated as distributions from net realized profits on securities for purposes of the above table, even though they exceed such profits on a book basis.

10. If any distributions were made from capital sources other than net realized profits on securities, state the per share amounts thereof separately immediately below caption 6. In a footnote indicate the nature of such distributions.

11. The "average net assets," as used in captions 10 and 11, shall be computed upon the basis of the value of the net assets determined no less frequently than as of the end of each month, except that the average value of securities for which market quotations are not available may be based upon the value of such securities as of the end of the preceding quarter.

12. The portfolio turnover rate to be shown at caption 12 shall be calculated in accordance with the following instructions:

a. The rate of portfolio turnover shall be calculated by dividing (A) the lesser of purchases or sales of portfolio securities for the particular fiscal year by (B) the monthly average of the value of the portfolio securities owned by the Registrant during the particular fiscal year. Such monthly average shall be calculated by totaling the values of the portfolio securities as of the beginning and end of the first month of the particular fiscal year and as of the end of each of the succeeding eleven months, and dividing the sum by 13, except that the average value of securities for which market quotations are not available may be based upon the value of such securities as of the end of the preceding fiscal quarter.

b. For the purposes of this Item, there shall be excluded from both the numerator and the denominator all U.S. Government securities (short-term and long-term) and all other securities, including options, whose maturities or expiration dates at the time of acquisition were one year or less. Purchases shall include any cash paid upon the conversion of one portfolio security into another. Purchases shall also include the cost of rights or warrants purchased. Sales shall include the net proceeds of the sale of rights or warrants. Sales shall also include the net proceeds of portfolio securities which have been called, or for which payment has been made through redemption or maturity.

c. If during the fiscal year the Registrant acquired the assets of another investment company or of a personal holding company in exchange for its own shares, it shall exclude from purchases the value of securities so acquired, and from sales all sales of such securities made following a purchase-of-assets transaction to realign the Registrant's portfolio. In such event, the Registrant shall also make appropriate adjustment in the denominator of the portfolio turnover computation. The Registrant shall make appropriate disclosure of such exclusions and adjustments in its answer to this Item.

d. Short sales, and put and call options expiring more than one year from date of acquisition, are included in purchases and sales for purposes of this Item. A short sale should be treated as an increase in sales and the covering of a short sale should be treated as an increase in purchases.

13. The number of shares outstanding at the end of each period may be shown to the nearest thousand (000 omitted), provided it is indicated that such has been done.

(b) Furnish the following information as of the end of each of the Registrant's last ten fiscal years with respect to each class of senior securities (including bank loans) of the Registrant. If consolidated statements were prepared as of any of the dates specified, the information shall be furnished on a consolidated basis:

(1)	(2)	(3)	(4)	(5)
	Total Amount Outstanding, Asset Coverage		Involuntary Liquidating Preference Share or Other Securities	Approximate Market Value per Share of Unit (Exclude Senior Stock Bank Loans)

Instructions:

1. Instruction 2 to paragraph (a) shall also apply to this paragraph.
2. In lieu of the method described in Section 18(h) of the Act, asset coverage called for in column (3) shall be expressed in terms of dollar amounts per unit of each class of senior securities. If the Registrant has outstanding more than one class of securities, indicate the method used in computing the asset coverage.

Item 4. Plan of Distribution

With respect to the securities of Registrant being registered for public distribution, furnish the following information:

- (a) For each principal underwriter distributing Registrant's securities state:
  - (1) name and principal business address;
  - (2) nature of any material relationship with the Registrant (other than that of principal underwriter);
  - (3) amount of securities underwritten;
  - (4) nature of the obligation to distribute Registrant's securities.

Instruction: All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriters' taking the securities, including "market outs," need not be described except in the case of an agency or "best efforts" arrangement.

(b) State the price to the public.

Instructions:

1. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. This explanation should include a brief description of the valuation procedure utilized by the Registrant in determining such prices. In addition, if the securities are to be offered at the market price, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.
2. For restrictions on distributions and repurchase of securities by closed-end companies refer to Section 23 of the 1940 Act and Investment Company Act Release No. 3187 (February 6, 1961) [26 FR 1275, February 15, 1961].
3. Explain fully any difference in the price at which securities are offered to the public, as individuals and as groups, and to officers, directors and employees of the Registrant, its adviser or underwriter.

(c) Describe the discounts and commissions to be allowed or paid to underwriters or dealers, including all cash, securities, contracts or other consideration to be received by underwriters or dealers in connection with the sale of the securities.

Instructions:

1. The term "commissions" has the meaning given in paragraph (17) of Schedule A of the 1933 Act.
2. The required description shall include disclosures of all commissions paid by other persons, other consideration paid to underwriters or dealers and any finder's fees or similar payments made.
3. If any dealers are to act in the capacity of underwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, give the additional amounts to be so paid.

(d) Describe briefly the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(e) If any securities are to be offered for the account of security holders, state the name of each holder, the amount held by him and the amounts offered for his account.

(f) If any of the securities being registered are to be offered otherwise than for cash, state briefly the general purposes of the distribution, the basis upon which the securities are to be offered, the amount of compensation and other expenses of distribution, and by whom such expenses are to be borne.

Instruction: If the distribution is to be made pursuant to a plan of acquisition, reorganization, readjustment or succession, describe briefly the general effect of the plan and state when it became or is to become operative. As to any material amount of assets to be acquired under the plan, furnish information corresponding to that required by Instruction 3 to Item 5.

(g) State whether Registrant offers its securities in conjunction with the Self-Employed Individuals Tax Retirement Act of 1962 (Keogh Plans), the Employee Retirement Income Security Act of 1974 (Individual Retirement Accounts) or any other retirement plan, and state where further information can be obtained.

Item 5. Use of Proceeds

State the principal purposes for which the net proceeds to the Registrant from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose, although details of proposed expenditures need not be given.

Instructions:

1. If any substantial portion of the proceeds has not been allocated in accordance with the investment objectives and policies, a statement to that effect shall be made together with a statement of the amount of proceeds not allocated.
2. If any material part of the proceeds is to be used to discharge a loan, the item is to be answered as to the use of the proceeds of the loan if the loan was made within one year from the date this Form was filed; otherwise, it will suffice to state that the proceeds are to be used to discharge the indebtedness created by the loan.
3. If any material amount of the proceeds is to be used to acquire assets otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the Registrant and the principle followed in determining such cost.

## Item 6. General Information and History

- (a) State the date and form of organization (e.g., a corporation, unincorporated association, common law trust, etc.) of the Registrant and the name of the state or other sovereign power under the laws of which it is organized.
- (b) If the Registrant has engaged in any business other than that of an investment company during the past five years, state the nature of such other business and give the approximate date on which the Registrant originally commenced business as an investment company. If the Registrant's name was changed during that period, state its former name and the approximate date on which it was changed. Indicate briefly the nature and results of any bankruptcy, receivership or similar proceedings or any other material reorganization, readjustment or succession during the period.
- (c) If during the past three years any affiliated person of the Registrant had any material interest, direct or indirect, in any transaction involving the purchase of any material amount of assets presently held by the Registrant or any of its subsidiaries, other than in the ordinary course of business, describe the interest of the affiliated person in such transaction and state the cost of such assets to the purchaser and to the seller.

**Instruction:** No information need be given under paragraph (c) as to the interest of any affiliated person in any transaction exempted from Section 17 of the 1940 Act.

- (d) State the history of public trading of the Registrant's securities in tabular form, by quarters for the last three fiscal years, showing the per share high and low net asset value, and the per share high and low market prices and the volume of trading. The net asset value and market price as of a recent date should also be stated.

**Instructions:**

- If the Registrant's securities are publicly held, disclose whether the Registrant's securities have historically traded on the market for an amount equal to or exceeding net asset value, or less than net asset value.
- If the Registrant's securities have no history of public trading, disclose that closed-end investment companies' securities frequently trade for amounts less than net asset value.
- State whether the Registrant's securities are listed on a stock exchange.

## Item 7. Investment Objectives and Policies

- (a) **Recital of Investment Objectives:** Describe clearly investment objective(s) of the Registrant and state whether such objective(s) may be changed without the vote of the holders of a majority of the Registrant's outstanding voting securities.
- Instruction:** In responding to this Item, the Registrant should describe the types of securities in which it intends to invest and the types of securities which will constitute the major portfolio emphasis (for example, bonds, common stock, preferred stock and short-term obligations of governments, banks and corporations). In addition, if the Registrant intends to invest in something other than securities, this should be described. The investment objective(s) should not be inconsistent with the Registrant's name.
- (b) **Recital of Fundamental Policies:** Describe the policy or the proposed policy of the Registrant with respect to each of the following activities ("fundamental policies").
- Instruction:** For the purposes of this Item, the term "fundamental policy" is defined as any policy which the Registrant has deemed to be fundamental or any policy which may not be changed without the approval of a majority of the Registrant's outstanding voting securities.
- The issuance of senior securities.
  - Any particular fundamental policy with respect to short sales, purchases on margin and the writing of put and call options.
  - The borrowing of money: Describe the fundamental policy which limits or restricts the extent to which the Registrant may borrow money and give the purpose for which the proceeds will be used.
  - The underwriting of securities of other issuers: Include any fundamental policy with respect to the acquisition of restricted securities (securities that must be registered under the 1933 Act before they may be offered or sold to the public).
  - The concentration of investments in a particular industry or group of industries: For the purposes of this item concentration is deemed to mean 25 percent or more of the value of the Registrant's assets invested in or proposed to be invested in a particular industry or group of industries. The Registrant's name should not be inconsistent with the fundamental policy recited in response to this item.

## Tax Status

## Item 8.

- (6) Purchase or sale of real estate and real estate mortgage loans.
- (7) Purchase or sale of commodities or commodity contracts: Describe the fundamental policy with respect to the power of the Registrant to engage in the purchase or sale of commodities and commodity contracts, including futures contracts in a contract market or other futures market.
- (8) The making of loans: For the purpose of this Item the term "loans" shall not include the purchase of a portion of an issue of publicly distributed bonds, debentures or other securities, whether or not the purchase was made upon the original issuance of the securities. However, the term "loan" includes the fundamental policy which permits the loaning of cash or portfolio securities to any person and any agreement with another person which involves the acquisition of securities or other property by the Registrant with a concurrent agreement with such person to reacquire the securities or other property.
- (9) Any policy not recited above with respect to matters which the Registrant deems matters of fundamental policy.
- Instruction:** The Registrant may reserve freedom of action with respect to any of the foregoing activities, but in such cases shall express definitively, in terms of a reasonable percentage of assets to be devoted to the particular activity, or otherwise, the maximum extent to which the Registrant intends to engage therein. See Investment Company Act Release No. 167 (July 23, 1941) [11 FR 10993, September 27, 1946]. For the purposes of (7) above, attention is directed to the Commodity Exchange Act [7 U.S.C. 1 et seq.].
- (c) **Recital of Investment Policies:** Describe clearly the significant investment policies which are not deemed fundamental and which may be changed without shareholder approval (for example, investing for control of management, investing in foreign securities, or arbitrage activities).
- Instruction:** In responding to this Item the Registrant should disclose the extent to which it may engage in the above policies and the risks inherent in such policies.
- (d) **Portfolio Turnover:** Explain any significant variation in the Registrant's portfolio turnover rates over the last two fiscal years. If the Registrant for any reason anticipates a significant variation in the portfolio turnover rate from that reported for its most recent fiscal year in Item 3(a)(12), so state. In the case of a new registration, the Registrant should state its policy with respect to portfolio turnover.
- (a) State the Registrant's current tax status or, in the case of a new registration, its proposed tax status under the Internal Revenue Code [26 U.S.C. 851 et seq.], and indicate whether Registrant anticipates any change in such status.
- Instruction:** The response should summarize Registrant's tax status at the time of filing as well as its intention with respect to qualification as a regulated investment company under the Internal Revenue Code [26 U.S.C. 851 et seq.].
- (b) Describe the tax treatment accorded income dividends and capital gains distributions to both the Registrant and a shareholder of the Registrant.
- (c) State the policy Registrant will follow in deciding when to pay dividends from its net investment income and make distributions of any realized capital gains. Also include Registrant's current policy on reinvestment of dividends.
- (d) If not disclosed above, describe any special or unusual tax aspects of Registrant, such as taxation resulting from foreign investment or from status as a personal holding company, or any tax loss carry-forward to which Registrant may be entitled.
- (2) The aggregate dollar amount, if any, of brokerage commissions paid by the Registrant to any affiliated person of the Registrant, the identity of each such affiliated person and all capacities in which such person is affiliated with the Registrant.
- Instruction:** If an affiliated person of the Registrant either alone or together with others is a controlling person of such a broker-dealer, Registrant must disclose such fact but need not supply the specific amount or percentage of the outstanding voting securities of that broker-dealer which is owned by such a controlling person. See Instruction to Item 11(a) of Part I for a definition of "control."
- (b) State whether the Registrant or its investment adviser places orders for the purchase and sale of Registrant's portfolio securities.
- (c) State the factors considered by the Registrant or its investment adviser in allocating brokerage to affiliated and non-affiliated brokers, and a brief description of the importance given such factors in negotiating brokerage commissions.

(c) If applicable, explain that research services furnished by brokers through whom Registrant effects securities transactions may be used by Registrant's investment adviser in servicing all of its accounts, and that not all such services may be used by the investment adviser in connection with Registrant; or, if other policies or practices are applicable to Registrant with respect to the allocation of research services provided by brokers, explain such policies and practices.

(d) If, during the last fiscal year, Registrant or its investment adviser, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed Registrant's brokerage transactions to a broker or brokers because of research services provided, state the amount of such transactions and related commissions.

#### Item 10. Pending Legal Proceedings

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the Registrant, any subsidiary of the Registrant or the investment adviser or principal underwriter of the Registrant is a party. Include the name of the court in which the proceedings are pending, the date instituted, and the principal parties thereto. Include similar information as to any proceedings instituted by a governmental authority or known to be contemplated by governmental authorities.

**Instruction:** Legal proceedings, for purposes of litigation to which the investment adviser or principal underwriter of Registrant is a party, are material only to the extent that (1) they are likely to have a material adverse effect on the Registrant; or (2) they are likely to have a material adverse effect upon the ability of the investment adviser or principal underwriter to perform its contract with the Registrant.

#### Item 11. Control Persons and Principal Holders of Securities

Furnish the following information as of a specified date no more than 90 days prior to the date of filing the Registration Statement or an amendment thereto.

- (a) State the name and address of each person who controls the Registrant and the effect of such control on the voting rights of other securityholders. As to each such control person, state the percentage of the Registrant's voting securities owned or any other basis of control. If such control person is a company, give the state or other sovereign power under the laws of which it is organized. List all parents of such control person.

**Instruction:** For the purpose of this Item, "control" shall mean (i) the beneficial ownership, either directly or through one or more controlled companies, of more than 25 percent of the voting securities of a company; (ii) the acknowledgment or assertion by either the controlled or controlling party of the existence of control; or (iii) an adjudication under Section 2(a)(9) of the 1940 Act, which has become final, that control exists.

(d) If during the fiscal year dealers who sold shares of the Registrant, or broker-dealers who furnished services or benefits in the form of payment of expenses or otherwise to the Registrant or to its investment adviser or to dealers who sold shares of the Registrant, participated in commissions or other compensation paid in connection with purchases and sales of portfolio securities for the Registrant, either directly in payment for executing purchase and sale orders, or indirectly by participating in the commissions paid to the brokers who executed purchase and sale orders, furnish the following information:

1. Describe specifically and fully the practice followed with respect to the degree of participation of such brokers or dealers in commissions or other compensation and the basis or bases upon which such participation was allocated, including the nature of the services or benefits made available to the Registrant, its investment adviser, or dealers who sold shares of the Registrant. Include also a clear statement of the practice followed with respect to the allocation of commissions or other compensation paid on portfolio transactions effected in the over-the-counter market.

2. State the names of and positions held, in the Registrant, investment adviser, underwriter, or otherwise, by the person or persons who made the determination as to the participations in commissions or other compensation as referred to in subparagraph (1) above.

#### Item 9. Brokerage Allocation

(a) State for the period indicated:

(1) The aggregate dollar amount of brokerage commissions paid by the Registrant during the three most recent fiscal years;

(2) (i) The aggregate dollar amount, if any, of brokerage commissions paid by the Registrant during the three most recent fiscal years to any broker (A) which is an affiliated person of the Registrant, (B) which is an affiliated person of such person or (C) an affiliated person of which is an affiliated person of the Registrant, its investment adviser or principal underwriter, and the identity of each such broker and the relationships that cause the broker to be included in the statement; (ii) the percentage of Registrant's aggregate brokerage commissions paid to each such broker during the most recent fiscal year; (iii) the percentage of Registrant's aggregate dollar amount of transactions involving the payment of commissions effected through each such broker during the most recent fiscal year; and (iv) when there is a material difference in the percentage of brokerage commissions paid to, and the percentage of transactions effected through, any such broker, the reasons therefor.

(b) Describe how brokers will be selected to effect securities transactions for Registrant and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in these determinations.

#### **Instructions:**

- If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them.
- If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services.
- State whether persons acting on behalf of Registrant are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

(b) State the name, address and percentage of ownership of each person who owns or record or is known by the Registrant to own or record or beneficially 5 percent or more of any class of the Registrant's outstanding equity securities.

Instructions:

1. The percentages are to be calculated on the basis of the amount of securities outstanding.
2. If securities are being registered in connection with or pursuant to a plan of acquisition, reorganization, readjustment or succession, indicate, as far as practicable, the status to exist upon consummation of the plan on the basis of present holdings and commitments.
3. If to the knowledge of the Registrant or any principal underwriter of its securities, 5 percent or more of any class of voting securities of the Registrant are or will be held subject to any voting trust or other similar agreement, this fact should be disclosed.

4. Indicate whether the securities are owned both of record and beneficially, or record only, of beneficially only, and show the respective percentages owned in each manner.

(c) Show all equity securities of the Registrant owned by all officers, directors and members of the advisory board of the Registrant as a group, without naming them. In any case where the amount owned by directors and officers as a group is less than 1 percent of the class, a statement to that effect will suffice.

Item 12. Directors, Officers and Advisory Board Members

(a) Furnish the information required by the following tables as to each director and officer of the Registrant, and if Registrant has an advisory board, as to each member of such board. Also state the nature of any family relationship between persons listed.

(1)	(2)	(3)
Name and Address	Positions Held with Registrant	Principal Occupations during Past 5 Years

Instructions:

1. For the purposes of this Item, the term "officer" means the president, vice-president, secretary, treasurer, controller, and any other officers who perform policy-making functions for the Registrant. The term "family relationship" means any relationship, by blood, marriage or adoption, not more remote than first cousin.

2. Show also under column (3) the principal business of any corporation or other organization in which such principal occupation is carried on unless implicit in the name of the corporation or other organization.

3. If the Registrant has an executive or investment committee, the members should be identified and there should be a concise statement of the duties and functions of such committee.

4. Indicate the directors who are interested persons within the definition of Section 2(a)(19) of the 1940 Act by an asterisk.

(b) In the table specified in 12(a) above or in separate text following the table, describe any positions held with affiliated persons or principal underwriters of the Registrant by each individual listed in column (1) of the table.

Item 13. Remuneration of Directors and Others

Furnish the information required by the following table as to each of the persons specified below who received from the Registrant and its subsidiaries during the Registrant's last fiscal year aggregate remuneration in excess of \$40,000 for services in all capacities:

- (a) each director, each of the three highest paid officers, and each advisory board member of the Registrant;
- (b) each affiliated person of the Registrant not included in Item 13(a) except investment advisers;
- (c) each principal underwriter;
- (d) each affiliated person of an affiliate or of a principal underwriter of the Registrant;
- (e) Each director, officer and member of the advisory board of the Registrant as a group, without naming them.

(1)	(2)	(3)	(4)	(5)
Name of Person	Capacities in Which Remuneration Was Received	Aggregate Remuneration	Pension or Retirement Benefits Accrued During Registrant's Last Fiscal Year	Estimated Annual Benefits Upon Retirement

Instructions:

1. This Item applies to any person who was a director, officer or member of the advisory board of the Registrant at any time during the last fiscal year. The information is to be given on an accrual basis if practicable.

2. If the Registrant has not completed its first full fiscal year since its organization, the information shall be given for the current fiscal year, estimating future payments that would be made pursuant to an existing agreement or undertaking.

3. Columns (4) and (5) should be answered only for those persons named in response to paragraph (a) of this item and should include all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the Registrant or any of its subsidiaries to each such person.

4. Column (4) need not be answered with respect to payments computed on an actuarial basis pursuant to any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

5. The information called for by column (5) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

6. In the case of any plan (other than those specified in Instruction 3) where the amount set aside each year depends upon the amount of earnings of the issuer or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated annual benefits upon retirement, there shall be set forth, in lieu of the information called for by column (5), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefit.

**Item 14. Custodian, Transfer Agent and Dividend-Paying Agent**

(a) State the name, principal business address and, if other than a commercial bank, trust company, or depository registered with the Commission, the nature of the business of each person holding portfolio securities of the Registrant as custodian.

(b) State the name and principal business address of each person acting as transfer agent and dividend-paying agent for the Registrant.

**Instruction:** If an affiliated person of the Registrant or an affiliated person of such an affiliated person acts as custodian, transfer agent or dividend-paying agent for the Registrant, the response should include a description of the services performed by any such person and the basis for remuneration.

**Item 15. Investment Advisory and Other Services**

(a) Furnish the following information with respect to each investment adviser:

(1) name and principal business address;

(2) a brief description of its business history and experience as an adviser;

**Instruction:** If the investment adviser(s) has been organized within the last two years, this fact may be noted in lieu of a description of its business history and experience.

(3) the names of all controlling persons of the investment adviser and the basis of such control; and if material to such history, the business history of any organization which controls the adviser;

(4) the name of any affiliated person of the Registrant who is also an affiliated person of the investment adviser and all capacities in which such person named in the item is affiliated with the Registrant and with the investment adviser;

**Instruction:** If an affiliated person of the Registrant either alone or together with others is a controlling person of the investment adviser, Registrant must disclose such fact but need not supply the specific amount or percentage of the outstanding voting securities of the investment adviser which is owned by such a controlling person. See Instruction to Item 11(a) of Part I for a definition of "control."

(5) the method of computing the advisory fee payable by the Registrant;

**Instruction:** If the advisory fee payable by the Registrant varies depending on the Registrant's investment performance in relation to some standard, such standard must be set forth along with a fee schedule in tabular form. Registrant may include examples showing the fees the adviser would earn at various levels of performance, but such examples must include calculations showing the maximum and minimum fee percentages which could be earned under the contract.

(6) the total dollar amounts paid to the adviser by the Registrant under the investment advisory contract for the last three fiscal years and (i) if applicable, any credits which reduced the advisory fee, and (ii) the net advisory fee;

**Instruction:** In response to this Item, each type of credit or offset should be specified.

(7) a description of all services performed for or on behalf of the Registrant, which services are supplied or paid for wholly or in substantial part by the investment adviser in connection with the investment advisory contract;

(8) a brief description of any expense limitation provision.

- (1) the name of such person;
- (2) a description of the nature of the arrangement and the advice or information furnished;
- (3) any remuneration (including, for example, participation, directly or indirectly, in commissions or other compensation paid in connection with transactions in portfolio securities of the Registrant) paid for such advice or information, and a statement as to how such remuneration was paid and by whom it was paid for the last three fiscal years.

**Instruction:** Information need not be included in response to this item with respect to any of the following: (i) persons whose advice was furnished to the investment adviser or the Registrant solely through uniform publications distributed to subscribers thereto; (ii) persons who furnished the investment adviser or the Registrant with only statistical and other factual information, advice regarding economic factors and trends or advice as to occasional transactions in specific securities, but without generally furnishing advice to them or making recommendations to them regarding the purchase or sale of securities by the Registrant; (iii) a company which is excluded from the definition of "investment adviser" of an investment company by reason of Section 2(a)(20)(iii) of the 1940 Act; (iv) any person the character and amount of whose compensation for such services must be approved by a court, or (v) such other persons as the Commission has by rules and regulations or order determined not to be an "investment adviser" of an investment company.

**Instruction:** Where a Registrant is subject to more than one expense limitation provision, it need describe only the most restrictive of such provisions.

- (b) Furnish a description of all fees, expenses and costs of the Registrant which are to be paid by persons other than the investment adviser or the Registrant, and identify such persons.
- (c) Furnish a summary of the substantive provisions of any management-related service contract not discussed elsewhere in Part I of this Form, which may be material to a purchaser of securities of the Registrant, under which services are provided to the Registrant, indicating the parties to the contract, the total dollars paid and by whom, for the last three fiscal years.

**Instructions:**

1. The term "management-related service contract" includes any agreement whereby another person contracts with the Registrant to keep, prepare, or file such accounts, books, records, or other documents as the Registrant may be required to keep under federal or state law, or to provide any similar services with respect to the daily administration of the Registrant, but does not include the following: any contract with the Registrant to provide investment advice; any agreement whereby another person contracts with the Registrant to perform as custodian, transfer agent or dividend-paying agent for the Registrant; bona fide contracts with the Registrant for outside legal or auditing services, or bona fide contracts for personal employment entered into with the Registrant in the ordinary course of business.

2. No information need be given in response to the Item with respect to the services of mailing proxies or periodic reports to shareholders of the Registrant.

3. In summarizing the substantive provisions of a management-related service contract, include the following: the name of the person providing the service; the direct or indirect relationships, if any, of such person with the Registrant, its investment adviser or its principal underwriter; the nature of the services provided, and the basis of the compensation paid for the services for the last three fiscal years.

(d) If any person (other than a bona fide director, officer, member of an advisory board or employee of the Registrant, as such, or a person named as an investment adviser in response to paragraph (a) above), pursuant to any understanding, whether formal or informal, regularly furnishes advice to the Registrant or to the investment adviser of the Registrant with respect to the desirability of the Registrant's investing in, purchasing or selling securities or other property, or is empowered to determine what securities or other property should be purchased or sold by the Registrant, and receives direct or indirect remuneration, furnish the following information:

**Item 16. Defaults and Arrears on Senior Securities**

- (a) State, as to each issue of long-term debt of the Registrant which is in default on the date of filing, with respect to the payment of principal, interest or amortization: (1) nature of default; (2) date of default; and (3) amount of default.
- (b) State as to each issue of capital stock of the Registrant on which any accumulated dividend is in arrears at the date of filing: (1) title of issue; and (2) amount per share in arrears.

**Item 17. Capital Stock**

- (a) With respect to each class of capital stock of the Registrant, state the title of such class, and provide the following information:
  - (1) Outline briefly: (i) dividend rights or limitations, (ii) voting rights, (iii) liquidation rights, (iv) liability to further calls or to assessment by the Registrant.

- (3) any provision which permits or restricts the issuance of additional securities, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.
- (b) Name the trustee and specify the nature of any material relationship with the Registrant or any of its affiliates, the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to act.

Instructions:

- 1. The Instructions to Item 17 shall also apply to this Item.
- 2. Relevant statutory restrictions must be described.

Item 19. Other Securities

With respect to each class of any authorized securities other than capital stock or long-term debt of the Registrant, outline briefly the terms thereof. If the securities are subscriptions warrants or rights, state the title and amount of securities called for, and the period during which and the prices at which the warrants or rights are exercisable.

Instruction: The Instructions to Item 17 shall also apply to this Item.

Item 20. Financial Statements

Instructions:

A. A Registration Statement on Part I of this Form shall contain, in a separate section following the responses to the foregoing Items, the financial statements and schedules required by Regulation S-X [17 CFR 210].

B. Notwithstanding the requirements of Instruction A above, the following statements and schedules required by Regulation S-X may be omitted from the prospectus part of the Registration Statement and included in Part II of such Registration Statement:

- (1) the statements of any subsidiary which is not a majority-owned subsidiary; and
  - (2) all schedules in support of the most recent balance sheet or statement of assets and liabilities, except the following: (a) Schedule I [17 CFR 210.12-12]; (b) columns A, E, and G of Schedule II [17 CFR 210.12-13]; and (c) columns A, B, and D of Schedule III [17 CFR 210.12-14], omitting the information called for by paragraph (b) of footnote 1 to column A.
- C. Notwithstanding the requirements of Instruction A above, the following information may be omitted from any *Registration Statement*:
- (1) Column C of Schedule I [17 CFR 210.12-12];
  - (2) Column F of Schedule II [17 CFR 210.12-13]; and
  - (3) Column C of Schedule III [17 CFR 210.12-14].

- (2) Outline briefly, if applicable: (i) pre-emptive rights, (ii) conversion rights, (iii) redemption provisions, and (iv) sinking fund provisions.
- (3) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain.
- (4) Outline any restriction on the repurchase or redemption of shares by the Registrant while there is an arrearage in the payment of dividends or sinking fund installments.

Instructions:

- 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth provisions of the governing instruments verbatim; only a succinct resume is required.
- 2. If the rights evidenced by any class of securities being described are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by the securities being described.

- (b) Furnish the following information, in substantially the tabular form indicated, as to each class of authorized securities of the Registrant. The information is to be furnished as of a date within 90 days of the filing of this Registration Statement or amendment thereto.

	(1)	(2)	(3)	(4)
<u>Title of Class</u>	<u>Amount Authorized</u>	<u>Amount Held by Registrant or for its Account</u>	<u>Amount Outstanding Exclusive of Amount Shown Under (3)</u>	

Item 18.

Long-Term Debt

- (a) With respect to each class of long-term debt of the Registrant, state the title of such class, and outline the following:
  - (1) any provision with respect to interest, maturity, conversion, redemption, amortization, sinking fund or retirement;
  - (2) any provision which restricts the declaration of dividends, requires the maintenance of any ratio of assets, or requires the creation or maintenance of reserves or the maintenance of properties;

D. In addition to the requirements of rule 3-18 of Regulation S-X [17 CFR 210.3-18], any company registered under the 1940 Act which has not previously had an effective Registration Statement under the 1933 Act shall include in its initial Registration Statement under the 1933 Act such additional financial statements and condensed financial information (which need not be audited) as is necessary to make the financial statements and condensed financial information included in the registration statement as of a date within 90 days prior to the date of filing.

E. Every annual report to shareholders required pursuant to section 30(d) of the 1940 Act and rule 30d-1 thereunder [17 CFR 270.30d-1] shall contain the following information:

- (1) the audited financial statements required by Regulation S-X, as modified by Instructions B and C above, for the periods specified by Regulation S-X;
- (2) the condensed financial information required by Item 3(a) of this Form, for the five most recent fiscal years, with at least the most recent year audited; and
- (3) unless shown elsewhere in the report as part of the financial statements required by (1) above, the aggregate remuneration paid by the company during the period covered by the report (a) to all directors and to all members of any advisory board for regular compensation; (b) to each director and to each member of an advisory board for special compensation; (c) to all officers; and (d) to each person of whom any officer or director of the company is an affiliated person.

F. Every report to shareholders required by section 30(d) of the 1940 Act and rule 30d-1 thereunder [17 CFR 270.30d-1] except the annual report, shall contain the following information (which need not be audited):

- (1) the financial statements required by Regulation S-X, as modified by Instructions B and C above, for the period commencing either with (a) the beginning of the company's fiscal year (or date of organization, if newly organized) or (b) a date not later than the date after the close of the period included in the last report conforming with the requirements of rule 30d-1 and the most recent preceding fiscal year;
- (2) the condensed financial information required by Item 3(a) of this Form, for the period of the report, as specified by (1) above, and the most recent preceding fiscal year; and
- (3) unless shown elsewhere in the report as part of the financial statements required by (1) above, the aggregate remuneration paid by the company during the period covered by the report (a) to all directors and to all members of any advisory board for regular compensation; (b) to each director and to each member of an advisory board for special compensation; (c) to all officers; and (d) to each person of whom any officer or director of the company is an affiliated person.

#### PART II. OTHER INFORMATION

##### Item 1. Marketing Arrangements

Briefly describe any arrangement known to the Registrant or to any person named in answer to Item 4, or to any person specified in Item 11(b) of Part I, made for any of the following purposes:

- (a) to limit or restrict the sale of other securities of the same class as those to be offered for the period of distribution;
- (b) to stabilize the market for any of the securities to be offered;

- (c) to hold each underwriter or dealer responsible for the distribution of his participation.

**Instruction:** If the answer to this Item is contained in an exhibit, the Item may be answered by cross-reference to the relevant paragraphs of the exhibit.

##### Item 2. Other Expenses of Issuance and Distribution

Furnish a reasonably itemized statement of all expenses in connection with the issuance and distribution of the securities being registered, other than underwriting discounts and commissions. If any of the securities being registered are to be offered for the account of security holders, indicate the portion of such expenses to be borne by such security holders.

**Instruction:** Insofar as practicable, registration fees, federal taxes, state taxes and fees, trustees' and transfer agents' fees, cost of printing and engraving, and legal, accounting and engineering fees shall be separately itemized. The information may be given as subject to future contingencies. If the amounts of any items are not known, estimates designated as such shall be given.

##### Item 3. Indemnification

State the general effect of any contract, arrangement or statute under which any director, officer, underwriter or affiliated person of the Registrant is insured or indemnified in any manner against any liability which may be incurred in such capacity, other than insurance provided by any director, officer, affiliated person or underwriter for their own protection.

**Instruction:** In responding to this Item the Registrant should take note of the requirements of Rule 460 [17 CFR 230.460] under the 1933 Act and Section 17 of the 1940 Act.

##### Item 4. Financial Statements and Exhibits

List all financial statements and exhibits filed as part of the Registration Statement.

- (a) Financial statements:

**Instruction:** Designate those financial statements included in Part I and those financial statements included in Part II of the Registration Statement.

- (b) Exhibits:

- (1) copies of the charter as now in effect;
- (2) copies of the existing by-laws or instruments corresponding thereto;
- (3) copies of any voting trust agreement with respect to more than 5 percent of any class of equity securities of the Registrant;

- (4) specimens or copies of each security issued by the Registrant, including copies of all constituent instruments, defining the rights of the holders of such securities, and copies of each security being registered;
- (5) copies of the constituent instruments defining the rights of the holders of long-term debt of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed; the instruments relating to any class of long-term debt of the Registrant or any subsidiary need not be filed if the total amount of securities authorized thereunder amounts to less than 2 percent of the total assets of the Registrant and its subsidiaries on a consolidated basis and if the Registrant files an agreement to furnish copies of such instruments to the Commission upon request;
- (6) copies of all investment advisory contracts relating to the management of the assets of the Registrant;
- (7) copies of each underwriting or distribution contract between the Registrant and a principal underwriter, and specimens or copies of all agreements between principal underwriters and dealers;
- (8) copies of all bonus, profit sharing, pension or other similar contracts or arrangements wholly or partly for the benefit of directors or officers of the Registrant in their capacity as such; if any such plan is not set forth in a formal document, furnish a reasonably detailed description thereof;
- (9) copies of all custodian agreements, and depository contracts under Section 17(f) of the 1940 Act, with respect to securities and similar investments of the Registrant, including the schedule of remuneration;
- (10) copies of all other material contracts not made in the ordinary course of business which are to be performed in whole or in part at or after the date of filing the Registration Statement;
- (11) an opinion and consent of counsel as to the legality of the securities being registered, indicating whether they will when sold be legally issued, fully paid and non-assessable;
- (12) copies of any other opinions, appraisals or rulings, and consents to the use thereof relied on in the preparation of this Registration Statement required by Section 7 of the 1933 Act;
- (13) all financial statements omitted from Item 20 of Part I;

(14)

copies of any agreements or understandings made in consideration for providing the initial capital between or among the Registrant, the underwriter, adviser, promoter or initial stockholders and any written assurances from promoters or initial stockholders that their purchases were made for investment purposes without any present intention of redeeming or reselling;

(15)

copies of the model plan used in the establishment of any retirement plan in conjunction with which Registrant offers its securities, any instructions thereto and any other documents making up the model plan. Such form(s) should disclose the costs and fees charged in connection therewith.

Instruction: Subject to the Rules regarding incorporation by reference, the foregoing exhibits shall be filed as a part of the Registration Statement. Exhibits numbered 11-13 above are required to be filed only as part of a 1933 Act Registration Statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in a previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits required above.

Item 5. Persons Controlled by or under Common Control with Registrant

Furnish a list or diagram of all persons directly or indirectly controlled by or under common control with the Registrant and as to each person indicate (1) if a company, the state or other sovereign power under the laws of which it is organized, and (2) the percentage of voting securities owned or other basis of control by the person, if any, immediately controlling it.

Instructions:

1. The list or diagram shall include the Registrant and shall be so prepared as to show clearly the relationship of each company named to the Registrant and to the other companies named. If any company is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

2. Designate by appropriate symbols (i) subsidiaries for which separate financial statements are filed; (ii) subsidiaries included in the respective consolidated financial statements; (iii) subsidiaries included in the respective group financial statements filed for unconsolidated subsidiaries; (iv) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

Item 6. Number of Holders of Securities

State in substantially the tabular form indicated, as of a specified date within 90 days prior to the date of filing, the number of record holders of each class of securities of the Registrant.

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- Number of Record Holders \_\_\_\_\_
- Title of Class \_\_\_\_\_
- Item 7. Location of Accounts and Records
- With respect to each account, book or other document required to be maintained by Section 31(a) of the 1940 Act and the Rules [17 CFR 270.31a-1 to 31a-3] promulgated thereunder, furnish the name and address of each person maintaining physical possession of each such account, book or other document.
- Item 8. Business and Other Connections of Investment Adviser
- Describe any other business, profession, vocation or employment of a substantial nature in which each investment adviser of the Registrant, and each director, officer or partner of any such investment adviser, is or has been, at any time during the past two fiscal years, engaged for his own account or in the capacity of director, officer, employee, partner or trustee.
- Instructions:
1. State the name and principal business of any company with which any person specified above is connected in the capacity of director, officer, employee, partner or trustee, and the nature of such connection.
  2. The names of investment advisory clients need not be given in answering this Item.
- Item 9. Management Services
- Furnish a summary of the substantive provisions of any management-related service contract not discussed in Part I of this Form (because the contract was not believed to be material to a purchaser of securities of the Registrant) under which services are provided to the Registrant indicating the parties to the contract, the total dollars paid and by whom, for the last three fiscal years.
- Instructions:
1. The instructions to Item 15(c) of Part I of this Form shall also apply to this Item.
  2. No information need be given in response to this Item with respect to any service for which aggregate payments of less than \$5,000 were made during each of the last three fiscal years.
- Item 10. Undertakings
- Furnish the following undertakings in substantially the following form in all Registration Statements filed under the 1933 Act:

(a) Registrant undertakes to suspend offering of its shares until it amends its prospectus if (1) subsequent to the effective date of its Registration Statement, the net asset value declines more than 10 percent from its net asset value as of the effective date of the Registration Statement or (2) the net asset value increases to an amount greater than its net proceeds as stated in the prospectus.

(b) When a company proposes to raise its initial capital pursuant to Section 14(a)(3) of the 1940 Act, it should undertake to file a post-effective amendment with certified financials showing the initial capital received, before accepting subscriptions from any persons in excess of 25.

(c) If the securities being registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public, Registrant shall undertake to supplement the prospectus, after the expiration of the subscription period, to set forth the results of the subscription offer, the transactions by the underwriters pursuant to an underwriting agreement with the Registrant during the subscription period, the amount of unsubscribed securities to be purchased by the underwriters and the terms of any subsequent reoffering thereof. If any public offering by the underwriters of the securities being registered is to be made on terms differing from those set forth on the cover page of the prospectus, Registrant shall undertake to file a post-effective amendment to set forth the terms of such offering.

Pursuant to the requirements of the Securities Act of 1933 (and) (or) the Investment Company Act of 1940, the Registrant has duly caused this Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of \_\_\_\_\_, \_\_\_\_\_, and State of \_\_\_\_\_, 19\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Registrant)

By \_\_\_\_\_ (Signature and Title)

**FORM N-5**

[As last amended in Release No. IC-6167, August 25, 1970, 35 F. R. 14083.]

Pursuant to the requirements of the Securities Act of 1933, this Registration Statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature) \_\_\_\_\_ (Title) \_\_\_\_\_ (Date) \_\_\_\_\_

**INSTRUCTIONS AS TO SUMMARY PROSPECTUSES**

The summary prospectus to be used pursuant to Rule 434A [17 CFR 230.434A] for companies whose securities are registered on Form N-2 shall be available only if (1) a Registration Statement relating to these securities has been filed, (2) the response to Items 6(b) and 6(c) of Part I is "Not Applicable," and (3) if at such time Registrant intends to meet the requirements of Subchapter M, Sections 851-855 of the Internal Revenue Code during the current taxable year. No sales literature may be used unless it meets the requirements of Rule 134 and unless preceded or accompanied by the full statutory prospectus. The summary prospectus shall at the time of its use contain such of the information specified below as is then included in the Registration Statement. All other information and documents contained in the Registration Statement may be omitted.

- (a) The information contained in Item 2 of Part I must be included in the summary prospectus.
- (b) The information called for by Item 3 of Part I shall be set forth not further back in the summary prospectus than the third page thereof and shall not be preceded by any other chart or table.
- (c) The information in Item 7(b) must be contained herein if any of Items 7(b)(1) through (b)(9) is answered in the affirmative.
- (d) The summary prospectus must contain the legends required by Rules 425 and 434A(e) under Securities Act of 1933, and the following legend should be placed on the cover page:

**ALL INTERESTED PERSONS SHOULD SEND FOR AND EXAMINE THE FULL PROSPECTUS BEFORE PURCHASING SHARES OF THE FUND.**

**Instructions:**

- 1. If Registrant chooses to present the information required by Item 20 of Part I, it must be set forth in complete and uncondensed form, except insofar as Item 3 of Part I constitutes such a condensation.
- 2. The Commission may, upon the request of the Registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the inclusion of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for the protection of investors.

**REGISTRATION STATEMENT OF SMALL BUSINESS INVESTMENT COMPANY UNDER**

**THE SECURITIES ACT OF 1933 AND THE INVESTMENT COMPANY ACT OF 1940\***

(Exact name of registrant as specified in charter)

(Address of principal executive offices)

(Name and address of agent for service)

Approximate date of commencement of proposed sale of the securities to the public.

**CALCULATION OF REGISTRATION FEE UNDER THE SECURITIES ACT OF 1933**

Title of securities being registered	Amount being registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

**GENERAL INSTRUCTIONS**

**A. Rule as to Use of Form N-5**

Form N-5 is to be used for registration under the Securities Act of 1933 of securities issued by any small business investment company which is registered under the Investment Company Act of 1940 and for the registration statement of such company pursuant to section 8(b) of the Investment Company Act of 1940. The initial registration statement of a company on this form will be deemed to be filed under both the Securities Act of 1933 and the Investment Company Act of 1940, unless it is indicated that the filing is made only for the purpose of one of such Acts. As used in this paragraph, the term "small business investment company" means any company which is licensed as a small business investment company under the Small Business Investment Act of 1958 or which has received the preliminary approval of the Small Business

Administration and has been notified by the Administration that it may submit a license application.

**B. Registration Fee.**

Section 6(b) of the Securities Act of 1933 requires that at the time of filing a registration statement under that Act, there shall be paid to the Commission a fee of 1/50 of 1 per centum of the maximum aggregate price at which the securities to be registered are proposed to be offered. The minimum fee payable is \$100.00. Rule 457 prescribes the manner in which the fee is to be computed in various cases. No fee is required to be paid in connection with registration under the Investment Company Act of 1940.

\* If the registration statement is to be filed under only one of the Acts, reference to the other Act should be omitted from the facing sheet of the registration statement. If the registration statement is to be filed only under the Investment Company Act of 1940, the "approximate date of commencement of proposed sale of the securities to the public" and the table showing the calculation of the registration fee under the Securities Act of 1933, should be omitted.

### C. Application of General Rules and Regulations.

If the registration statement is to be filed under both Acts or only under the Securities Act of 1933, the General Rules and Regulations under the latter Act, particularly those comprising Regulation C, shall apply and compliance therewith will be deemed compliance with the corresponding rules pertaining to registration under the Investment Company Act of 1940. However, if the registration statement is to be filed only under the Investment Company Act of 1940, the General Rules and Regulations under that Act, particularly those comprising Regulation 8B, shall apply.

### D. Documents Comprising Registration Statement

(a) A registration statement which is to be filed under both the Securities Act of 1933 and the Investment Company Act of 1940 shall consist of the facing sheet of the form, Part I, Part II (the prospectus), Part III, the required signatures, consents of experts and exhibits and any other information, undertaking or document which is required or which the registrant may file as a part of the registration statement.

(b) A registration statement which is to be filed only under the Securities Act of 1933 shall contain the information and documents specified in paragraph (a), but may omit Part I except insofar as the information called for by Part I is required to be included in the prospectus required by Part II.

(c) If the registration statement is to be filed only under the Investment Company Act of 1940, it shall consist of the facing sheet of the form, Part I, Item 35 of Part III, and all of the exhibits called for by the exhibit instructions, except those called for by Instructions 10 and 11. All other information and documents specified in paragraph (a) may be omitted from a registration statement filed only under the Investment Company Act of 1940.

### E. Preparation of Part I.

Part I of the registration statement shall contain the numbers and captions of the

items in Part I of the form, but the text of the items may be omitted provided the answers are so prepared as to indicate to the reader the coverage of the items without the necessity of referring to the text of the items or the instructions thereto. To the extent that the information required by any item, other than Items 2 and 3 of Part I, is disclosed in the prospectus required as Part II, reference may be made to the specific page or caption of the prospectus which contains such information in lieu of furnishing such information in Part I.

### F. Preparation of Part II (Prospectus).

(a) The purpose of the prospectus is to inform investors. Hence, the information set forth in the prospectus should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. The prospectus shall contain the information called for by all of the items of Part II of the form, except that no reference need be made to inapplicable items, and negative answers to any item may be omitted.

(b) Unless clearly indicated otherwise, information set forth in any part of the prospectus need not be duplicated elsewhere in the prospectus. Where it is deemed necessary or desirable to call attention to such information in more than one part of the prospectus, this may be accomplished by appropriate cross reference. In lieu of restating information in the form of notes to the financial statements, references should be made to other parts of the prospectus where such information is set forth.

### G. Preparation of Part III.

Part III of the registration statement shall be prepared in the same manner as Part I. If the information required by any item of Part III is completely disclosed in the prospectus, reference may be made to the specific page or caption of the prospectus which contains such information in lieu of furnishing such information in Part III.

## PART I. INFORMATION REQUIRED IN REGISTRATION STATEMENT UNDER THE INVESTMENT COMPANY ACT OF 1940

### Item 1. Organization and Business.

(a) Give the date of incorporation of the registrant and the name of the state or other authority under which it was incorporated.

diversified to a diversified investment company.

(c) Describe the business done and intended to be done by the registrant, including the type or types of businesses to which loans are to be made, the kind of loans to be made to such businesses and whether the registrant intends to perform advisory services for other businesses.

### Item 2. Fundamental Policies of the Registrant.

Describe the policy or proposed policy of the registrant with respect to each of the following types of activities, and outline the extent, if any, to which the registrant has engaged in such activities during its last three fiscal years.

(a) The issuance of senior securities including the issuance of subordinated debentures to the Small Business Administration.

(b) The borrowing of money.

(c) The underwriting of securities of other issuers.

(d) The concentration of investments in particular industries.

(e) The purchase and sale of real estate.

(f) The purchase and sale of commodities or commodity contracts.

(g) The making of loans to other persons.

(h) Any other policy which the registrant deems a matter of fundamental policy and elects to treat as such pursuant to Sections 8(b)(2) and 13(a)(3) of the Investment Company Act.

**Instruction.** 1. The registrant may reserve freedom of action with respect to any of the foregoing activities, but in such cases shall express definitively, in terms of a reasonable percentage of assets to be devoted to the particular activity, the percentage ratio of indebtedness to capital stock, or otherwise, the maximum extent to which the registrant intends to engage therein. See Release No. 167 under the Investment Company Act.

2. For the purposes of (g) the purchase of a portion of an issue of publicly distributed bonds, debentures or other securities

ities, whether or not the purchase was made upon the original issuance of the securities, is not to be considered the making of a loan by the registrant.

### Item 3. Policies with Respect to Security Investments.

Describe the investment policy of the registrant with respect to each of the following matters which is not described as a fundamental policy of the registrant under Item 2, indicating which of such investment policies may not be changed without stockholder action:

(a) The type of securities (for example, bonds, convertible debentures, preferred stocks, common stocks) in which it may invest, indicating the proportion of the assets which may be invested in each such type of security.

(b) The percentage of assets which it may invest in the securities of any one issuer.

(c) The percentage of voting securities of any one issuer which it may acquire.

(d) Investments in companies for the purpose of exercising control or management.

(e) Investment in securities of other investment companies.

(f) The policy with respect to portfolio turnover, including the resale or conversion of portfolio securities.

(g) Any other investment policy not specified above or in Item 2, which is set forth in the registrant's charter, by-laws or prospectus.

### Item 4. Ownership of voting and Convertible Securities of Other Issuers.

Furnish the following information, in the tabular form indicated, as of a specified date within 90 days prior to the date of filing the registration statement:

(a) If the registrant owns, controls or holds with power to vote, 5% or more of the voting securities of any company, furnish the information required by the following table as to each such company:

Name and address of company	Nature of its principal business	Title of securities owned, controlled or held by registrant	Percentage of class owned, controlled or held by registrant
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(b) If the registrant owns securities of any company which are convertible into voting securities of such company and if upon the conversion of all such securities

(a) Each person who directly or indirectly owns, controls or holds with power to vote, 5 percent or more of the outstanding voting securities of the registrant.

(b) Each person who owns or controls more than 10 percent of any other class of equity securities of the registrant.

(c) All officers, directors and members of the advisory board of the registrant as a group, without naming them.

considered in the aggregate as a single subsidiary would not constitute a significant subsidiary.

**Item 9. Persons Owning Equity Security of Registrant.**

Furnish the following information as to all equity securities of the registrant owned by the following persons as of a specified date within 90 days prior to the date of filing:

(1) Name and address	(2) Title of class	(3) Type of ownership	(4) Amount owned	(5) Percent of class
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**Instructions.** 1. Indicate in the third column whether the securities are owned both of record and beneficially, of record only, or beneficially only, and show separately in the fourth and fifth columns the respective amounts and percentages owned in each such manner.

2. The percentages are to be calculated on the basis of the amount of outstanding securities of the class. In any case where the amount owned by all officers, directors and members of the advisory board as a group is less than 1 percent of the class, a statement to that effect will suffice as an answer to paragraph (c).

**Item 10. Number of Holders of Equity Securities.**

State, in substantially the tabular form indicated, as of a specified date within 90 days prior to the date of filing, the approximate number of holders of record of each class of equity securities of the registrant.

**Item 11. Directors and Executive Officers.**

Furnish the information required by the following table as to all directors and executive officers of the registrant.

(1) Title of class	(2) Number of holders
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**Item 12. Members of Advisory Board of Registrant.**

If the registrant has an advisory board, furnish the information specified in the following table as to each member of such board.

(1) Name and address	(2) Positions and offices held with other affiliated persons
-------------------------	---

**Instruction.** For the purposes of this item, the term "executive officer" means the president, vice-president, secretary and treasurer, and any other officer who performs policy-making functions for the registrant.

**Instruction.** List under Column (2) the name of each affiliated person of the registrant with which any member of the advisory board is connected in any capacity and show all positions and offices held with such person.

**Item 13. Remuneration of Directors, Officers and Members of Advisory Board.**

(1) Each director, each of the three highest-paid officers, and each member of

Name and address of company	Nature of its principal business	Title of securities owned, controlled or held by registrant	Percentage of voting securities now owned	Percentage of voting securities owned upon conversion
-----------------------------	----------------------------------	---	---	---

share earnings and dividends declared for each period of the summary shall also be included unless inappropriate.

3. In connection with any unaudited summary for an interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable unaudited prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods, have been included. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

4. If long term debt or preferred stock is being registered, there shall be shown the annual interest requirements on such long term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated.

**Item 8. Persons in Control Relationship with Registrant.**

Furnish a list or diagram of all persons directly or indirectly controlling, controlled by or under common control with the registrant and as to each such person indicate (1) if a company, the State or other sovereign power under the laws of which it was organized, and (2) the percentage of voting securities owned or other basis of control by the person, if any, immediately controlling it.

**Instructions.** 1. The list or diagram shall include the registrant and shall be so prepared as to show clearly the relationship of each company named to the registrant and to the other companies named. If any company is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

2. The names of particular subsidiaries may be omitted if the unnamed subsidiaries

**Item 5. Special Tax Provisions Applicable to Registrant.**

Describe briefly any special tax provision of State or Federal income tax laws applicable to the registrant as a small business investment company.

**Item 6. Pending Legal Proceedings.**

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party. Include the name of the court in which the proceedings are pending, the date instituted, and the principal parties thereto. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

**Item 7. Summary of Earnings.**

Furnish in comparative columnar form a summary of earnings for the registrant for each of the last five fiscal years of the registrant (or for the life of the registrant and its immediate predecessors, if less) and for any period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished, and for the corresponding period of the preceding fiscal year. In connection with such summary, whenever necessary, reflect information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

**Instructions.** 1. Include comparable data for any additional fiscal years necessary to keep the summary from being misleading. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes, net income; special items; and net income and special items. The summary shall reflect the retroactive adjustment of any material item affecting the comparability of the results. See Item 22(b).

2. If common stock is being registered, the summary shall be prepared to present earnings applicable to common stock. Per

the advisory board of the registrant, whose aggregate remuneration exceeded \$30,000, naming each such person.

(A)  
Name of individual or identity of group

(B)  
Capacities in which remuneration was received

(C)  
Aggregate remuneration

**Instructions.** 1. This item applies to any person who was a director, officer or member of the advisory board of the registrant at any time during the fiscal year. However, information need not be given for any portion of the year during which any such person did not occupy one of the positions indicated.

2. The information is to be given on an accrual basis if practicable. The tables required by this paragraph and paragraph (b) may be combined if the registrant so desires.

3. Do not include remuneration paid to a partnership in which any director, officer or member of the advisory board was a partner, but see Item 18.

(A)  
Name of individual

(B)  
Amount set aside or accrued during issuer's last fiscal year

(C)  
Estimated annual benefits upon retirement

**Instructions.** 1. Column (B) need not be answered with respect to payments computed on an actuarial basis pursuant to any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years or [of] service.

2. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in instruction 1) where the amount set aside each year depends upon the amount of earnings of the issuer or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated annual benefits upon retirement, there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

**Item 14. Indemnification of Directors and Officers.**

State the general effect of any charter provision, by-law, contract, arrangements or statute under which any director or officer of the registrant is insured or indemnified

Describe briefly any other business, profession, vocation or employment of a substantial nature in which each investment adviser of the registrant and each director, officer or partner of such investment adviser is engaged for his own account or in the capacity of director, officer, employee, partner or trustee.

**Instructions.** 1. State the name and principal business of any company with which any person specified is connected in the capacity of director, officer, employee, partner or trustee, and the nature of such connection.

2. The names of investment advisory clients need not be given in answering this item.

**Item 18. Interest of Affiliated Persons in Certain Transactions.**

Describe briefly, and where practicable state the approximate amount of any material interest, direct or indirect, of any of the following persons in any material transactions during the last three years, or in any material proposed transactions, to which the registrant or any of its subsidiaries was, or is to be, a party:

(a) Each affiliated person of the registrant, other than employees who are not directors, officers or members of the advisory board.

(b) Each affiliated person of any of the following: any director, officer or member of the advisory board of the registrant; any company named in answer to Item 4; any security holder named in answer to Item 9(a) or (b); any investment adviser; or any principal underwriter named in answer to Item 24.

**Instructions.** 1. See Instruction 1 to Item 13(a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the registrant or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

3. This item does not apply to any interest arising from the ownership of securities of the registrant where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

4. No information need be given in answer to this item as to any remuneration not received during the registrant's last fiscal year or as to any remuneration or other transactions disclosed in response to Item 13.

5. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the registrant where any of the specified persons was or is to be a principal underwriter or is a controlling person, or member of a firm which was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the registrant or its subsidiaries.

6. No information need be given in answer to this item as to any transaction or any interest therein where:

(i) the rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) the interest of the specified persons in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) the transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services;

(iv) the interest of the specified persons, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed \$30,000;

(v) the transaction does not involve remuneration for services, directly or indirectly, and (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than 10% of any class of equity securities of another corporation which is a party to the transaction, (B) the transaction is in the ordinary course of business of the registrant or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10% of the total sales or pur-

in addition to, or in substitution for, the statements herein required in any case where such statements are necessary for and adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

*Instruction.* This item specifies the financial statements required to be furnished as a part of the registration statement on this form. Regulation S-X governs the certification, form and content of the statements required, and prescribes the statements of surplus and the schedules to be filed in support of the statements filed.

**PART II. INFORMATION REQUIRED IN PROSPECTUS FOR SECURITIES BEING REGISTERED UNDER THE SECURITIES ACT OF 1933**

cover page of the prospectus as to all securities being registered which are to be offered for cash (estimate, if necessary).

(b) If either the profit and loss or earned surplus statements required are included in the summary of earnings required by Item 7, the statement so included need not be otherwise furnished in the registration statement.

(c) The Commission may, upon the informal written request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution thereof of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution thereof of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements

**Item 23. Distribution Spread.**  
The information called for by the following table shall be given, in substantially the tabular form indicated, on the outside front

Per unit .....	Underwriting discounts and commissions .....	Proceeds to registrant or other persons .....
Total .....		

information on the first page of the prospectus.

**Item 24. Plan of Distribution.**

(a) If the securities being registered are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the registrant and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

*Instruction.* All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriters' taking the securities, including "market outs", need not be described except in the case of an agency or "best efforts" arrangement.

(a) Provisions with respect to interest, maturity, conversion, redemption, amortization, sinking fund or retirement;

(b) Provisions with respect to the kind and priority of any lien, restricting the declaration of dividends or requiring the maintenance of reserves or the creation or maintenance of reserves or the maintenance of properties;

(c) Provisions permitting or restricting the issuance of additional securities, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

(d) The name of the trustee and the nature of any material relationship with the registrant or any of its affiliates, the percentage of securities of the class necessary to require the trustee to take action, and what indemnifications the trustee may require before proceeding to enforce the lien.

*Instruction.* The instructions to Item 19 shall also apply to this item.

**Item 21. Other Securities.**

If the registrant has any authorized securities other than capital stock or long-term debt, outline briefly the rights evidenced thereby. If the securities are subscription warrants or rights, state the title and amount of securities called for, the period during which and the prices at which the warrants or rights are exercisable.

*Instruction.* The instructions to Item 19 shall also apply to this item.

**Item 22. Financial Statements.**

(a) Furnish the following financial statements for the registrant prepared in accordance with the provisions of Article 5 of Regulation S-X:

(1) A balance sheet as of a date within 90 days prior to the date of filing. If this balance sheet is not certified, there shall also be included a certified balance sheet as of a date within one year prior to the date of filing; and

(2) A profit and loss or income statement for each of the last three fiscal years and any subsequent period up to the date of the latest balance sheet furnished pursuant to (1) above. Such statements shall be certified up to the date of the latest certified balance sheet.

chases, as the case may be, of the registrant and its subsidiaries.

7. Information shall be furnished in answer to this item with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such person arises solely from the ownership individually and in the aggregate of less than 10% of any class of equity securities of another corporation furnishing the services to the registrant or its subsidiaries.

**Item 19. Capital Stock.**

State the title of each class of capital stock of the registrant and furnish the following information:

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the registrant.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is an arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

*Instructions.* 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by any class of securities being described are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by the securities being described.

**Item 20. Long-Term Debt.**

State the title of each class of long-term debt of the registrant and outline such of the following provisions as are relevant.

were not registered under the Securities Act of 1933. Include sales of reacquired securities as well as new issues, securities issued in exchange for property, services, or other securities, and new securities resulting from the modification of outstanding securities.

(a) Give the date of sale and the title and amount of securities sold.

(b) Give the names of the principal underwriters, if any. As to any securities sold not publicly offered, name the persons or identify the class of persons to whom the securities were sold.

(c) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts or commissions. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the registrant.

(d) Indicate the section of the Act or the rule of the Commission under which exemption from registration was claimed and state briefly the facts relied upon to make the exemption available.

**Instructions.** 1. Information need not be set forth as to notes, drafts, bills of exchange or bankers' acceptances which mature not later than one year from the date of issuance.

2. If the sales were made in a series of transactions, the information may be given by such totals and periods as will reasonably convey the information required.

#### Item 33. Treatment of Proceeds from Stock Being Registered.

If capital stock is being registered hereunder and any portion of the consideration to be received by the registrant for such stock is to be credited to an account other than the appropriate capital stock account, state to what other account such portion is to be credited and the estimated amount per share. If the consideration from the sale of par value shares is less than par value, state the amount per share involved and its treatment in the accounts.

#### Item 34. Undertaking.

The following undertaking shall be included in the registration statement:

"Subject to the terms and conditions of section 15(d) of the Securities Exchange Act of 1934, the undersigned registrant

(c) For withholding commissions or otherwise to hold each underwriter or dealer responsible for the distribution of his participation.

**Instruction.** If the answer to this item is contained in an exhibit, the item may be answered by cross-reference to the relevant paragraphs of the exhibit.

#### Item 30. Other Expenses of Issuance and Distribution.

Furnish a reasonably itemized statement of all expenses in connection with the issuance and distribution of the securities being registered, other than underwriting discounts and commissions. If any of the securities being registered are to be offered for the account of security holders, indicate the portion of such expenses to be borne by such security holders.

**Instruction.** Insofar as practicable, registration fees, Federal taxes, State taxes and fees, trustees' and transfer agents' fees, cost of printing and engraving, and legal, accounting and engineering fees shall be separately itemized. The information may be given as subject to future contingencies. If the amounts of any items are not known, estimates designated as such shall be given.

#### Item 31. Relationship with Registrant of Experts Named in Registration Statement.

If any expert named in the registration statement as having prepared or certified any part thereof was employed for such purpose on a contingent basis or, at the time of such preparation or certification or at any time thereafter, had a substantial interest in the registrant or was connected with the registrant as a promoter, underwriter, voting trustee, director, officer or employee, furnish a brief statement of the nature of such contingent basis, interest or connection.

**Instruction.** In the case of an accountant, any direct financial interest or any material indirect financial interest held during the period covered by the financial statements prepared or certified shall be deemed a "substantial interest" for the purpose of this item.

#### Item 32. Recent Sales of Unregistered Securities.

Furnish the following information as to all securities of the registrant sold by the registrant within the past three years which

registration, state whether the funds paid in by investors for the securities being registered will be returned to them in the event such license is not obtained and describe the arrangements made to assure such return.

#### Item 26. Sales Otherwise Than for Cash.

If any of the securities being registered are to be offered otherwise than for cash, state briefly the general purpose of the distribution, the basis upon which the securities are to be offered, the amount of compensation and other expenses of distribution, and by whom they are to be borne.

**Instruction.** If the distribution is to be made pursuant to a plan of acquisition, reorganization, readjustment or succession, describe briefly the general effect of the plan and state when it became or is to become operative. As to any material amount of assets to be acquired under the plan, furnish information corresponding to that required by Instruction 3 to Item 25.

#### Item 27. Information Required by Items of Part I.

The prospectus shall contain the information required by the following items of Part I:

Items 1, 2, 3, 5, 6 and 7;  
Item 8 as to persons controlling the registrant;

Items 9, 11, 12, 13, 15(a), 16 and 18;  
Items 19, 20 and 21 as to securities being registered.

**Instruction.** Subject to Rule 407, the information called for by the foregoing items of Part I shall be given as of the effective date of the registration statement under the Securities Act of 1933.

#### Item 28. Financial Statements Required by Item 22 of Part I.

The prospectus shall contain all financial statements called for by Item 22 of Part I except that all schedules, other than those prepared in accordance with Rule 12-16 of Regulation S-X, may be omitted from the prospectus.

### PART III. INFORMATION NOT REQUIRED IN PROSPECTUS

- (a) To limit or restrict the sale of other securities of the same class as those being registered for the period of distribution.
- (b) To stabilize the market for any of the securities being registered.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

**Instruction.** If any dealers are to act in the capacity of sub-underwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, a general statement to that effect will suffice without giving the additional amounts to be so paid.

(c) Outline briefly the plan of distribution of any securities being registered which are to be offered otherwise than through underwriters.

#### Item 25. Use of Proceeds to Registrant.

State the principal purposes for which the net proceeds to the registrant from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

**Instruction.** 1. Details of proposed expenditures are not to be given. If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect shall be made together with a statement of the amount of proceeds not so allocated.

2. If any material part of the proceeds is to be used to discharge a loan, the item is to be answered as to the use of the proceeds of the loan if the loan was made within one year; otherwise, it will suffice to state that the proceeds are to be used to discharge the indebtedness created by the loan.

3. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the registrant and the principle followed in determining such cost.

4. If the issuer has not yet obtained a license from the Small Business Adminis-

#### Item 29. Marketing Arrangements.

Briefly describe any arrangement known to the registrant or to any person named in answer to Item 9(a) or (b) or Item 24(a) made for any of the following purposes:

hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in that section."

**Item 35. Financial Statements and Exhibits.**  
List all financial statements and exhibits filed as a part of the registration statement.  
(a) Financial statements, indicating those included in the prospectus.  
(b) Exhibits.  
(c) Statement of eligibility and qualifications of each person designated to act as trustee under an indenture to be qualified under the Trust Indenture Act of 1939.

11. An opinion of counsel as to the legality of the securities being registered under the Securities Act of 1933, indicating whether they will when sold be legally issued, fully paid and non-assessable.

12. If the issuer has not yet obtained a license from the Small Business Administration, copies of any contract or arrangement made to assure that the funds paid by investors for the securities being registered will be returned to them in the event such license is not obtained.

Only contracts need be filed as to which the registrant is or was a party or succeeded to a party by assumption or assignment, or in which the registrant has or had a beneficial interest.

10. Copies of each underwriting contract with a principal underwriter, each syndicate agreement and each purchase, sub-underwriting or selling group agreement or letter pursuant to which the securities being registered are to be distributed or, if the forms of such documents are not determined, the proposed form thereof.

**SIGNATURES**

Pursuant to the requirements of the Securities Act of 1933 (and) (or) the Investment Company Act of 1940, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of \_\_\_\_\_, and State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By \_\_\_\_\_ (Registrant)  
\_\_\_\_\_  
(Signature and Title)  
Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.  
\_\_\_\_\_  
(Signature) \_\_\_\_\_ (Title) \_\_\_\_\_ (Date)

**Instructions.** 1. The registration statement shall be signed on behalf of the registrant by a duly authorized officer. For purposes of the Securities Act of 1933, the registration statement shall also be signed by the registrant's principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and by at least a majority of the board of directors.  
2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

**INSTRUCTIONS AS TO EXHIBITS**

5. Copies of all indemnification contracts or arrangements described in answer to Item 14.
6. Copies of all investment advisory contracts to which the registrant is a party.
7. Copies of all bonus, profit sharing, pension or similar contracts or arrangements wholly or partly for the benefit of directors or officers of the registrant. If any such plan is not set forth in a formal document, furnish a reasonably detailed description thereof.
8. A copy of the registrant's license from the Small Business Administration.
9. Copies of every material contract not made in the ordinary course of business which is to be performed in whole or in part at or after the filing of the registration statement or which was made not more than two years before filing, except contracts called for by the foregoing instructions.

- Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or number[ed] for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for by Item 35.
1. Copies of the charter as now in effect.
  2. Copies of the existing by-laws or instruments corresponding thereto.
  3. Specimens or copies of each security issued or to be issued by the registrant, including all constituent instruments defining the rights of the holders of such securities.
  4. Copies of all custodian agreements with respect to portfolio securities of the registrant.

Form N-1Q

[As last amended in Release No. IC-12107, December 16, 1981, 46 F. R. 62246.]

FOR QUARTERLY REPORT OF REGISTERED MANAGEMENT INVESTMENT COMPANY

Pursuant to Section 30 of the Investment Company Act of 1940 and Section 13 or 15(d) of the Securities Exchange Act of 1934 SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D. C. 20549

General Instructions

- A. Rule as to Use of Form N-1Q. (a) Form N-1Q is to be used for quarterly reports pursuant to Section 30 of the Investment Company Act of 1940 ("Act") and Section 13 or 15(d) of the Securities Exchange Act of 1934 by all management investment companies to report the occurrence during the preceding fiscal quarter of any one or more of the events specified in the items of this form. (b) The report is to be filed within 30 days after the close of each fiscal quarter during which any of the specified events occurred. (c) Notwithstanding the foregoing, a report need not be filed on this form if substantially the same information as that required by this form has been previously reported by the registrant. The term "previously reported" is defined in Rule 8b-2 under the Act. B. Application of General Rules and Regulations. (a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form, subject to the requirements of General Instruction C below as to the size of paper to be used and of General Instruction D below as to the number of copies to be filed. (b) Particular attention is directed to Regulation 8B of the Act which contains general requirements regarding matters such as the legibility of the report and the information to be given whenever the title of securities is required to be stated. The definitions contained in Rule 8b-2 under the Act should be especially noted. C. Preparation of Report. This form is not to be used as a blank

- form to be filled in, but only as a guide to the preparation of the report on good quality unglazed, white paper 8 1/2 x 11 inches in size. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted, provided the answers thereto are prepared in the manner specified in Rule 8b-13 under the Act. All items which are not required to be answered in the particular report may be omitted and no reference thereto need be made in the report. All instructions should also be omitted. D. Filing of Reports and Signatures. Eight complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one such complete copy shall be filed with each exchange, if any, on which a security of the registrant is registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed. E. Incorporation by Reference. Attention is directed to Rules 8b-23 and 8b-32 relating to incorporation by reference. Item 1. Submission of Matters to a Vote of Security Holders. If any matter has been submitted to a vote of security holders, furnish the following information: (a) The date of the meeting and whether it was an annual or special meeting. (b) If the meeting involved the election of directors, state the name of each director elected at the meeting and of each other director now in office. (c) Describe each other matter voted upon at the meeting and state the number

Form N-1Q

MANAGEMENT INVESTMENT COMPANY QUARTERLY REPORT OF

Pursuant to Section 30 of the Investment Company Act of 1940 and Section 13 or 15(d) of the Securities Exchange Act of 1934

Per the authorized officer named hereon

Address of Principal Executive Office of Registrant: (St. & Street, City, State, Zip Code)

Investment Adviser(s)

Address of: (St. & Street, City, State, Zip Code)

INC. STATE-IDENTIFY, etc.

Principal Underwriter(s)

Address of: (St. & Street, City, State, Zip Code)

INC. STATE-IDENTIFY, etc.

NOTE: Values of total net assets (or total assets, if a closed-end company) at the end of the calendar quarter.

SIGNATURES

Pursuant to the requirements of the Investment Company Act of 1940 and the Securities Exchange Act of 1934, the undersigned registrant (or depositor or trustee) has caused this report to be signed on its behalf by the City of \_\_\_\_\_ and State of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

NAME OF REGISTRANT, DEPOSITOR OR TRUSTEE

TITLE AND OFFICE OF PERSON SIGNING ON BEHALF OF REGISTRANT, DEPOSITOR OR TRUSTEE

\* Only reference to Securities Exchange Act of 1934, if inapplicable.



Form N-8B-2

[As last amended in Release No. IC-6045, May 11, 1970.]

REGISTRATION STATEMENT OF UNIT INVESTMENT TRUSTS WHICH ARE CURRENTLY ISSUING SECURITIES

Pursuant to Section 8(b) of the Investment Company Act of 1940 [Size of form: 8 1/2" x 13", 28 pages.]

SECURITIES AND EXCHANGE COMMISSION Washington, D. C. 20549

Name of Unit Investment Trust

Not the issuer of periodic payment plan certificates.

Issuer of periodic payment plan certificates.

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I ORGANIZATION AND GENERAL INFORMATION

II GENERAL DESCRIPTION OF TRUST AND SECURITIES OF THE TRUST

III ORGANIZATION, PERSONNEL AND AFFILIATED PERSONS OF DEPOSITOR

IV DISTRIBUTION AND REDEMPTION OF SECURITIES

INSTRUCTIONS AS TO EXHIBITS

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the report, if not previously filed:

- 1. Copies of any material amendments to the registrant's charter or by-laws.
2. Copies of the text of any proposal described in answer to Item 2.
3. Copies of the amendments to all constituent instruments and other documents described in answer to Item 5.
4. Copies of all constituent instruments defining the rights of the holders of any new class of securities and of any amendments to constituent instruments referred to in answer to Item 8.
5. Copies of any new or amended investment advisory contract of registrant.
6. Letters from the registrant and the independent accountants furnished pursuant to Items 10 and 11.
7. Copies of any merger or consolidation agreement, and other documents relevant to the information sought in Item 12, above.

and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall accompany the report.

Item 11. Mergers.

If, during the calendar quarter, registrant became the surviving corporation of a merger or consolidation with one or more other registered investment companies, furnish the following information:

- (a) Give the name of each such other registered company.
(b) State the circumstances and details of such merger or consolidation, including the date and terms thereof, any action taken by the board of directors or shareholders approving or ratifying the merger or consolidation, and other actions taken pursuant to state law. State any other facts relevant to a Commission consideration of whether such other registered investment company has ceased to be an investment company as defined in the Act.

Item 12. Exhibits.

List below the exhibits, if any, filed as a part of this report.

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41 Information Concerning Principal Underwriter

or if the item or subdivision is not applicable, it is to be answered in appropriate negative form, such as "none" or "not applicable". If an item or subdivision which calls for the preparation of information in tabular form is not applicable, it is not necessary to retype the table called for under that particular item. However, the answer must indicate that such item or subdivision thereof is "not applicable".

(c) **Provisions of Indentures or Agreements:** Reference to indenture provisions should be succinct and condensed and should not quote such provisions verbatim unless necessary to do so. The answer may be qualified, however, by reference to particular provisions of any indenture set forth as an exhibit.

(d) **Incorporation by Reference:** The answer to any of the items 1 to 54 in the registration statement may be incorporated by reference as answer, or partial answer, to any of such items, provided that the item referred to is specifically designated. However, none of the financial statements, nor any of the exhibits, required by the registration statement may be incorporated by reference as all or part of the answer to any of such items.

(e) Names shall be given in full. *Initials will not suffice.*

(f) **Information Unknown or Not Available:** Information required need be given only insofar as known or reasonably available to the depositor or the trustee or custodian. If any required information is unknown and not reasonably available either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person neither controlling, controlled by, nor under common control with the trust, depositor or trustee or custodian, such information may be omitted subject to the following conditions:

(1) Such information as is known or can be acquired without unreasonable effort or expense shall be given together with the sources thereof. A disclaimer of responsibility for the accuracy or completeness of all or part of such information may be included.

(2) As to all information omitted, a statement shall be included either showing that unreasonable effort or expense would be involved or indicating the absence of either any relationship with, or any control over, the person within whose knowledge the information rests and stating the result of a request made to such person for such information.

(g) It is recommended that to the extent the preparation of the registration statement requires data pertaining to persons other than the person filing the statement on behalf of the trust, such data should be obtained under the signature of the person to whom it pertains. These signed statements should be kept by the depositor or trustee or custodian for future reference, and the information therein contained should constitute the basis for preparing the answers to such items of the registration statement.

(h) **Signatures:** The original copy of the registration statement shall be filed on behalf of the trust by an officer, director or partner of its depositor or trustee or custodian.

(i) **Filing:** Filing of the registration statement and all inquiries and communications with respect thereto shall be addressed to the Securities and Exchange Commission, Washington, D. C. One original and three copies of each registration statement shall be filed. The three copies of the registration statement may have facsimile or typewritten signatures of the persons who signed the original copy of the registration statement.

(j) **Time for Filing**

(1) Subject to the provisions of paragraph (2) below, any unit investment trust required to use this form shall file a registration statement with the Commission within three months after the filing of a notification of registration pursuant to Section 8(a) of the Act, provided that, if the fiscal year of any such trust ends within such three months period, its registration statement may be filed at any time within three months after the end of such fiscal year.

(2) Any unit investment trust of which a management investment company is the sponsor or depositor and which filed a notification of registration pursuant to Section 8(a) of the Act prior to May 31, 1942 shall file a registration statement with the Commission on or before August 31, 1942, provided that if the fiscal year of any such trust end on a date subsequent to May 31, 1942 but prior to September 1, 1942, its registration statement may be filed at any time within three months after the end of such fiscal year.

(k) **Fee:** There is no fee for filing this registration statement.

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**GENERAL INSTRUCTIONS FOR FORM N-8B-2**

**READ INSTRUCTIONS CAREFULLY BEFORE PREPARING THE REGISTRATION STATEMENT. THE REGISTRATION STATEMENT WILL NOT BE DEEMED ACCEPTABLE UNLESS IT IS PREPARED, EXECUTED AND FILED SUBSTANTIALLY IN ACCORDANCE WITH THESE INSTRUCTIONS:**

1. **Rule as to Use of Form**

This form shall be used as the form for registration statements to be filed, pursuant to Section 8(b) of the Investment Company Act of 1940, by unit investment trusts which are currently issuing securities, including unit investment trusts which are issuers of periodic payment plan certificates and unit investment trusts of which a management investment company is the sponsor or depositor.

2. **Preparation and Filing of Registration Statements**

(a) Every item is to be answered as of the date of execution of the registration statement unless the context clearly indicates the contrary. All answers are to be printed, mimeographed or typewritten in black ink, and prepared on good quality white paper, 8 1/2" x 13" in size, leaving a back or stitching margin of at least 1 1/4". Tables, financial statements and schedules, however, may be on larger paper if folded to such size. Documents submitted as exhibits may differ from such size. All copies of the registration statement shall be unbound except by clips or removable staples.

(b) The answer to each item shall contain the full text of such item (but not necessarily any notes or instructions accompanying the item) and the full heading of each table. However, the tabular form may be dispensed with, provided all of the information called for by the table is furnished. Every item and subdivision thereof is to be answered fully and accurately and if the answer is in the negative

**Definitions:**

Unless the context clearly indicates the contrary, terms used in the registration statement have meanings as defined in Section 2 of the Investment Company Act of 1940. In addition, the following definitions apply:

**Act:** The term "Act" means the Investment Company Act of 1940.

**Date of Registration:** The term "date of registration" means the date on which a notification of registration pursuant to Section 8(a) of the Act was filed with the Commission. If the notification of registration was filed on or before October 31, 1940, information called for in the registration statement as of the date of registration shall be given as of the close of business on October 31, 1940.

**Depositor:** The term "depositor" includes the person primarily responsible for the organization of the trust and the person who has continuing functions or responsibilities with respect to the administration of the affairs of the trust other than the trustee or custodian. The term includes the sponsor or manager of the trust. If there is more than one such person the information called for in this form for the depositor shall be set forth for each such person.

**Security Holder:** The term "security holder" includes the holder of a periodic payment plan certificate.

**Trust:** The term "trust" means unit investment trust as defined in Section 4(2) of the Act. Unless the context indicates otherwise, the term "trust" refers to the unit investment trust on behalf of which the registration statement is filed.

**Underlying Securities:** The term "underlying securities" means the portfolio securities purchased by the trust with the proceeds of payments made by the security holders of the trust and in which they have a direct beneficial interest.

**I****ORGANIZATION AND GENERAL INFORMATION**

1. (a) Furnish name of the trust and the Internal Revenue Service Employer Identification Number. (According to security designation or otherwise, if the trust does not have or does not transact business under any other designation.)
- (b) Furnish title of each class or series of securities issued by the trust.
2. Furnish name and principal business address and ZIP Code and the Internal Revenue Service Employer Identification Number of each depositor of the trust. (Note definition of "depositor" in general instructions.)
3. Furnish name and principal business address and ZIP Code and the Internal Revenue Service Employer Identification Number of each custodian or trustee of the trust indicating for which class of series of securities each custodian or trustee is acting.
4. Furnish name and principal business address and ZIP Code and the Internal Revenue Service Employer Identification Number of each principal underwriter currently distributing securities of the trust.
5. Furnish name of state or other sovereign power, the laws of which govern with respect to the organization of the trust.
6. (a) Furnish the dates of execution and termination of any indenture or agreement currently in effect under the terms of which the trust was organized and issued or proposes to issue securities. (If individual indentures or agreements are entered into with security holders, so state and furnish the date of the first such indenture or agreement.)
- (b) Furnish the dates of execution and termination of any indenture or agreement currently in effect pursuant to which the proceeds of payments on securities issued or to be issued by the trust are held by the custodian or trustee. (If this indenture or agreement is the same as set forth in Item 6(a), so state.)
7. Furnish in chronological order the following information with respect to each change of name of the trust since January 1, 1930. If the name has never been changed, so state.

Former Name	Approximate Date of Change

8. State the date on which the fiscal year of the trust ends.

**Material Litigation**

9. Furnish a description of any pending legal proceedings, material with respect to the security holders of the trust by reason of the nature of the claim or the amount thereof, to which the trust, the depositor, or the principal underwriter is a party or of which the assets of the trust are the subject, including the substance of the claims involved in such proceeding and the title of the proceeding. Furnish a similar statement with respect to any pending administrative proceeding commenced by a governmental authority or any such proceeding or legal proceeding known to be contemplated by a governmental authority. Include any proceeding which, although immaterial itself, is representative of, or one of, a group which in the aggregate is material.

**II****GENERAL DESCRIPTION OF THE TRUST AND SECURITIES OF THE TRUST****General Information Concerning the Securities of the Trust and the Rights of Holders**

10. Furnish a brief statement with respect to the following matters for each class or series of securities issued by the trust:

- (a) Whether the securities are of the registered or bearer type.
- (b) Whether the securities are of the cumulative or distributive type.
- (c) The rights of security holders with respect to withdrawal or redemption.
- (d) The rights of security holders with respect to conversion, transfer, partial redemption, and similar matters.
- (e) If the trust is the issuer of periodic payment plan certificates, the substance of the provisions of any indenture or agreement with respect to lapses or defaults by security holders in making principal payments, and with respect to reinstatement.
- (f) The substance of the provisions of any indenture or agreement with respect to voting rights, together with the names of any persons other than security holders given the right to exercise voting rights pertaining to the trust's securities or the underlying securities and the relationship of such persons to the trust.

(g) Whether security holders must be given notice of any change in:

- (1) the composition of the assets of the trust.
- (2) the terms and conditions of the securities issued by the trust.
- (3) the provisions of any indenture or agreement of the trust.
- (4) the identity of the depositor, trustee or custodian.

(h) Whether the consent of security holders is required in order for action to be taken concerning any change in:

- (1) the composition of the assets of the trust.
- (2) the terms and conditions of the securities issued by the trust.
- (3) the provisions of any indenture or agreement of the trust.
- (4) the identity of the depositor, trustee or custodian.

(i) Any other principal feature of the securities issued by the trust or any other principal right, privilege or obligation not covered by subdivisions (a) to (g) or by any other item in this form.

(Note: If there is more than one class or series of securities, the basic type of security may be described and the distinguishing features of each other class or series of securities may thereafter be described in answer to this item.)

**Information Concerning the Securities Underlying the Trust's Securities**

11. Describe briefly the kind or type of securities comprising the unit of specified securities in which security holders have an interest. (If the unit consists of a single security issued by an investment company, name such investment company and furnish a description of the type of securities comprising the portfolio of such investment company.)

(Note: Do not furnish a list of portfolio securities in answer to this item. Describe portfolio securities as "bonds of railroad companies", "preferred stock of public utility holding companies", "common stock of industrial companies", etc., indicating the approximate proportion of each group in terms of value as of a recent date.)

12. If the trust is the issuer of periodic payment plan certificates and if any underlying securities were issued by another investment company, furnish the following information for each such company:

- (a) Name of company.
- (b) Name and principal business address of depositor.
- (c) Name and principal business address of trustee or custodian.
- (d) Name and principal business address of principal underwriter.
- (e) The period during which the securities of such company have been the underlying securities.

(If any sub-item is not applicable, so state.)

**Information Concerning Loads, Fees, Charges and Expenses**

13. (a) Furnish the following information with respect to each load, fee, expense or charge to which (1) principal payments, (2) underlying securities, (3) distributions, (4) cumulated or reinvested distributions or income, and (5) redeemed or liquidated assets of the trust's securities are subject:
  - (A) the nature of such load, fee, expense, or charge;
  - (B) the amount thereof;

17. (a) Describe the procedure with respect to withdrawal or redemption by security holders.  
 (b) Furnish the names of any persons who may redeem or repurchase, or are required to redeem or repurchase, the trust's securities or underlying securities from security holders, and the substance of the provisions of any indenture or agreement pertaining thereto.  
 (c) Indicate whether repurchased or redeemed securities will be cancelled or may be resold.

18. (a) Describe the procedure with respect to the receipt, custody and disposition of the income and other distributable funds of the trust and state the substance of the provisions of any indenture or agreement pertaining thereto.  
 (b) Describe the procedure, if any, with respect to the reinvestment of distributions to security holders and state the substance of the provisions of any indenture or agreement pertaining thereto.  
 (c) If any reserves or special funds are created out of income or principal, state with respect to each such reserve or fund the purpose and ultimate disposition thereof, and describe the manner of handling of same.  
 (d) Submit a schedule showing the periodic and special distributions which have been made to security holders during the three years covered by the financial statements filed herewith. State for each such distribution the aggregate amount and amount per share. If distributions from sources other than current income have been made identify each such other source and indicate whether such distribution represents the return of principal payments to security holders. If payments other than cash were made describe the nature thereof, the account charged and the basis of determining the amount of such charge.

19. Describe the procedure with respect to the keeping of records and accounts of the trust, the making of reports and the furnishing of information to security holders, and the substance of the provisions of any indenture or agreement pertaining thereto.  
 20. State the substance of the provisions of any indenture or agreement concerning the trust with respect to the following:

- (a) Amendments to such indenture or agreement.
- (b) The extension or termination of such indenture or agreement.
- (c) The removal or resignation of the trustee or custodian, or the failure of the trustee or custodian to perform its duties, obligations and functions.
- (d) The appointment of a successor trustee and the procedure if a successor trustee is not appointed.
- (e) The removal or resignation of the depositor, or the failure of the depositor to perform its duties, obligations and functions.
- (f) The appointment of a successor depositor and the procedure if a successor depositor is not appointed.

21. (a) State the substance of the provisions of any indenture or agreement with respect to loans to security holders.  
 (b) Furnish a brief description of any procedure or arrangement by which loans are made available to security holders by the depositor, principal underwriter, trustee or custodian, or any affiliated person of the foregoing. The following items should be covered:

- (1) The name of each person who makes such agreements or arrangements with security holders.
  - (2) The rate of interest payable on such loans.
  - (3) The period for which loans may be made.
  - (4) Costs or charges for default in repayment at maturity.
  - (5) Other material provisions of the agreement or arrangement.
- (c) If such loans are made, furnish the aggregate amount of loans outstanding at the end of the last fiscal year, the amount of interest collected during the last fiscal year allocated to the depositor, principal underwriter, trustee or custodian or affiliated person of the foregoing and the aggregate amount of loans in default at the end of the last fiscal year covered by financial statements filed herewith.

22. State the substance of the provisions of any indenture or agreement with respect to limitations on the liabilities of the depositor, trustee or custodian, or any other party to such indenture or agreement.

(C) the name of the person to whom such amounts are paid and his relationship to the trust;  
 (D) the nature of the services performed by such person in consideration for such load, fee, expense or charge.  
 (In the case of periodic payment plan certificates, a computation of the aggregate amount of each load or charge per certificate should be made as of a recent date (using the smallest unit) assuming completion of payments and no fluctuation in the value of the underlying securities. If a percentage basis is used to determine the amount of any load or charge, state such basis and convert it into an estimated money equivalent.)

(b) For each installment payment type of periodic payment plan certificate of the trust, furnish the following information with respect to sales load and other deductions from principal payments.  
 ("Sales load" includes sales load of any underlying investment company security. Computation should be made on the basis of the certificate calling for the smallest amount of payments.)

	Aggregate amount of payments (Complete period)		12 Payments (one year)		24 Payments (two years)	
	% of amount pay.	Amount	% of amount pay.	Amount	% of amount pay.	Amount
(1) Amount of payments to be made on certificates	100%		100%		100%	
(2) Amount of sales load						
(3) Fee of custodian or trustee						
(4) Insurance premiums						
(5) Other deductions from payments*						
(6) Total deductions (2 to 5)						
(7) Net amount invested						

(c) State (1) the amount of sales load as a percentage of the net amount invested, and (2) the amount of total deductions as a percentage of the net amount invested for each type of security issued by the trust.  
 (d) Furnish a brief description of any loads, fees, expenses or charges not covered in Item 13(a) which may be paid by security holders in connection with the trust or its securities. (Assignment, reinstatement, replacing lost certificates, etc.)  
 (e) State whether the depositor, principal underwriter, custodian or trustee, or any affiliated person of the foregoing may receive profits or other benefits not included in answer to Item 13(a) or 13(d) through the sale or purchase of the trust's securities or interests in such securities, or underlying securities or interests in underlying securities, and describe fully the nature and extent of such profits or benefits.  
 (f) State the percentage that the aggregate annual charges and deductions for maintenance and other expenses of the trust bear to the dividend and interest income from the trust property during the period covered by the financial statements filed herewith.

*Information Concerning the Operations of the Trust*  
 Note: Items 14 to 24 inclusive call for a brief description of the principal characteristics and method of operation of the trust and its securities. The functions and duties of the depositor, principal underwriter, custodian or trustee, or other person should be stated in connection with the description.

14. Describe the procedure with respect to applications (if any) and the issuance and authentication of the trust's securities, and state the substance of the provisions of any indenture or agreement pertaining thereto.  
 15. Describe the procedure with respect to the receipt of payments from purchasers of the trust's securities and the handling of the proceeds thereof, and state the substance of the provisions of any indenture or agreement pertaining thereto.  
 16. Describe the procedure with respect to the acquisition of underlying securities and the disposition thereof, and state the substance of the provisions of any indenture or agreement pertaining thereto.

\* Indicate the nature of such other deductions, as taxes, commissions, etc. If any such item amounts to more than 1% of the total amount of payments to be made, list separately. (Omit any items if certificate of the type covered makes no provision for deductions of such item from payments.)

23. Describe any bonding arrangement for officers, directors, partners or employees of the depositor or principal underwriter of the trust, including the amount of coverage and the type of bond.
24. State the substance of any other material provisions of any indenture or agreement concerning the trust or its securities and a description of any other material functions or duties of the depositor, trustee or custodian not stated in Item 10 or Items 14 to 23, inclusive.

III

ORGANIZATION, PERSONNEL AND AFFILIATED PERSONS OF DEPOSITOR

Note: If there is more than one person within the meaning of "depositor" as defined in "general instructions" herein, the information called for in Items 25 to 34 inclusive shall be set forth for each additional person under corresponding items designated 25A, 26A, 27A, etc., 25B, 26B, 27B, etc.

25. State the form of organization of the depositor of the trust, the name of the state or other sovereign power under the laws of which the depositor was organized and the date of organization.
26. (a) Furnish the following information with respect to all fees received by the depositor of the trust in connection with the exercise of any functions or duties concerning securities of the trust during the period covered by the financial statements filed herewith:

Year	Total payments by security holders	Amount of sales load received	Amount of administration fees received	Amount of management fees received	Amount of other fees received	Aggregate gross amount of load, fees, and received
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(b) Furnish the following information with respect to any fee or any participation in fees received by the depositor from any underlying investment company or any affiliated person or investment adviser of such company:

- (1) The name of such fee or participation.
- (2) The nature of the person making payment.
- (3) The nature of the services rendered in consideration for such fee or participation.
- (4) The aggregate amount received during the last fiscal year covered by the financial statements filed herewith.

27. Describe the general character of the business engaged in by the depositor including a statement as to any business other than that of depositor of the trust. If the depositor acts or has acted in any capacity with respect to any investment company or companies other than the trust, state the name or names of such company or companies, their relationship, if any, to the trust, and the nature of the depositor's activities therewith. If the depositor has ceased to act in such named capacity, state the date of and circumstances surrounding such cessation.

Officials and Affiliated Persons of Depositor

28. (a) Furnish as at latest practicable date the following information with respect to the depositor of the trust, with respect to each officer, director, or partner of the depositor, and with respect to each natural person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the depositor.

As at ..... (Date)

Name and principal business address	Nature of relationship or affiliation with depositor	Securities owned of record which are also owned beneficially	Amount	Percent of class	Securities owned which are not owned of record	Amount	Percent of class
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Ownership of all securities of the depositor

Title of class	Amount	Percent of class	Securities owned of record which are also owned beneficially	Amount	Percent of class	Securities owned which are not owned of record	Amount	Percent of class
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Ownership of all securities of the trust

Title of class	Securities owned of record which are also owned beneficially	Amount	Percent of class	Securities owned of record which are not owned beneficially	Amount	Percent of class
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Other companies of which each of the persons named above is presently an officer, director or partner

Name and principal business address of such other company	Nature of business with such other company
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• English persons whose affiliation with the depositor arises solely by virtue of stock ownership (Section 2(a)(9)(A) of the Act).

(b) Furnish a brief statement of the business experience during the last five years of each officer, director or partner of the depositor.

Companies Owning Securities of Depositor

Furnish as at latest practicable date the following information with respect to each company which directly or indirectly owns, controls or holds with power to vote 5% or more of the outstanding voting securities of the depositor.

As at ..... (Date)

Name and principal business address	Nature of business	Securities owned of record which are also owned beneficially	Amount	Percent of class	Securities owned of record which are not owned beneficially	Amount	Percent of class
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Ownership of all securities of the depositor

30. **Controlling Persons**  
Furnish as at latest practicable date the following information with respect to any person, other than those covered by Items 28, 29, and 42 who directly or indirectly controls the depositor. ("Control" for the purposes of this item means "Control" as defined in Section 2(a)(9) of the Act, but without reference to the presumption created therein.) (If no such other person controls the depositor, indicate "none".)

As at ..... (Date)

Name and principal business address	Nature of principal business of such person	Brief description of basis of control
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Compensation of Officers and Directors of Depositor

31. Furnish the following information with respect to the remuneration for services paid by the depositor during the last fiscal year covered by financial statements filed herewith:

(a) directly to each of the officers or partners of the depositor directly receiving the three highest amounts of remuneration:

Name of person	Capacity in which received and nature of services	Amount of remuneration paid
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(b) directly to all officers or partners of the depositor as a group exclusive of persons whose remuneration is included under Item 31(a), stating separately the aggregate amount paid by the depositor itself and the aggregate amount paid by all the subsidiaries;

(c) indirectly or through subsidiaries to each of the officers or partners of the depositor

**Compensation to Other Persons**

34. Furnish the following information with respect to the aggregate amount of compensation for services\* paid any person (exclusive of persons whose remuneration is reported in Items 31, 32 and 33), whose aggregate compensation in connection with services rendered with respect to the trust in all capacities exceeded \$10,000 during the last fiscal year covered by financial statements filed herewith from the depositor and any of its subsidiaries.

Name of person	Capacity in which compensation was received	Name of each company paying compensation	Amount of compensation paid by each such company
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\* See footnote to Item 31.

**IV  
DISTRIBUTION AND REDEMPTION OF SECURITIES**

**Distribution of Securities**

35. Furnish the names of the states in which sales of the trust's securities (A) are currently being made, (B) are presently proposed to be made, and (C) have been discontinued, indicating by appropriate letter the status with respect to each state.

36. If sales of the trust's securities have at any time since January 1, 1936 been suspended for more than a month describe briefly the reasons for such suspension.

37. (a) Furnish the following information with respect to each instance where subsequent to January 1, 1937, any federal or state governmental officer, agency, or regulatory body denied authority to distribute securities of the trust, excluding a denial which was merely a procedural step prior to any determination by such officer, etc. and which denial was subsequently rescinded.  
(1) Name of officer, agency or body.  
(2) Date of denial.  
(3) Brief statement of reason given for denial.

(b) Furnish the following information with regard to each instance where, subsequent to January 1, 1937, the authority to distribute securities of the trust has been revoked by any federal or state governmental officer, agency or regulatory body.  
(1) Name of officer, agency or body.  
(2) Date of revocation.  
(3) Brief statement of reason given for revocation.

38. (a) Furnish a general description of the method of distribution of securities of the trust.

(b) State the substance of any current selling agreement between each principal underwriter and the trust or the depositor, including a statement as to the inception and termination dates of the agreement, any renewal and termination provisions, and any assignment provisions.

(c) State the substance of any current agreements or arrangements of each principal underwriter with dealers, agents, salesmen, etc. with respect to commissions and overriding commissions, territories, franchises, qualifications and revocations. If the trust is the issuer of periodic payment plan certificates, furnish schedules of commissions and the bases thereof. In lieu of a statement concerning schedules of commissions, such schedules of commissions may be filed as Exhibit A(3)(c).

**Information Concerning Principal Underwriter**

Note: If the depositor and the sole principal underwriter are identical Items 39(a), 40, 41(a), 41(c) and 42 may be answered by reference to Items 25, 26, 27 and 28(a), respectively.

39. (a) State the form of organization of each principal underwriter of securities of the trust, the name of the state or other sovereign power under the laws of which each underwriter was organized and the date of organization.

(b) State whether any principal underwriter currently distributing securities of the trust is a member of the National Association of Securities Dealers, Inc.

Name of person	Relationship of person to depositor	Name of company receiving remuneration	Relationship of person to company receiving remuneration	Amount paid by each such company
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\* The term "remuneration for services" includes (1) salaries, fees, commissions, and all other forms of direct compensation paid to the person in question individually by the depositor for all services rendered with respect to the trust, and (2) indirect compensation paid by an underwriter or investment adviser of the trust (other than the depositor) or by a subsidiary of the depositor in connection with services rendered with respect to the trust. Indirect compensation also includes brokerage commissions, other agency commissions, investment advisory fees, legal fees and similar remuneration paid (before deducting expenses of rendering such services) to any partnership of which the person in question is a member or to any other company in which such person has an interest of 5% or more, but it is not necessary to make any allocation of the individual's proportionate interest in such indirect compensation. The term "remuneration for services" does not include fees for acting as transfer agent, registrar, paying agent or similar services ordinarily performed by a bank or trust company, nor does it include payments for rent or services incident to a lessor-lessee relationship or similar payments.

**Compensation of Directors**

32. Furnish the following information with respect to the remuneration for services,\* exclusive of remuneration reported under Item 31, paid by the depositor during the last fiscal year covered by financial statements filed herewith:

- (a) the aggregate direct remuneration to directors
- (b) indirectly or through subsidiaries to directors

\* See footnote to Item 31.

Name of person	Relationship of person to depositor	Name of company receiving remuneration	Relationship of person to company receiving remuneration	Amount paid by each such company
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**Compensation to Employees**

33. (a) Furnish the following information with respect to the aggregate amount of remuneration for services\* of all employees of the depositor (exclusive of persons whose remuneration is reported in Items 31 and 32) who received remuneration in excess of \$10,000 during the last fiscal year covered by financial statement filed herewith from the depositor and any of its subsidiaries.

Name of person	Capacity in which remuneration was received	Name of each company paying remuneration	Amount of remuneration paid by each such company
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(b) Furnish the following information with respect to the remuneration for services\* paid directly during the last fiscal year covered by financial statements filed herewith to the following classes of persons (exclusive of those persons covered by Item 33(a)): (1) Sales managers, branch managers, district managers and other persons supervising the sale of registrant's securities; (2) Salesmen, sales agents, canvassers and other persons making solicitations but not in supervisory capacity; (3) Administrative and clerical employees; and (4) Others (specify). If a person is employed in more than one capacity, classify according to predominant type of work.

Class of persons	Number	Aggregate remuneration <sup>1</sup>
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\* See footnote to Item 31.

40. (a) Furnish the following information with respect to all fees received by each principal underwriter of the trust from the sale of securities of the trust and any other functions in connection therewith exercised by such underwriter in such capacity or otherwise during the period covered by the financial statements filed herewith.

Year	NAME OF PRINCIPAL UNDERWRITER				Aggregate gross amount of load, fees, etc. received
	Amount of sales load received	Amount of administration fees received	Amount of other fees received	Amount of management fees received	
Total					

(b) Furnish the following information with respect to any fee or any participation in fees received by each principal underwriter from any underlying investment company or any affiliated person or investment adviser of such company:

- (1) The nature of such fee or participation.
- (2) The name of the person making payment.
- (3) The nature of the services rendered in consideration for such fee or participation.
- (4) The aggregate amount received during the last fiscal year covered by the financial statements filed herewith.

41. (a) Describe the general character of the business engaged in by each principal underwriter, including a statement as to any business other than the distribution of securities of the trust. If a principal underwriter acts or has acted in any capacity with respect to any investment company or companies other than the trust, state the name or names of such company or companies, their relationship, if any, to the trust and the nature of such activities. If a principal underwriter has ceased to act in such named capacity, state the date of and the circumstances surrounding such cessation.

(b) Furnish as at latest practicable date the address of each branch office of each principal underwriter currently selling securities of the trust and furnish the name and residence address of the person in charge of such office.

(c) Furnish the number of individual salesmen of each principal underwriter through whom any of the securities of the trust were distributed for the last fiscal year of the trust covered by the financial statements filed herewith and furnish the aggregate amount of compensation received by such salesmen in such year. (Segregate full-time and part-time salesmen.)

42. Furnish as at latest practicable date the following information with respect to each principal underwriter currently distributing securities of the trust and with respect to each of the officers, directors or partners of such underwriter:

As at .....

..... Date

Name and principal business address of each such person	Position with principal underwriter	Ownership of Securities of the Trust			
		Amount	Percent of class	Amount	Percent of class
		Securities owned of record which are also owned beneficially		Securities owned of record which are not owned beneficially	

43. Furnish, for the last fiscal year covered by the financial statements filed herewith, the amount of brokerage commissions received by any principal underwriter who is a member of a national securities exchange and who is currently distributing the securities of the trust or effecting transactions for the trust in the portfolio securities of the trust.

**Offering Price or Acquisition Valuation of Securities of the Trust**

(If the underlying securities are shares of a registered investment company, the answers to the following item need not include duplication of information included in the registration statement of such company.)

Note: If the trust is issuing more than one class or series of securities, and the methods of valuation for each are identical, Item 44 need be answered only as to one such class or series.

44. (a) Furnish the following information with respect to the method of valuation used by the trust for purpose of determining the offering price to the public of securities issued by the trust or the valuation of shares or interests in the underlying securities acquired by the holder of a periodic payment plan certificate:

- (1) The source of quotations used to determine the value of portfolio securities.
- (2) Whether opening, closing, bid, asked or any other price is used.
- (3) Whether price is as of the day of sale or of any other time.
- (4) A brief description of the methods used by registrant for determining other assets and liabilities including accrual for expenses and taxes (including taxes on unrealized appreciation).
- (5) Other items which registrant adds to the net asset value in computing offering price of its securities:

Odd lot premiums (yes or no)	Fees for			Registrar or transfer agent (yes or no)	Other charges (describe briefly)
	Brokerage commissions (yes or no)	Administration (yes or no)	Custodian or trustee (yes or no)		

(6) Whether adjustments are made for fractions:  
 (i) before adding distributor's compensation (load); and  
 (ii) after adding distributor's compensation (load).

(b) Furnish a specimen schedule showing the components of the offering price of the trust's securities as at the latest practicable date. Such schedule shall be in substantially the following form:

(Note: If registrant is an issuer of periodic payment plan certificates, furnish, in lieu of such schedule an appropriate, comparable schedule showing the acquisition price of the holders' interests in the underlying securities.)

1. Value of portfolio securities
2. Value of other assets
3. Total (1 plus 2)
4. Liabilities (include accrued expenses and taxes)
5. Value of net assets (3 minus 4)
6. Other charges
  - (a) odd lot premiums
  - (b) brokerage commissions
  - (c) fees for administration
  - (d) fees for custodian or trustee
  - (e) fees for registrar or transfer agent
  - (f) transfer taxes
  - (g) reserves
  - (h) others
7. Adjusted value of net assets (5 plus 6(i))
8. Number of units outstanding
9. Net asset value per unit (four decimals)
  - (a) excluding other charges (5 divided by 8)
  - (b) including other charges (7 divided by 8)
10. Adjustment of 9(b) for fractions

1. Value of portfolio securities
2. Value of other assets
3. Total (1 plus 2)
4. Liabilities (include accrued expenses and taxes)
5. Value of net assets (3 minus 4)
6. Other charges
  - (a) odd lot premiums
  - (b) brokerage commissions
  - (c) fees for administration
  - (d) fees for custodian or trustee
  - (e) fees for registrar or transfer agent
  - (f) transfer taxes
  - (g) reserves
  - (h) others
  - (i) total, 6(a) through 6(h), inclusive
7. Adjusted value of net assets (5 minus 6(i))
8. Number of units outstanding
9. Net asset value per unit (four decimals)
  - (a) excluding other charges (5 divided by 8)
  - (b) including other charges (7 divided by 8)
10. Adjustment of 9(b) for fractions
11. Adjusted net asset value per unit
12. Redemption charge
13. Adjusted redemption price
14. Accumulated undistributed income per unit (if not included in 3 and 9)
15. Actual redemption price (13 plus 14)
16. Effective redemption fee per unit
  - (a) in dollars  $(9(a) + 14) - 15$
  - (b) in percentage  $(16(a) \text{ of } 9(a) + 14)$

(If any sub-items are inapplicable, answer "none".)

*Purchase and Sale of Interests in Underlying Securities from and to Security Holders*

Furnish a statement as to the procedure with respect to the maintenance of a position in the underlying securities or interests in the underlying securities, the extent and nature thereof and the person who maintains such a position. Include a description of the procedure with respect to the purchase of underlying securities or interests in the underlying securities from security holders who exercise redemption or withdrawal rights and the sale of such underlying securities and interests in the underlying securities to other security holders. State whether the method of valuation of such underlying securities or interests in underlying securities differs from that set forth in Items 44 and 46. If any item of expenditure included in the determination of the valuation is not or may not actually be incurred or expended, explain the nature of such item and who may benefit from the transaction.

V  
INFORMATION CONCERNING THE TRUSTEE  
OR CUSTODIAN

48. Furnish the following information as to each trustee or custodian of the trust.
  - (a) Name and principal business address.
  - (b) Form of organization.
  - (c) State or other sovereign power under the laws of which the trustee or custodian was organized.
  - (d) Name of governmental supervising or examining authority.
49. State the basis for payment of fees or expenses of the trustee or custodian for services rendered with respect to the trust and its securities, and the aggregate amount thereof for the last fiscal year. Indicate the person paying such fees or expenses. If any fees or expenses are prepaid, state the unearned amount.

11. Adjusted net asset value per unit
12. Offering price (show four decimals)
 

(If any sales load is charged, indicate amount, and apply percentage load to 11 or other applicable base, indicating base.)
13. Adjustment of 12 for fractions
14. Offering price
15. Accumulated undistributed income per unit (if not included in 3 and 9)
16. Adjusted price (14 plus 15)
17. Effective load per unit
  - (a) In dollars  $(16 - [9(a) + 15])$
  - (b) In percentage  $(17(a) \text{ of } [9(a) + 15])$

(If no sales load is charged on underlying security add accumulated undistributed income per unit to sub-item 11, to show adjusted offering price. If any sub-items are inapplicable, answer "none.")

(c) If there is any variation in the offering price of the trust's securities to any person or classes of persons other than underwriters, state the nature and amount of such variation and indicate the person or classes of persons to whom such offering is made.

45. Furnish the following information with respect to any suspension of the redemption rights of the securities issued by the trust during the three fiscal years covered by the financial statements filed herewith:

- (a) by whose action redemption rights were suspended.
- (b) the number of days' notice given to security holders prior to suspension of redemption rights.
- (c) reason for suspension.
- (d) period during which suspension was in effect.

*Redemption Valuation of Securities of the Trust*

(If the underlying securities are shares of a registered investment company, the answers to the following item need not include the duplication of information included in the registration statement of such company.)

Note: If the trust is issuing more than one class or series of securities and the methods of valuation for each are identical, Item 46 need be answered only as to one such class or series.

46. (a) Furnish the following information with respect to the method of determining the redemption or withdrawal valuation of securities issued by the trust:
  - (1) The source of quotations used to determine the value of portfolio securities.
  - (2) Whether opening, closing, bid, asked or any other price is used.
  - (3) Whether price is as of the day of sale or as of any other time.
  - (4) A brief description of the methods used by registrant for determining other assets and liabilities including accrual for expenses and taxes (including taxes on unrealized appreciation).
  - (5) Other items which registrant deducts from the net asset value in computing redemption value of its securities:

Odd lot premiums (yes or no)	Fees for			Other charges (describe briefly)
	Brokerage commissions (yes or no)	Transfer taxes (yes or no)	Administration (yes or no)	
				Custodian or trustee (yes or no)
				Registrar or transfer agent (yes or no)

(6) Whether adjustments are made for fractions.

(b) Furnish a specimen schedule showing the components of the redemption price to the holders of the trust's securities as at the latest practicable date. Such schedule shall be in substantially the following form:

(Note: If registrant is an issuer of periodic payment plan certificates, furnished in lieu of such schedule, an appropriate comparable schedule, showing the liquidation or redemption price of the security holder's interest in the underlying securities.)

- (4) whether such substituted securities may be the securities of another investment company; and
- (5) the substance of the provisions of any indenture or agreement which authorize or restrict the policy of the registrant in this regard.
- (If this subject has been entirely covered in Item 52(b), state "not applicable".)
- (d) Furnish a description of any policy (exclusive of policies covered by paragraphs (a) and (b) herein) of the trust which is deemed a matter of fundamental policy and which is elected to be treated as such.

*Regulated Investment Company*

53. (a) State the taxable status of the trust.
- (b) State whether the trust qualified for the last taxable year as a regulated investment company as defined in Section 851 of the Internal Revenue Code of 1954, and state its present intention with respect to such qualifications during the current taxable year.

VIII

FINANCIAL AND STATISTICAL INFORMATION

54. If the trust is not the issuer of periodic payment plan certificates furnish the following information with respect to each class or series of its securities:

As at the end of each of registrant's past 10 fiscal years

Year	Total number of shares	Asset value per share	Dividends paid per share (if other than cash, explain)
------	------------------------	-----------------------	---

55. If the trust is the issuer of periodic payment plan certificates, a transcript of a hypothetical account shall be filed in approximately the following form on the basis of the certificate calling for the smallest amount of payments. The schedule shall cover a certificate of the type currently being sold assuming that such certificate had been sold at a date approximately ten years prior to the date of registration or at the approximate date of organization of the trust.

50. State whether the trustee or custodian or any other person has or may create a lien on the assets of the trust, and if so, give full particulars, outlining the substance of the provisions of any indenture or agreement with respect thereto.

VI

INFORMATION CONCERNING INSURANCE OF HOLDERS OF SECURITIES

51. Furnish the following information with respect to insurance of holders of securities:
- (a) The name and address of the insurance company.
- (b) The types of policies and whether individual or group policies.
- (c) The types of risks insured and excluded.
- (d) The coverage of the policies.
- (e) The beneficiaries of such policies and the uses to which the proceeds of policies must be put.
- (f) The terms and manner of cancellation and of reinstatement.
- (g) The method of determining the amount of premiums to be paid by holders of securities.
- (h) The amount of aggregate premiums paid to the insurance company during the last fiscal year.
- (i) Whether any person other than the insurance company receives any part of such premiums, the name of each such person and the amounts involved, and the nature of the services rendered therefor.
- (j) The substance of any other material provisions of any indenture or agreement of the trust relating to insurance.

VII

POLICY OF REGISTRANT

52. (a) Furnish the substance of the provisions of any indenture or agreement with respect to the conditions upon which and the method of selection by which particular portfolio securities must or may be eliminated from assets of the trust or must or may be replaced by other portfolio securities. If an investment adviser or other person is to be employed in connection with such selection, elimination or substitution, state the name of such person, the nature of any affiliation to the depositor, trustee or custodian, and any principal underwriter, and the amount of remuneration to be received for such services. If any particular person is not designated in the indenture or agreement, describe briefly the method of selection of such person.
- (b) Furnish the following information with respect to each transaction involving the elimination of any underlying security during the period covered by the financial statements filed herewith:
- (1) Title of security.
  - (2) Date of elimination.
  - (3) Reasons for elimination.
  - (4) The use of the proceeds from the sale of the eliminated security.
  - (5) Title of security substituted, if any.
  - (6) Whether depositor, principal underwriter, trustee or custodian or any affiliated person of the foregoing were involved in the transaction.
  - (7) Compensation or remuneration received by each such person directly or indirectly as a result of the transaction.
- (c) Describe the policy of the trust with respect to the substitution and elimination of the underlying securities of the trust with respect to:
- (1) the grounds for elimination and substitution;
  - (2) the type of securities which may be substituted for any underlying security;
  - (3) whether the acquisition of such substituted security or securities would constitute the concentration of investment in a particular industry or group of industries or would conform to a policy of concentration of investment in a particular industry or group of industries;

56. If the trust is the issuer of periodic payment plan certificates, furnish by years for the period covered by the financial statements filed herewith in respect of certificates sold during such period, the following information for each fully paid type and each installment payment type of periodic payment plan certificate currently being issued by the trust.

	Year	Year	Cumulative
	19	19	
	Annual	Annual	Cumulative
<b>Distribution of Certificates</b>			
1. Number			
2. Total denomination of all certificates distributed			
3. Total payments by all certificate holders			
4. Expense deductions:			
(a) Sales load			
(b) Insurance premiums			
(c) Other expenses			
(d) Total expenses (a/b/c)			
5. Amount invested (3-4d)			
<b>Termination of Certificates **</b>			
6. Number			
7. Total denomination of certificates terminated			
8. Total payments by such certificate holders			
9. Total payments or credits to such certificate holders:			
(a) Net asset proceeds (cash or value of portfolio securities) (See 19)			
(b) Income distributions (excluding reinvestments)			
(c) Total (a/b)			
10. Total payments by such certificate holders OVER ( ) or UNDER ( - ) payments to such certificate holders (8-9c)			
<b>Certificates Outstanding</b>			
11. Number			
12. Total denomination of certificates outstanding			
13. Total payments by such certif. holders (3-8)			
14. Total payments to and investment of such certificate holders:			
(a) Net investment-market value (See 20)			
(b) Income distributions (excluding reinvestments)			
(c) Total (a/b)			
15. Total payments by such certificate holders OVER or UNDER ( - ) net investment of and income distributions to certificate holders (13-14c)			

\* End of year amounts for certif. outstanding to be shown in this column.  
 \*\* Partial liquidations may be prorated or, if less than 5% of total terminations for any year, on a termination basis, and offer difficulty of treatment, they may be omitted from the statement. In such case the denomination and amount paid should be shown by appropriate footnote. Conversions between series may be treated as distributions and terminations and explained as to amounts, etc. by footnotes.

Transcript of a Hypothetical Periodic Payment Plan Account<sup>1</sup>

COL. A		COL. B		COL. C			COL. D		COL. E
Date of payment	Monthly for first year and annually thereafter	Cumulative	Deductions from Payments on Principal			Balance of payments on principal available for investment in trust property		Liquidating value of certificate	
			(1)	(2)	(3)	Monthly for first year and annually thereafter	Cumulative		
			Underwriting commissions, loading fees and all other similar charges	Insurance premiums	Other deductions <sup>2</sup>				

<sup>1</sup> (a) The transcript shall be carried to date of completion on the assumption there has been no lapse or cancellation, or if incomplete to the approximate date of the statement of condition filed herewith.

(b) Income of the account which is to be reinvested shall be included in an appropriate manner.

<sup>2</sup> Specify any material items.

58. If the trust is the issuer of periodic payment plan certificates furnish the following information for each installment payment type of periodic payment plan certificate outstanding as at the latest practicable date.

Summary	Year 19...		Title of certificate
	Annual	Cumulative	
16. Investors' combined gain (/) or loss and shrinkage (-) in value (10/15)	XXXXX	XXXXX	
17. Distribution of Item 16:			
(a) Expense deductions	XXXXX	XXXXX	
(b) Realized and unrealized appreciation (/) or depreciation (-) of assets	XXXXX	XXXXX	
(c) Total (a/b)	XXXXX	XXXXX	

As at (Date) Title of certificate

Total number of certificates outstanding	Certificates on which no payment was received for			
	(1) Over 1 but less than 3 months	(2) 3 to less than 6 months	(3) 6 to less than 12 months	(5) Total (1) to (4) inclusive
XXXXX				

59. Financial statements shall be filed in accordance with the instructions given below:

**INSTRUCTIONS AS TO FINANCIAL MATTERS**  
*Financial Statements of the Trust*

- (a) **Financial Statements Required**  
The following financial statements shall be filed for the trust:  
(1) A statement of condition as of the close of the last fiscal year, and  
(2) Statements of income and other distributable funds for the three fiscal years preceding the date of the statement of condition filed.
- (b) **Form and Content of Financial Statements**  
The form and content of financial statements of the trust including supplementary schedules shall be governed by Articles 2, 3, 6A, and 12 of Regulation S-X promulgated under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940. Companies which have previously filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934 registration statements or annual reports including financial statements covering any of the same periods as required herein, prepared pursuant to the Commission's regulations as to form and content in effect at the time of such previous filing, may file copies of such financial statements (which may be photo-copies of the same size) in lieu of the statements required hereby.

**Financial Statements of the Depositor\***

- (c) **Financial Statements Required**  
There shall be filed for each such person:  
(1) A balance sheet as of the end of its last fiscal year.  
(2) A profit and loss statement and a statement of surplus for the fiscal year ending as of the date of the balance sheet filed.
- (d) **Form and Content of Financial Statements**  
The financial statements required by instruction (c) above shall be in the form prescribed by the applicable articles of Regulation S-X, provided, however, that:  
(1) With respect to each balance sheet filed for each such person, if any amount is carried as a receivable representing uncollected sales load on periodic payment plan certificates sold, there shall be set up and shown separately reserves to provide for such amount. Reserves shall also be provided to cover any excess in the estimated cost of servicing outstanding periodic payment plan certificates over the anticipated income from loading charges on such certificates or administrative fees to be received from trust income or principal.  
(2) With respect to each profit and loss statement filed for each such person, there shall be shown separately as to income and expense in connection with the creation and servicing of this trust and all other investment trusts or investment companies the amount of "depositor" in general instructions.

\* See definition of "depositor" in general instructions.

- 19. Amount (annual cumulative) of reinvested distributions
- 20. Amount (cumulative) of reinvested distributions

57. If the trust is the issuer of periodic payment plan certificates, furnish by years for the period covered by the financial statements filed herewith the following information for each installment payment type of periodic payment plan certificate currently being issued by the trust.  
(For purposes of this table the period of termination of a certificate should be based on the actual number of payments made irrespective of the time period during which the certificate was on the trust's books.)

Set forth in column A of each payment period termination of all certificates sold during the year indicated for which the experience of the trust for the period in question is complete. For example, certificates sold continuously through any calendar year will have to have been in existence for at least 23 months in order to obtain a complete experience for certificates terminated during the first payment period of 1-12 payments.

Set forth in column B of each payment period, terminations of all certificates sold during the year indicated for which the experience of the trust for the period in question is incomplete. For example, in the case of certificates sold continually through any calendar year and in existence for not more than 23 months, the experience of the trust with respect to certificates terminated in the second payment period of 13 to 24 payments would be incomplete.)

Year	Total Number of Certificates Terminated by Period			
	(1) Payments 1-12	(2) Payments 13-24	etc.	
	A B	A B	A B	A B
	Total		Total	
	A B		A B	

As at (Date) Title of certificate

Year	Total Number of Certificates Terminated by Period			
	(1) Payments 1-12	(2) Payments 13-24	etc.	
	A B	A B	A B	A B
	Total		Total	
	A B		A B	

SIGNATURE

(See Instruction 2(h))

Pursuant to the requirements of the Investment Company Act of 1940 the ..... (depositor or trustee or custodian) of the registrant has caused this registration statement to be duly signed on behalf of the registrant in the City of ..... and State of ..... on the ..... day of ..... 19.....

[SEAL] Signature ..... (Name of registrant)

BY ..... (Name of depositor or trustee or custodian)

BY ..... (Name of officer of depositor or trustee or custodian) ..... (Title)

Attest: ..... (Name)

..... (Title)

- (A) Underwriting commissions, sales load and all other similar charges.
  - (B) Fees and deductions for investment management and all other similar services.
  - (C) Income from trading in the shares of such trusts or companies, other than income included under (A) and (B) above.
  - (D) Income from trading or dealing in the trust property of such trusts or companies, other than income included under (A), (B) and (C) above.
  - (E) Any costs of performing bookkeeping or other administrative services of a character normally performed by the trustee or custodian of a periodic payment plan.
- Certification**
- (e) All financial statements required to be filed shall be certified by an independent public accountant in accordance with Article 2 of Regulation S-X.

IX EXHIBITS

- A. Furnish the most recent form of the following as amended to date and currently in effect:**
- (1) The indenture, or agreement under the terms of which the trust was organized or issued securities.
  - (2) The indenture or agreement pursuant to which the proceeds of payments of securities are held by the custodian or trustee, if such indenture or agreement is not the same as the indenture or agreement referred to in paragraph (1).
  - (3) Distributing contracts:
    - (a) Agreements between the trust and principal underwriter or between the depositor and principal underwriter.
    - (b) Specimen of typical agreements between principal underwriter and dealers, managers, sales supervisors and salesmen.
    - (c) Schedules of sales commissions referred to in Item 39(c) [38(c)].
  - (4) Any agreement between the depositor, principal underwriter and the custodian or trustee other than indentures or agreements set forth in paragraphs (1), (2) and (3) with respect to the trust or its securities.
  - (5) The form of each type of security.
  - (6) The certificate of incorporation or other instrument of organization and by-laws of the depositor.
  - (7) Any insurance policy under a contract between the trust and the insurance company or between the depositor and the insurance company, together with the table of insurance premiums.
  - (8) Any agreement between the trust or the depositor concerning the trust with the issuer, depositor, principal underwriter or investment adviser of any underlying investment company or any affiliated person of such persons.
  - (9) All other material contracts not entered into in the ordinary course of business of the trust or of the depositor concerning the trust.
  - (10) Form of application for a periodic payment plan certificate.
- B. Furnish copies of each of the following:**
- (1) Each notice sent to security holders pursuant to Section 19 of the Act prior to the date of the filing of this form.
  - (2) Each annual report sent to security holders covering each fiscal year ending after January 1, 1937, exclusive of reports, copies of which have heretofore been filed with the Commission pursuant to the Act.
- C. Furnish the name and address of each dealer to or through whom any principal underwriter currently offering securities of the trust, distributed securities of the trust during the last fiscal year covered by the financial statements filed herewith. (This exhibit shall be supplied separately as confidential information pursuant to Rule 45a-1.)**

Form N-8B-3

[As adopted in Release No. IC-370, June 19, 1942.]

**REGISTRATION STATEMENT OF UNINCORPORATED MANAGEMENT INVESTMENT COMPANIES CURRENTLY ISSUING PERIODIC PAYMENT PLAN CERTIFICATES**

Pursuant to Section 8 (b) of the Investment Company Act of 1940

(Size of form: 8 1/2" x 18", 28 pages)

**SECURITIES AND EXCHANGE COMMISSION**

Washington, D. C.

Name of Company Issuing Certificates

Name of Depositor

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**GENERAL INSTRUCTIONS FOR FORM N-8B-3**

READ INSTRUCTIONS CAREFULLY BEFORE PREPARING THE REGISTRATION STATEMENT. THE REGISTRATION STATEMENT WILL NOT BE DEEMED ACCEPTABLE UNLESS IT IS PREPARED, EXECUTED AND FILED SUBSTANTIALLY IN ACCORDANCE WITH THESE INSTRUCTIONS:

1. Rule as to Use of Form.

This form shall be used as the form for registration statement to be filed, pursuant to Section 8(b) of the Investment Company Act of 1940, by unincorporated management investment companies currently issuing periodic payment plan certificates.

In lieu of filing a registration statement on this form, companies having securities registered under the Securities Act of 1933 may file the information required by Rule N-8C-3 [now Reg. § 270.8B-23].

## 2. Preparation and Filing of Registration Statement

- (a) **Date as of which Information Must Be Given:** Every item is to be answered as of the date of execution of the registration statement unless the context clearly indicates the contrary.
- (b) **Formal Requirements:** All answers are to be printed, mimeographed or type-written in black ink, and prepared on good quality white paper, 8 $\frac{1}{2}$ " x 13" in size, leaving a back or stitching margin of at least 1 $\frac{1}{2}$ ". Tables, financial statements and schedules, however, may be on larger paper if folded to such size. Documents submitted as exhibits may differ from such size. All copies of the registration statement shall be unbound except by clips or removable staples.
- (c) **Text of Items Must Be Included and Every Item Fully Answered:** The answer to each item shall contain the full text of such item (but not necessarily any notes or instructions accompanying the item) and the full heading of each table. However, the tabular form may be dispensed with, provided all of the information called for by the table is furnished. Every item and subdivision thereof is to be answered fully and accurately and if the answer is in the negative or if the item or subdivision is not applicable, it is to be answered in appropriate negative form, such as "none" or "not applicable". If an item or subdivision which calls for the preparation of information in tabular form is not applicable, it is not necessary to retype the table called for under that particular item or subdivision. However, the answer must indicate that such item or subdivision thereof is "not applicable".
- (d) **Provisions of Indentures or Agreements:** Reference to indenture provisions should be succinct and condensed and should not quote such provisions verbatim unless necessary to do so. The answer may be qualified, however, by reference to particular provisions of any indenture filed as an exhibit.
- (e) **Incorporation by Reference:** The answer to any of the items 1 to 63 in the registration statement may be incorporated by reference as answer, or partial answer, to any of such items, provided that the item referred to is specifically designated. However, none of the financial statements, nor any of the exhibits, required by the registration statement may be incorporated by reference as all or part of the answer to any of such items.
- (f) **Names:** Names shall be given in full. *Initials will not suffice.*
- (g) **Information Unknown or Not Available:** Information required need be given only insofar as known or reasonably available to the depositor or the trustee or custodian. If any required information is unknown and not reasonably available either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person neither controlling, controlled by, nor under common control with the registrant, depositor or trustee or custodian, such information may be omitted subject to the following conditions:
  - (1) Such information as is known or can be acquired without unreasonable effort or expense shall be given together with the sources thereof. A disclaimer of responsibility for the accuracy or completeness of all or part of such information may be included.
  - (2) As to all information omitted, a statement shall be included either showing that unreasonable effort or expense would be involved or indicating the absence of either any relationship with, or any control over, the person within whose knowledge the information rests, and stating the result of a request made to such person for such information.
- (h) **Information Pertaining to Other Persons:** It is recommended that, to the extent the preparation of the registration statement requires data pertaining to persons other than the person filing the statement on behalf of the registrant, such data should be obtained under the signature of the person to whom it pertains. These signed statements should be kept by the depositor or trustee or custodian for future reference, and the information thereon contained should constitute the basis for preparing the answers to such items of the registration statement.
- (i) **Signatures:** The original copy of the registration statement shall be signed on behalf of the registrant by an officer, director or partner of its depositor or trustee or custodian.

(1) **Filing:** Filing of the registration statement and all inquiries and communications with respect thereto shall be addressed to the Securities and Exchange Commission, 1500 North Capitol St., Washington, D. C. 20549. One original and three copies of each registration statement shall be filed. The three copies of the registration statement may have facsimile or typewritten signatures of the person who signed the original copy of the registration statement.

(2) **Time for Filing:** Unincorporated management investment companies required to use this form, which filed a notification of registration pursuant to Section 8(a) of the Act on or before June 1, 1942, must file registration statements with the Commission on or before August 31, 1942, except that those companies whose fiscal year ends on a date subsequent to June 1, 1942 but prior to September 1, 1942 shall file registration statements within three months after the end of such fiscal year. An unincorporated management investment company required to use this form, which files a notification of registration pursuant to Section 8(a) of the Act after June 1, 1942, shall file its registration statement within three months after the filing of such notification of registration.

(1) **Fee:** There is no fee for filing this registration statement.\*

### 3. Definitions:

Unless the context clearly indicates the contrary, terms used in the registration statement have meanings as defined in Section 2 of the Investment Company Act of 1940. In addition, the following definitions apply:

**Act:** The term "Act" means the Investment Company Act of 1940.

**Date of Registration:** The term "date of registration" means the date on which a notification of registration pursuant to Section 8(a) of the Act was filed with the Commission. If the notification of registration was filed on or before October 31, 1940, information called for in the registration statement as of the date of registration shall be given as of the close of business on October 31, 1940.

**Depositor:** The term "depositor" includes the person primarily responsible for the organization of the registrant and the person who has continuing functions or responsibilities with respect to the administration of the affairs of the registrant other than the trustee or custodian. The term includes the sponsor or manager of the registrant. If there is more than one such person, the information called for in this form for the depositor shall be set forth for each such person.

**Registrant:** The term "registrant" means the unincorporated management investment company on behalf of which the registration statement is filed.

**Security Holder:** The term "security holder" includes the holder of a periodic payment plan certificate.

**Underlying Securities:** The term "underlying securities" means the portfolio securities purchased by the registrant with the proceeds of payments made by the security holders of the registrant and in which they have a direct beneficial interest.

## I

### ORGANIZATION AND GENERAL INFORMATION

1. (a) Furnish name of the registrant. (According to security designation or otherwise, if the registrant does not have or does not transact business under any other designation.)  
(b) Furnish title of each class or series of securities issued by the registrant.
2. Furnish name and principal business address of each depositor of the registrant. (Note definition of "depositor" in general instructions.)
3. Furnish name and principal business address of each custodian or trustee of the registrant indicating for which class or series of securities each custodian or trustee is acting.
4. Furnish name and principal business address of each principal underwriter currently distributing securities of the registrant.
5. Furnish name of state or other sovereign power, the laws of which govern with respect to the organization of the registrant.

6. (a) Furnish the dates of execution and termination of any indenture or agreement currently in effect under the terms of which the registrant was organized and issued or proposes to issue securities. (If individual indentures or agreements are entered into with security holders, so state and furnish the date of the first such indenture or agreement.)
- (b) Furnish the dates of execution and termination of any indenture or agreement currently in effect pursuant to which the proceeds of payments on securities issued or to be issued by the registrant are held by the custodian or trustee. (If this indenture or agreement is the same as set forth in Item 6 (a), so state.)
7. Furnish in chronological order the following information with respect to each change of name of the registrant since January 1, 1930. If the name has never been changed, so state.

Former Name	Approximate Date of Change

8. State the date on which the fiscal year of the registrant ends.

#### Material Litigation

9. Furnish a description of any pending legal proceedings, material with respect to the security holders of the registrant by reason of the nature of the claim or the amount thereof, to which the registrant, the depositor, or the principal underwriter is a party or of which the assets of the registrant are the subject, including the substance of the claims involved in such proceeding and the title of the proceeding. Furnish a similar statement with respect to any pending administrative proceeding commenced by a governmental authority or any such proceeding or legal proceeding known to be contemplated by a governmental authority. Include any proceeding which, although immaterial itself, is representative of, or one of, a group which in the aggregate is material.

## II.

### GENERAL DESCRIPTION OF THE REGISTRANT AND SECURITIES OF THE REGISTRANT

10. *General Information Concerning the Securities of the Registrant and the Rights of Holders*
- Furnish a brief statement with respect to the following matters for each class or series of securities issued by the registrant:

- (a) Whether the securities are of the registered or bearer type.
- (b) Whether the securities are of the cumulative or distributive type.
- (c) The rights of security holders with respect to withdrawal or redemption.
- (d) The rights of security holders with respect to conversion, transfer, partial redemption, and similar matters.
- (e) The substance of the provisions of any indenture or agreement with respect to lapses or defaults by security holders in making principal payments, and with respect to reinstatement.
- (f) The substance of the provisions of any indenture or agreement with respect to voting rights, together with the names of any persons other than security holders given the right to exercise voting rights pertaining to the registrant's securities or the underlying securities and the relationship of each person to the registrant.
- (g) Whether security holders must be given notice of any change in:
- (1) the terms and conditions of the securities issued by the registrant.
  - (2) the provisions of any indenture or agreement of the registrant.
  - (3) the identity of the depositor, trustee or custodian.
- (h) Whether the consent of security holders is required in order for action to be taken concerning any change in:
- (1) the terms and conditions of the securities issued by the registrant.
  - (2) the provisions of any indenture or agreement of the registrant.
  - (3) the identity of the depositor, trustee or custodian.
- (i) Any other principal feature of the securities issued by the registrant or any other principal right, privilege or obligation not covered by subdivisions (a) to (g) or by any other item in this form.
- (Note: If there is more than one class or series of securities, the basic type of security may be described and the distinguishing features of each other class or series of securities may thereafter be described in answer to this item.)

#### Information Concerning Loads, Fees, Charges and Expenses

11. (a) Furnish the following information with respect to each load, fee, expense or charge to which (1) principal payments, (2) underlying securities, (3) distributions, (4) cumulated or reinvested distributions or income, and (5) redeemed or liquidated assets of the registrant's securities are subject:
- (A) the nature of such load, fee, expense, or charge;
  - (B) the amount thereof;
  - (C) the name of the person to whom such amounts are paid and his relationship to the registrant;
  - (D) the nature of the services performed by such person in consideration for such load, fee, expense or charge.
- (A) computation of the aggregate amount of each load or charge per certificate should be made as of a recent date (using the smallest unit) assuming completion of payments and no fluctuation in the value of the underlying securities. If a percentage basis is used to determine the amount of any load or charge, state such basis and convert it into an estimated money equivalent.)
- (b) For each installment payment type of periodic payment plan certificate of the registrant, furnish the following information with respect to sales load and other deductions from principal payments. (Computation should be made on the basis of the certificate calling for the smallest amount of payments.)

Aggregate amount of payments (Complete period)	Six Payments (six months)		12 Payments (one year)		24 Payments (two years)	
	Amount	% of amount of payments	Amount	% of amount of payments	Amount	% of amount of payments
(1) Amount of payments to be made on certificates	100%	100%	100%	100%	100%	100%
(2) Amount of sales load						
(3) Fee of custodian or trustee						
(4) Insurance premium						
(5) Other deductions from payments*						
(6) Total deductions (2 to 5)						
(7) Net amount invested						

\* Indicate the nature of such other deductions, as taxes, commissions, etc. If any such item amounts to more than 1% of the total amount of payments to be made, list separately. (Omit any items if certificate of the type covered makes no provisions for deductions of such item from payments.)

- (c) State (1) the amount of sales load as a percentage of the net amount invested, and (2) the amount of total deductions as a percentage of the net amount invested for each type of security issued by the registrant.
- (d) Furnish a brief description of any loads, fees, expenses or charges not covered in Item 11 (a) which may be paid by security holders in connection with the registrant or its securities. (Assignment, reinstatement, replacing lost certificates, etc.)
- (e) State whether the depositor, principal underwriter, custodian or trustee, or any affiliated person of the foregoing may receive profits or other benefits not included in answer to Item 11 (a) or 11 (d) through the sale or purchase of the registrant's securities or interests in such securities, or underlying securities or interests in underlying securities, and describe fully the nature and extent of such profits or benefits.

- (f) State the percentage that the aggregate annual charges and deductions for maintenance and other expenses of the registrant bear to the dividend and interest income received by the registrant during the period covered by the financial statements filed herewith.

#### Information Concerning the Operations of the Registrant

Notes: Items 12 to 22 inclusive call for a brief description of the principal characteristics and method of operation of the registrant and its securities. The functions and duties of the depositor, principal underwriter, custodian or trustee, or other person should be stated in connection with the description.

12. Describe the procedure with respect to applications (if any) and the issuance and authentication of the registrant's securities, and state the substance of the provisions of any indenture or agreement pertaining thereto.
13. Describe the procedure with respect to the receipt of payments from purchasers of the registrant's securities and the handling of the proceeds thereof, and state the substance of the provisions of any indenture or agreement pertaining thereto.
14. Describe the procedure with respect to the acquisition of underlying securities and the disposition thereof, and state the substance of the provisions of any indenture or agreement pertaining thereto.
15. (a) Describe the procedure with respect to withdrawal or redemption by security holders.  
(b) Furnish the names of any persons who may redeem or repurchase, or are required to redeem or repurchase, the registrant's securities from security holders, and the substance of the provisions of any indenture or agreement pertaining thereto.  
(c) Indicate whether repurchased or redeemed securities will be cancelled or may be resold.
16. (a) Describe the procedure with respect to the receipt, custody and disposition of the income and other distributable funds of the registrant and state the substance of the provisions of any indenture or agreement pertaining thereto.  
(b) Describe the procedure, if any, with respect to the reinvestment of distributions to security holders and state the substance of the provisions of any indenture or agreement pertaining thereto.  
(c) If any reserves or special funds are created out of income or principal, state with respect to each such reserve or fund the purpose and ultimate disposition thereof, and describe the manner of handling of same.  
(d) Submit a schedule showing the periodic and special distributions which have been made to security holders during the three years covered by the financial statements filed herewith. State for each such distribution the aggregate amount and amount per unit or beneficial interest. If distributions from sources other than current income have been made identify each such other source and indicate whether such distribution represents the return of principal payments to security holders. If payments other than cash were made describe the nature thereof, the account charged and the basis of determining the amount of such charge.
17. Describe the procedure with respect to the keeping of records and accounts of the registrant, the making of reports and the furnishing of information to security holders, and the substance of the provisions of any indenture or agreement pertaining thereto.
18. State the substance of the provisions of any indenture or agreement concerning the registrant with respect to the following:
  - (a) Amendments to such indenture or agreement.
  - (b) The extension or termination of such indenture or agreement.
  - (c) The removal or resignation of the trustee or custodian, or the failure of the trustee or custodian to perform its duties, obligations and functions.
  - (d) The appointment of a successor trustee and the procedure if a successor trustee is not appointed.
  - (e) The removal or resignation of the depositor, or the failure of the depositor to perform its duties, obligations and functions.
  - (f) The appointment of a successor depositor and the procedure if a successor depositor is not appointed.
19. (a) State the substance of the provisions of any indenture or agreement with respect to loans to security holders.

- (b) Furnish a brief description of any procedure or arrangement by which loans are made available to security holders by the depositor, principal underwriter, trustee or custodian, or any affiliated person of the foregoing. The following items should be covered:

- (1) The name of each person who makes such agreements or arrangements with security holders.
  - (2) The rate of interest payable on such loans.
  - (3) The period for which loans may be made.
  - (4) Costs or charges for default in repayment at maturity.
  - (5) Other material provisions of the agreement or arrangement.
- (c) If such loans are made, furnish the aggregate amount of loans outstanding at the end of the last fiscal year, the amount of interest collected during the last fiscal year allocated to the depositor, principal underwriter, trustee or custodian or affiliated person of the foregoing and the aggregate amount of loans in default at the end of the last fiscal year covered by financial statements filed herewith.

20. State the substance of the provisions of any indenture or agreement with respect to limitations on the liabilities of the depositor, trustee or custodian, or any other party to such indenture or agreement.
21. Describe any bonding arrangement for officers, directors, partners or employees of the depositor or principal underwriter of the registrant, including the amount of coverage and the type of bond.
22. State the substance of any other material provisions of any indenture or agreement concerning the registrant or its securities and a description of any other material functions or duties of the depositor, trustee or custodian not stated in Item 10 or Items 12 to 21 inclusive.

### III.

#### ORGANIZATION, PERSONNEL AND AFFILIATED PERSONS OF DEPOSITOR

Note: If there is more than one person within the meaning of "depositor" as defined in "general instructions" herein, the information called for in Items 23 to 32 inclusive shall be set forth for each additional person under corresponding items designated 23A, 24A, 25A, etc., 23B, 24B, etc.

#### Organization and Operations of Depositor

23. State the form of organization of the depositor of the registrant, the name of the state or other sovereign power under the laws of which the depositor was organized and the date of organization.
24. Furnish the following information with respect to all fees received by the depositor of the registrant in connection with the exercise of any functions or duties concerning securities of the registrant during the period covered by the financial statements filed herewith:

Year	Total payments by security holders	Amount of sales load received	Amount of administration fees received	Amount of management fees received	Amount of other fees received	Aggregate gross amount of load, fees, etc. received
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25. Describe the general character of the business engaged in by the depositor including a statement as to any business other than that of depositor of the registrant. If the depositor acts or has acted in any capacity with respect to any investment company or companies other than the registrant, state the name or names of such company or companies, their relationship, if any, to the registrant, and the nature of the depositor's activities therewith. If the depositor has ceased to act in such named capacity, state the date of and circumstances surrounding such cessation.

#### Officials and Affiliated Persons of Depositor

26. (a) Furnish as at latest practicable date the following information with respect to the depositor of the registrant, with respect to each officer, director, or partner

of the depositor, and with respect to each natural person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the depositor.

As at ..... (date)

Name and principal business address

Nature of relationship or affiliation with depositor of the registrant

Ownership of all securities of the depositor

Table with 4 columns: Title of class, Amount, Percent of class, Securities owned beneficially which are also owned beneficially. Sub-headers include Securities owned beneficially which are not owned and Amount.

Ownership of all securities of the registrant

Table with 4 columns: Title of class, Amount, Percent of class, Securities owned beneficially which are not owned. Sub-headers include Securities owned beneficially which are not owned and Amount.

Other companies of which each of the persons named above is a partner, director, officer or partner

Table with 2 columns: Name and principal business address of such other company, Nature of affiliation with such other company

\* Exclude persons whose affiliation with the depositor arises solely by virtue of stock ownership (Section 2 (a) (3) (A) of the Act).

(b) Furnish a brief statement of the business experience during the last five years of each officer, director or partner of the depositor.

Companies Owning Securities of Depositor

Furnish as at latest practicable date the following information with respect to each company which directly or indirectly owns, controls or holds with power to vote 5% or more of the outstanding voting securities of the depositor.

As at ..... (Date)

Name and principal business address

Nature of business

Ownership of all securities of the depositor

Table with 4 columns: Title of class, Amount, Percent of class, Securities owned beneficially which are not owned. Sub-headers include Securities owned beneficially which are not owned and Amount.

Controlling Persons

Furnish as at latest practicable date the following information with respect to any person, other than those covered by Items 26, 27, and 41 who directly or indirectly controls the depositor. ("Control" for the purposes of this item means "Control" as defined in Section 2 (a) (9) of the Act, but without reference to the presumption created therein). (If no such other person controls the depositor, indicate "none").

As at ..... (Date)

Name and principal business address

Nature of principal business of such person

Brief description of basis of control

Compensation of Officers and Directors of Depositor

Furnish the following information with respect to the remuneration for services paid by the depositor during the last fiscal year covered by financial statements filed herewith:

(a) directly to each of the officers or partners of the depositor directly receiving the three highest amounts of remuneration:

Name of person

Capacity in which received and nature of services

Amount of remuneration paid

(b) directly to all officers or partners of the depositor as a group exclusive of persons whose remuneration is included under Item 29 (a), stating separately the aggregate amount paid by the depositor itself and the aggregate amount paid by all the subsidiaries;

(c) indirectly to each of the officers or partners of the depositor.

Name of person

Relationship of person to depositor

Name of company receiving remuneration

Relationship of person to company receiving remuneration

Nature of services

Name of each paying company

Amount paid by each such company

Compensation of Directors

Furnish the following information with respect to the remuneration for services, exclusive of remuneration reported under Item 29, paid by the depositor during the last fiscal year covered by financial statements filed herewith:

(a) the aggregate direct remuneration to directors

(b) indirectly to directors

Name of person

Relationship of person to depositor

Name of company receiving remuneration

Relationship of person to company receiving remuneration

\* The term "remuneration for services" includes (1) salaries, fees, commissions, and all other forms of direct compensation paid to the person in question individually by the depositor for all services rendered with respect to the registrant, and (2) indirect compensation paid by an underwriter or investment adviser of the registrant (other than the depositor) or by a subsidiary of the depositor in connection with services rendered with respect to the registrant. Indirect compensation also includes brokerage commissions, other agency commissions, investment advisory fees, legal fees and similar remuneration paid (before deducting expenses of rendering such services) to any partnership of which the person in question is a member or to any other company in which such person has an interest of 5% or more, but it is not necessary to make any allocation of the individual's proportionate interest in such indirect compensation. The term "remuneration for services" does not include fees for acting as transfer agent, registrar, paying agent or similar services ordinarily performed by a bank or trust company, nor does it include payments for rent or services incident to a lessor-lessee relationship or similar payments.

IV. DISTRIBUTION AND REDEMPTION OF SECURITIES

Distribution of Securities

34. Furnish the names of the states in which sales of the registrant's securities (A) are currently being made, (B) are presently proposed to be made, and (C) have been discontinued, indicating by appropriate letter the status with respect to each state.
35. If sales of the registrant's securities have at any time since January 1, 1936 been voluntarily suspended for more than a month describe briefly the reasons for such suspension.
36. (a) Furnish the following information with respect to each instance where subsequent to January 1, 1937, any federal or state governmental officer, agency, or regulatory body denied authority to distribute securities of the registrant, excluding a denial which was merely a procedural step prior to any determination by such officer, etc. and which denial was subsequently rescinded.  
 (1) Name of officer, agency or body.  
 (2) Date of denial.  
 (3) Brief statement of reason given for denial.  
 (b) Furnish the following information with regard to each instance where, subsequent to January 1, 1937, the authority to distribute securities of the registrant has been revoked by any federal or state governmental officer, agency or regulatory body.  
 (1) Name of officer, agency or body.  
 (2) Date of revocation.  
 (3) Brief statement of reason given for revocation.

37. (a) Furnish a general description of the method of distribution of securities of the registrant.  
 (b) State the substance of any current selling agreement between each principal underwriter and the registrant or the depositor, including a statement as to the inception and termination dates of the agreement, any renewal and termination provisions, and any assignment provisions.  
 (c) State the substance of any current agreements or arrangements of each principal underwriter with dealers, agents, salesman, etc. with respect to commissions and overriding commissions, territories, franchises, qualifications and revocations. Furnish schedules of commissions and the bases thereof. In lieu of a statement concerning schedules of commissions, such schedules of commissions may be filed as Exhibit A 3 (c).

Information Concerning Principal Underwriter

Note: If the depositor and the sole principal underwriter are identical, Items 38 (a), 39, 40 (a), and 41 may be answered by reference to Items 23, 24, 25, and 26 (a), respectively.

38. (a) State the form of organization of each principal underwriter of securities of the registrant, the name of the state or other sovereign power under the laws of which each underwriter was organized and the date of organization.  
 (b) State whether any principal underwriter currently distributing securities of the registrant is a member of the National Association of Securities Dealers, Inc.
39. Furnish the following information with respect to all fees received by each principal underwriter of the registrant from the sale of securities of the registrant and any other functions in connection therewith exercised by such underwriter in such capacity or otherwise during the period covered by the financial statements filed herewith.

NAME OF PRINCIPAL UNDERWRITER

Year	Total payments by security holders	Amount of sales received	Amount of administration fees received	Amount of management fees received	Amount of other fees received	Aggregate gross amount of fees, etc. received
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40. (a) Describe the general character of the business engaged in by each principal underwriter, including a statement as to any business other than the distribution of securities of the registrant. If a principal underwriter acts or has acted in any capacity with respect to any investment company or companies other than the registrant, state the name or names of such company or companies, their

Nature of services

Compensation of Employees

31. (a) Furnish the following information with respect to the aggregate amount of remuneration for services\* of all employees of the depositor (exclusive of persons whose remuneration is reported in Items 29 and 30) who received remuneration in excess of \$5,000 during the last fiscal year covered by financial statement filed herewith from the depositor and any of its subsidiaries.

Name of person	Capacity in which remuneration was received	Name of each company paying remuneration	Amount of remuneration paid by each such company	Amount paid by each such company
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- (b) Furnish the following information with respect to the remuneration for services\* paid directly during the last fiscal year covered by financial statements filed herewith to the following classes of persons (exclusive of those persons covered by Item 31: (a): (1) Sales managers, branch managers, district managers and other persons supervising the sale of registrant's securities; (2) Salesmen, sales agents, canvassers and other persons making solicitations but not in supervisory capacity; (3) Administrative and clerical employees; and (4) Others (specify). If a person is employed in more than one capacity, classify according to predominant type of work.

Class of persons	Number	Aggregate remuneration
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\* See footnote to Item 29.

Compensation to Other Persons

32. Furnish the following information with respect to the aggregate amount of compensation for services\* paid any person (exclusive of persons whose remuneration is reported in Items 29, 30 and 31), whose aggregate compensation in connection with services rendered with respect to the registrant in all capacities exceeded \$5,000 during the last fiscal year covered by financial statements filed herewith from the depositor and any of its subsidiaries.

Name of person	Capacity in which compensation was received	Name of each company paying compensation	Amount of compensation paid by each such company
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\* See footnote to Item 29.

Compensation to Investment Advisers\*\*

33. (a) Furnish the following information with respect to the amount of remuneration paid by or on behalf of the registrant or by any investment adviser of registrant to any person for services as an investment adviser of registrant, during the last fiscal year covered by financial statements filed herewith: (If registrant employs no investment adviser, so state.)

Name of investment adviser	Amount of aggregate remuneration	By whom remuneration paid
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- (b) Describe briefly the basis on which the investment adviser is compensated.

\*\* See Section 2 (a) (19) of the Act for definition of investment adviser.

- relationship, if any, to the registrant and the nature of such activities. If a principal underwriter has ceased to act in such named capacity, state the date of and the circumstances surrounding such cessation.
- (b) Furnish as at latest practicable date the address of each branch office of each principal underwriter currently selling securities of the registrant and furnish the name and residence address of the person in charge of such office.
- (c) Furnish the number of individual salesmen of each principal underwriter through whom any of the securities of the registrant were distributed for the last fiscal year of the registrant covered by the financial statements filed herewith and furnish the aggregate amount of compensation received by such salesmen in such year. (Segregate full-time and part-time salesmen.)
41. Furnish as at latest practicable date the following information with respect to each principal underwriter currently distributing securities of the registrant and with respect to each of the officers, directors or partners of each such underwriter:

As at..... (Date)

Name and principal business address of each such person	Position with principal underwriter
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Ownership of Securities of the Registrant					
Title of Class	Securities owned of record which are also owned beneficially		Securities owned of record which are not owned beneficially		Percent of class
	Amount	Percent of class	Amount	Percent of class	

Ownership of Securities of the Depositor					
Title of class	Securities owned of record which are also owned beneficially		Securities owned beneficially which are not owned of record		Percent of class
	Amount	Percent of class	Amount	Percent of class	

42. Furnish, for the last fiscal year covered by the financial statements filed herewith, the amount of brokerage commissions received by any principal underwriter who is a member of a national securities exchange and who is currently distributing the securities of the registrant or effecting transactions for the registrant in the portfolio securities of the registrant.

**Offering Price or Acquisition Valuation of Securities of the Registrant:**  
 Note: If the registrant is issuing more than one class or series of securities, and the methods of valuation for each are identical, Item 43 need be answered only as to one such class or series.

43. (a) Furnish the following information with respect to the method used by the registrant for the purpose of determining the valuation of shares or interests in the underlying securities acquired by the holder of a periodic payment plan certificate:
- (1) The source of quotations used to determine the value of portfolio securities.
  - (2) Whether opening, closing, bid, asked or any other price is used.
  - (3) Whether price is as of the day of sale or as of any other time.
  - (4) A brief description of the methods used by registrant for determining other assets and liabilities including accrual for expenses and taxes (including taxes on unrealized appreciation).

(5) Other items which registrant adds to the net asset value in computing offering price or acquisition valuation:

Odd lot premiums (yes or no)	Brokerage Commissions (yes or no)	Fees for		Other charges (describe briefly)
		Administration (yes or no)	Custodian or trustee (yes or no)	

- (6) Whether adjustments are made for fractions:
- before adding distributor's compensation (load); and
  - after adding distributor's compensation (load).
- (b) Furnish a specimen schedule showing the offering price or acquisition valuation of the security holders' interests in the underlying securities as at the latest practicable date. Such schedule shall be in substantially the following form:

- Value of portfolio securities
- Value of other assets
- Total (1 plus 2)
- Liabilities (include accrued expenses and taxes)
- Value of net assets (3 minus 4)
- Other charges
  - odd lot premiums
  - brokerage commissions
  - fees for administration
  - fees for custodian or trustee
  - fees for registrar or transfer agent
  - transfer taxes
  - reserves
  - others
- Total, 6 (a) through 6 (h), inclusive
- Adjusted value of net assets (5 plus 6 (i))
- Number of units outstanding
- Net asset value per unit (four decimals)
  - excluding other charges (5 divided by 8)
  - including other charges (7 divided by 8)
- Adjustment of 9 (b) for fractions
- Adjusted net asset value per unit
- Offering price or acquisition valuation (show four decimals) (If any sales load is charged, indicate amount, and apply percentage load to 11 or other applicable base, indicating base.)
- Adjustment of 12 for fractions
- Offering price or acquisition valuation
- Accumulated undistributed income per unit (if not included in 3 and 9.)
- Adjusted price or valuation (14 plus 15)
- Effective load per unit
  - In dollars (16—[9 (a) + 15])
  - In percentage (17 (a) + 15)

(If no sales load is charged on underlying security, add accumulated undistributed income per unit to sub-item 11, to show adjusted offering price or acquisition valuation. If any sub-items are inapplicable, answer "none.")

(c) If there is any variation in the offering price of the registrant's securities to any person or classes of persons other than underwriters, state the nature and amount of such variation and indicate the person or classes of persons to whom such offering is made.

44. Furnish the following information with respect to any suspension of the redemption rights of the securities issued by the registrant during the three fiscal years covered by the financial statements filed herewith:

- by whose action redemption rights were suspended.
- the number of days' notice given to security holders prior to suspension of redemption rights.
- reason for suspension.
- period during which suspension was in effect.

**Redemption Valuation of Securities of the Registrant**  
 Note: If the registrant is issuing more than one class or series of securities and the methods of valuation for each are identical, Item 45 need be answered only as to one such class or series.

45. (a) Furnish the following information with respect to the method of determining the redemption or withdrawal valuation of securities issued by the registrant:
- The source of quotations used to determine the value of portfolio securities.
  - Whether opening, closing, bid, asked or any other price is used.

V.  
INFORMATION CONCERNING THE TRUSTEE  
OR CUSTODIAN

47. Furnish the following information as to each trustee or custodian of the registrant.  
(a) Name and principal business address.  
(b) Form of organization.  
(c) State or other sovereign power under the laws of which the trustee or custodian was organized.  
(d) Name of governmental supervising or examining authority.
48. State the basis for payment of fees or expenses of the trustee or custodian for services rendered with respect to the registrant and its securities, and the aggregate amount thereof for the last fiscal year. Indicate the person paying such fees or expenses. If any fees or expenses are prepaid, state the unearned amount.
49. State whether the trustee or custodian or any other person has or may create a lien on the assets of the registrant, and if so, give full particulars, outlining the substance of the provisions of any indenture or agreement with respect thereto.

VI.  
INFORMATION CONCERNING INSURANCE  
OF HOLDERS OF SECURITIES

50. Furnish the following information with respect to insurance of holders of securities:  
(a) The name and address of the insurance company.  
(b) The types of policies and whether individual or group policies.  
(c) The types of risks insured and excluded.  
(d) The coverage of the policies.  
(e) The beneficiaries of such policies and the uses to which the proceeds of policies must be put.  
(f) The terms and manner of cancellation and of reinstatement.  
(g) The method of determining the amount of premiums to be paid by holders of securities.  
(h) The amount of aggregate premiums paid to the insurance company during the last fiscal year.  
(i) Whether any person other than the insurance company receives any part of such premiums, the name of each such person and the amounts involved, and the nature of the services rendered therefor.  
(j) The substance of any other material provisions of any indenture or agreement of the registrant relating to insurance.

VII.  
POLICIES OF REGISTRANT

Investment Policy

51. (a) State whether registrant is a diversified or non-diversified investment company.  
(b) If registrant is a non-diversified investment company, state whether it proposes to become and thereafter to continue to operate as a diversified investment company. (Registrant may reserve freedom of action to change from a non-diversified to a diversified investment company.)  
(c) Summarize briefly any provision in the indenture or agreement under which the registrant was organized which specifically authorizes or restricts the policy of the registrant, with respect to each of the following: (If the indenture or agreement under which registrant was organized contains no provision with respect to any one of the following items, indicate "none" in answer to the following.)  
(1) The type of securities (for example, bonds, preferred stocks, common stocks) in which it may invest, indicating the proportion of its assets which may be invested in each such type of security.  
(2) The percentage of assets which it may invest in the securities of any one issuer.  
(3) The percentage of voting securities of any one issuer which it may acquire.  
(4) Investment in companies for the purpose of exercising control or management.  
(5) Investment in securities of other investment companies.  
(6) Any other restrictions or limitations on its investments.

- (3) Whether price is as of the day of sale or as of any other time.  
(4) A brief description of the methods used by registrant for determining other assets and liabilities including accrual for expenses and taxes (including taxes on unrealized appreciation).  
(5) Other items which registrant deducts from the net asset value in computing redemption value of its securities:

Odd lot premiums (yes or no)	Brokerage commissions (yes or no)	Transfer taxes (yes or no)	Administration (yes or no)	Fees for Custodian or trustee (yes or no)	Registrar or transfer agent (yes or no)	Other Charges (describe briefly)
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- (b) Whether adjustments are made for fractions.  
Furnish a specimen schedule showing the liquidation or redemption price of the security holders' interests in the underlying securities as at the latest practicable date. Such schedule shall be in substantially the following form:

- Value of portfolio securities
  - Value of other assets
  - Total (1 plus 2)
  - Liabilities (include accrued expenses and taxes)
  - Value of net assets (3 minus 4)
  - Other charges
    - odd lot premiums
    - brokerage commissions
    - fees for administration
    - fees for custodian or trustees
    - fees for registrar or transfer agent
    - transfer taxes
    - reserves
    - others
    - total, 6 (a) through 6 (h), inclusive
  - Adjusted value of net assets (5 minus 6 (i))
  - Number of units outstanding
  - Net asset value per unit (four decimals)
    - excluding other charges (5 divided by 8)
    - including other charges (7 divided by 8)
  - Adjustment of 9 (b) for fractions
  - Adjusted net asset value per unit
  - Redemption charge
  - Adjusted redemption price
  - Accumulated undistributed income per unit (if not included in 3 and 9)
  - Actual redemption price (13 plus 14)
  - Effective redemption fee per unit
    - in dollars (9 (a) + 14) - 15
    - in percentage (16. (a) of (9 (a) + 14))
- (If any sub-items are inapplicable, answer "none".)

Purchase and Sale of Interests in Underlying Securities from and to Security Holders

46. Furnish a statement as to the procedure with respect to the maintenance of a position in the underlying securities or interests in the underlying securities, the extent and nature thereof and the person who maintains such a position. Include a description of the procedure with respect to the purchase of underlying securities or interests in the underlying securities from security holders who exercise redemption or withdrawal rights and the sale of such underlying securities and interests in the underlying securities to other security holders. State whether the method of valuation of such underlying securities or interests in underlying securities differs from that set forth in Items 43 and 45. If any item of expenditure included in the determination of the valuation is not or may not actually be incurred or expended, explain the nature of such item and who may benefit from the transaction.

52. (a) Describe the policy of the registrant with respect to the types of securities (for example, bonds, preferred stocks, common stocks) in which it invests, indicating the proportion of its assets which it invests in each such type of security.
- (b) State whether registrant elects to treat the policy so stated as a fundamental policy for purposes of Sections 8(b)(2) and 13(a)(3) of the Act.
53. (a) Describe the policy of the registrant with respect to investments in companies for the purpose of exercising control or management.
- (b) State whether registrant elects to treat the policy so stated as a fundamental policy for purposes of Sections 8(b)(2) and 13(a)(3) of the Act.

#### *Borrowing Money*

54. (a) Summarize briefly any provision in the indenture or agreement under which registrant was organized which specifically authorizes or restricts the power of the registrant to borrow money (excluding money raised by issuance of bonds or debentures). (If the indenture or agreement under which registrant was organized contains no such provision, indicate "none".)
- (b) Describe the policy of the registrant with respect to such borrowings. (Registrant may reserve freedom of action with respect to such borrowings, but if such freedom of action is reserved, a statement must be made briefly indicating, insofar as is practicable, the extent to which registrant intends to make such borrowings.)
- (c) State, as at the end of each quarter of each of the three fiscal years covered by the financial statements filed herewith, the amount of such borrowings outstanding, and describe to the extent practicable the reasons for the registrant's borrowings during the three-year period. (If there were no such borrowings, indicate "none".)

#### *Underwriting Securities Issued by Persons Other Than Registrant*

55. (a) Summarize briefly any provision in the indenture or agreement under which registrant was organized (other than the mere authorization to buy and sell or otherwise deal in securities) which authorizes or restricts the power of the registrant to act as an underwriter of securities issued by persons other than registrant. (If the indenture or agreement under which registrant was organized contains no such provisions, indicate "none".)
- (b) Describe the policy of the registrant with respect to acting as underwriter of securities issued by other persons. (Registrant may reserve freedom of action with respect to so acting, but if such freedom of action is reserved, a statement must be made briefly indicating, insofar as is practicable, the extent to which registrant so intends to act.)
- (c) Indicate the approximate number of issues of which the registrant was an underwriter during the three fiscal years covered by the financial statements filed herewith; and state the approximate aggregate amount of the commitments as underwriter during such period. (If there have been no such commitments, indicate "none".)

#### *Concentration of Investments in Particular Industries*

56. (a) Summarize briefly any provision in the indenture or agreement under which registrant was organized which specifically requires or forbids the registrant to concentrate its investments in a particular industry or group of industries. (If the indenture or agreement under which registrant was organized contains no such provision, indicate "none".)
- (b) Describe the policy of the registrant with respect to concentrating its investments in a particular industry or group of industries. (Registrant may reserve freedom of action with respect to such concentration of investments, but if such freedom of action is reserved a statement must be made briefly indicating, insofar as is practicable the extent to which registrant intends to concentrate its investments.)
- (c) Indicate the nature of any industry or group of industries in which registrant's investments were concentrated at the end of each of the last three fiscal years covered by the financial statements filed herewith, and the approximate percentage of assets of registrant represented by its investment in each such industry or group of industries at the end of each such year. (If such concentration has not been the policy of the registrant, so indicate.)

#### *Purchase and Sale of Real Estate*

57. (a) Summarize briefly any provision in the indenture or agreement under which registrant was organized which specifically authorizes or restricts the power of the registrant to engage in the purchase and sale of real estate. (If the indenture or agreement under which registrant was organized contains no such provision, indicate "none".)
- (b) Describe the policy of the registrant with respect to the purchase and sale of real estate (except real estate used exclusively in the current operation of its affairs). (Registrant may reserve freedom of action with respect to such purchases and sales, but if such freedom of action is reserved, a statement must be made briefly indicating, insofar as is practicable, the extent to which it is intended to purchase and sell.)
- (c) State briefly the general character and location of any real estate of material importance to registrant which, at the end of the last fiscal year covered by the financial statements filed herewith, was owned by registrant. Indicate which of such properties were acquired during the three preceding years and the cost of each such property. (If no such property was owned at the end of such year, indicate "none".)

Note: For the purposes of this item, "real estate" means any fee simple interest in land, any leasehold with an unexpired term of more than five years, and mortgages or other than publicly distributed certificates of beneficial participation in mortgages or publicly distributed bonds secured by mortgage.

#### *Purchase and Sale of Commodities and Commodity Contracts*

58. (a) Summarize briefly any provision in the indenture or agreement under which registrant was organized which specifically authorizes or restricts the power of the registrant to engage in the purchase and sale of commodities and commodity contracts. (If the indenture or agreement under which registrant was organized contains no such provision, indicate "none".)
- (b) Describe the policy of the registrant with respect to the purchase and sale of commodities and commodity contracts. (Registrant may reserve freedom of action with respect to such purchases and sales, but if such freedom of action is reserved, a statement must be made briefly indicating, insofar as is practicable, the extent to which it is intended so to purchase and sell.)
- (c) Indicate the types of commodities and commodity contracts purchased or sold, during the three fiscal years covered by the financial statements filed herewith. Indicate the approximate dollar amounts of such commodities and commodity contracts purchased and sold during such period. (If no such purchases and sales were made, indicate "none".)

#### *Loans to Other Persons*

59. (a) Describe any provision in the indenture or agreement under which registrant was organized which specifically authorizes or restricts the power of registrant to make loans to other persons. (If the indenture or agreement under which registrant was organized contains no such provision, indicate "none".)
- (b) Describe the policy of the registrant with respect to the making of loans to other persons. (Registrant may reserve freedom of action to make loans to other persons, but if such freedom of action is reserved, a statement must be made briefly indicating, insofar as is practicable, the extent to which registrant intends to make such loans.)
- (c) Indicate, where practicable, the persons to whom loans were made by the registrant during the last three fiscal years covered by financial statements filed herewith, the amount and life of each such loan. (If registrant made no such loans, indicate "none".)

\* For the purpose of Item 59(c) the purchase of a portion of an issue of bonds, debentures or other securities issued by persons other than the registrant, whether or not the purchase was made upon the original issue of the securities, is not to be considered the making of a loan by the registrant.

**Portfolio Turnover**

60. (a) Summarize briefly any provision in the indenture or agreement under which registrant was organized which specifically restricts the registrant's portfolio turnover. (If the indenture or agreement under which registrant was organized contains no such provision, indicate "none".)
- (b) Describe the policy of the registrant with respect to portfolio turnover. (Registrant may reserve freedom of action with respect to portfolio turnover.)
- (c) Furnish the following information with respect to transactions by registrant in portfolio securities (exclusive of government securities) for each fiscal year ending subsequent to January 1, 1939:

	1939	1940	1941
Approximate cost of securities purchased			
Approximate proceeds from securities sold			

- (d) Furnish, for the last fiscal year covered by the financial statements filed herewith, the approximate aggregate brokerage commissions paid by registrant to all brokers for effecting securities transactions for the account of registrant.

**Other Fundamental Policies**

61. (a) Describe any other policy of the registrant which it deems a matter of fundamental policy which, pursuant to Sections 8 (b) (2) and 13 (a) (3) of the Act, it elects to treat as such (exclusive of policies covered by Items 52 to 59 inclusive). (If registrant has no other fundamental policies, or does not so elect, indicate "none".) Registrant shall practice followed by registrant during the last fiscal year covered by the financial statements filed herewith with respect to each of the matters, if any described under Item 61 (a).

**Mutual Investment Company**

62. (a) State the taxable status of the registrant.
- (b) State whether the registrant qualified for the last taxable year as a mutual investment company as defined in Section 361 of the Internal Revenue Code of 1939, and state its present intention with respect to such qualifications during the current taxable year.

**VIII.**

**STATUS OF REGISTRANT AS A DIVERSIFIED OR NON-DIVERSIFIED INVESTMENT COMPANY**

**Notes:** The term "value" for purposes of Items 63 (a), (b), (c) and (d) is defined in Section 2 (a) (39) of the Act and rules and regulations of the Commission thereunder.

It is important to note that Section 5 (c) of the Act provides that a diversified company which at the time of its qualification as such meets the requirements of paragraph (1) of Section 5 (b) shall not lose its status as a diversified company because of any subsequent discrepancy between the value of its various investments and the requirements of said paragraph, so long as any such discrepancy existing immediately after its acquisition of any security or other property is neither wholly nor partly the result of such acquisition.

A registrant which at the time of its registration pursuant to Section 8 (a) of the Act met the requirements of paragraph (1) of Section 5 (b), but which at the end of the last fiscal year covered by the financial statements filed herewith, failed to meet such requirements, shall indicate in an explanatory note to Item 63 (b) whether such failure resulted from additional purchases of securities or from other causes.

63. Furnish the following information as at the date of registration pursuant to Section 8 (a) of the Act, and as at the end of the registrant's last fiscal year covered by financial statements filed herewith:
- (a) With respect to total assets:

Summary Classification of Assets	Value		% of total assets	
	Date of registration	End of fiscal year*	Date of registration	End of fiscal year*
Cash and cash items (including receivables)				
Government securities				
Securities of other investment companies				
Other securities				
Other assets				
<b>Total assets</b>				

- (b) With respect to each company (exclusive of investment companies) in which the registrant had invested in all classes of such company's securities more than 5% of the value of the total assets of registrant:

Name of company	Percentage of value of registrant's total assets invested in all classes of securities of such company		Nature of principal business of such company
	Date of registration	End of fiscal year*	

- (c) With respect to each company (exclusive of investment companies) 10% or more of the voting securities of which were owned by the registrant (omitting companies named in Item 63 (b)):

Name of company	Percentage of voting securities owned by registrant		Percentage of value of registrant's total assets invested in such voting securities	Nature of principal business of such company
	Date of registration	End of fiscal year*		

\* If such fiscal year ended prior to such date of registration, furnish the information called for by Items 48 (a), (b) and (c) only as at such date of registration.

- (d) If registrant is a diversified company, furnish for the period from date of registration to the close of the last fiscal year covered by the financial statements filed herewith, the following information with respect to each commitment as underwriter made by the registrant: (If no such commitments were made during such period, indicate "not applicable.")

- (1) Value of total assets of registrant immediately after each such commitment as underwriter.
- (2) Dollar amount of all outstanding commitments as underwriter at such time.
- (3) Value at such time of registrant's investments in all securities of issuers (other than investment companies) of which registrant owned more than 10% of the outstanding voting securities.

- (e) If registrant, in valuing its assets for the purpose of Items 63 (a), (b), (c) and (d), has adopted either of the alternative methods of valuation permitted under Rule N-2A-1 indicate the method adopted and the facts justifying the adoption of such method.

**IX.**

**FINANCIAL AND STATISTICAL INFORMATION**

64. Furnish a transcript of a hypothetical periodic payment plan account in approximately the following form on the basis of the certificate calling for the smallest amount of payments. The schedule shall cover a certificate of the type currently being sold assuming that such certificate had been sold at a date approximately ten years prior to the date of registration or at the approximate date of organization of the registrant.

65. Furnish by years for the period covered by the financial statements filed herewith in respect of certificates sold during such period, the following information for each fully paid type and each installment payment type of periodic payment plan certificate currently being issued by the registrant.

	Year	Year
	19	10
	An- nual	An- nual
	Cumulative	Cumulative

**Distribution of Certificates**

1. Number .....
2. Total denomination of all certificates distributed .....
3. Total payments by all certificate holders .....
4. Expense deductions:
  - (a) Sales load .....
  - (b) Insurance premiums .....
  - (c) Other expenses .....
  - (d) Total expenses (a + b + c) .....
5. Amount invested (3 - 4 (d)) .....

**Termination of Certificates\*\***

6. Number .....
7. Total denomination of certificates terminated .....
8. Total payments by such certificate holders .....
9. Total payments or credits to such certificate holders:
  - (a) Net asset proceeds (cash or value of portfolio securities) (See 19) .....
  - (b) Income distributions (excluding reinvestments) .....
  - (c) Total (a + b) .....
10. Total payments by such certificate holders OVER (+) or UNDER (-) payments to such certificate holders (3 - 9 (c)) .....

**Certificates Outstanding**

11. Number .....
12. Total denomination of certificates outstanding .....
13. Total payments by such certificate holders (3 - 8) .....
14. Total payments to and investment of such certificate holders:
  - (a) Net investment—market value (see 20) .....
  - (b) Income distributions (excluding reinvestments) .....
  - (c) Total (a + b) .....
15. Total payments by such certificate holders OVER (+) or UNDER (-) net investment of and income distributions to certificate holders (13-14 (c)) .....

**Summary**

16. Investors' combined gain (+) or loss and shrinkage (-) in value (10 + 15) .....
17. Distribution of Item 16:
  - (a) Expense deductions .....
  - (b) Realized and unrealized appreciation (+) or depreciation (-) of assets .....
  - (c) Total (a + b) .....

**Ratios:**

- (a) Percentage of payments by (8) to payments to (9 (c)) holders of terminated certificates .....
- (b) Percentage of payments by (13) to payments to and investment at market (14 (c)) for holders of outstanding certificates .....

**Memorandum Data**

19. Amount (annual and cumulative) of reinvested distributions .....
20. Amount (cumulative) of reinvested distributions .....

66. Furnish by years for the period covered by the financial statements filed herewith the following information for each installment payment type of periodic payment plan certificate currently being issued by the registrant.  
(For purposes of this table the period of termination of a certificate should be based on the actual number of payments made irrespective of the time period during which the certificate was on the registrant's books.)

\* End of year amounts for certificates outstanding to be shown in this column.

\*\* Partial liquidations may be prorated or, if less than 5% of total terminations for any year, on a termination basis, and offer difficulty of treatment, they may be omitted from the statement. In such case the denomination and amount paid should be shown by appropriate footnote. Contractions between series may be treated as distributions and terminations and explained as to amounts, etc., by footnotes.

**TRANSCRIPT OF A HYPOTHETICAL PERIODIC PAYMENT PLAN ACCOUNT<sup>1</sup>**

COL. A		COL. B		COL. C		COL. D		COL. E
Date of payment	Amount of Payment	Deductions from Payments on Principal		Balance of payments on principal available for investment in trust property		Liquidating value of certificate		
		(1)	(2)	(3)				
Monthly for first year and annually thereafter	Cumulative	Underwriting commissions, loading fees charges and all other similar	Insurance premiums	Other deductions <sup>2</sup>	Monthly for first year and annually thereafter	Cumulative		

<sup>1</sup> (a) The transcript shall be carried to date of completion on the assumption there has been no lapse or cancellation, or if incomplete to the approximate date of the statement of condition filed herewith.

(b) Income of the account which is to be reinvested shall be included in an appropriate manner.

<sup>2</sup> Specify any material items.

**Financial Statements of the Depositor\***

**(c) Financial Statements Required**

- There shall be filed for each such person:\*
- (1) A balance sheet as of the end of its last fiscal year.
  - (2) A profit and loss statement and a statement of surplus for the fiscal year ending as of the date of the balance sheet filed.

**(d) Form and Content of Financial Statements**

The financial statements required by instruction (c) above shall be in the form prescribed by the applicable articles of Regulation S-X, provided, however, that:

- (1) With respect to each balance sheet filed for each such person, if any amount is carried as a receivable representing uncollected sales load on periodic payment plan certificates sold, there shall be set up and shown separately reserves to provide for such amount. Reserves shall also be provided to cover any excess in the estimated cost of servicing outstanding periodic payment plan certificates over the anticipated income from loading charges on such certificates or administrative fees to be received from trust income or principal.
- (2) With respect to each profit and loss statement filed for each such person, there shall be shown separately as to income and expense in connection with the creation and servicing of the registrant and all other investment companies the amount of:
  - (A) Underwriting commissions, sales load and all other similar charges.
  - (B) Fees and deductions for investment management and all other similar services, included under (A) and (B) above.
  - (C) Income from trading in the shares of investment companies, other than income from trading or dealing in the trust property of investment companies, other than income included under (A), (B) and (C) above.
  - (D) Any costs of performing bookkeeping or other administrative services of a character normally performed by the trustee or custodian of a periodic payment plan.

**Certification**

- (e) All financial statements required to be filed shall be certified by an independent public accountant in accordance with Article 2 of Regulation S-X.

**X.**

**EXHIBITS**

A. Furnish the most recent form of the following as amended to date and currently in effect:

1. The indenture or agreement under the terms of which the registrant was organized or issued securities.
2. The indenture or agreement pursuant to which the proceeds of payments of securities are held by the custodian or trustee, if such indenture or agreement is not the same as the indenture or agreement referred to in paragraph 1.
3. Distributing contracts:
  - (a) Agreements between the registrant and principal underwriter or between the depositor and principal underwriter.
  - (b) Specimen of typical agreements between principal underwriter and dealers, managers, sales supervisors and salesmen.
  - (c) Schedules of sales commissions referred to in Item 37 (c).
4. Any agreement between the depositor, principal underwriter and the custodian or trustee other than indentures or agreements set forth in paragraphs 1, 2 and 3 with respect to the registrant or its securities.
5. The form of each type of security.
6. The certificate of incorporation or other instrument of organization and by-laws of the depositor.
7. Any insurance policy under a contract between the registrant and the insurance company or between the depositor and the insurance company, together with the table of insurance premiums.
8. Any agreement between the registrant or the depositor concerning the registrant with the issuer, depositor, principal underwriter or investment adviser of any underlying investment company or any affiliated person of such persons.

\* See definition of "depositor" in general instructions.

Set forth in column A of each payment period, termination of all certificates sold during the year indicated for which the experience of the registrant for the period in question is complete. For example, certificates sold continually through any calendar year will have to be in existence for at least 23 months in order to obtain a complete experience for certificates terminated during the first payment period of 1-12 payments.

Set forth in column B of each payment period, terminations of all certificates sold during the year indicated for which the experience of the registrant for the period in question is incomplete. For example, in the case of certificates sold continually through any calendar year and in existence for not more than 23 months, the experience of the registrant with respect to certificates terminated in the second payment period of 13 to 24 payments would be incomplete.)

As at..... (Date)	Title of certificate						
	Total Number of Certificates Terminated by Period						
Year	(1) 1-12 Payments		(2) 13-24 Payments		Etc.		Total Payments
	A	B	A	B	A	B	
19...							
19...							
etc.							
Total							

67. Furnish the following information for each installment payment type of periodic payment plan certificate outstanding as at the latest practicable date.

As at..... (Date)	Title of certificate						
	Certificates on which no payment was received for						
Total Number of Certificates Outstanding	(1) Over 1 but less than 3 months		(2) 3 to less than 6 months		(3) 6 to less than 12 months		Total (1) to (4) in- clusive
	A	B	A	B	A	B	

68. Financial statements shall be filed in accordance with the instructions given below:

**INSTRUCTIONS AS TO FINANCIAL STATEMENTS**

**Financial Statements of the Registrant**

**(a) Financial Statements Required**

- The following financial statements shall be filed for the registrant:
- (1) A statement of income and other distributable funds for the three fiscal years preceding the date of the statement of condition filed.
  - (2) Statements of income and other distributable funds for the three fiscal years preceding the date of the statement of condition filed.

**(b) Form and Content of Financial Statements**

The form and content of financial statements of the registrant including supplementary schedules shall be governed by Articles 2, 3, 6A, and 12 of Regulation S-X promulgated under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940. Companies which have previously filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934 registration statements or annual reports including financial statements covering any of the same periods as required herein, prepared pursuant to the Commission's regulations as to form and content in effect at the time of such previous filings, may file copies of such financial statements (which may be photocopies of the same size) in lieu of the statements required hereby.

Form N-8B-4

[As adopted in Release No. IC-1553, December 29, 1950.]

REGISTRATION STATEMENT OF FACE-AMOUNT CERTIFICATE COMPANIES

Pursuant to Section 8(b) of the Investment Company Act of 1940

(Exact name of registrant as specified in charter)

(Address of principal office of registrant)

GENERAL INSTRUCTIONS

1. Rule as to Use of Form

This form shall be used for registration statements filed pursuant to Section 8(b) of the Investment Company Act of 1940, by all face-amount certificate companies.

In filing a registration statement on this form, companies having securities registered under the Securities Act of 1933 may file the information specified in Rule N-8C-4 in partial satisfaction of the requirements of this form.

2. Preparation of Registration Statement

(a) Every item is to be answered as of the date of execution of the registration statement unless the context clearly indicates the contrary. All answers are to be printed, mimeographed or typewritten in black ink, and prepared on good quality white paper, 8 1/2" x 13" in size, leaving a margin of at least 1 1/2" on the left. Tables, financial statements and schedules, however, may be on larger paper if folded to such size. Documents submitted as exhibits may differ from such size. All copies of the registration statement shall be unbound except by clips or removable staples.

(b) The answer to each item shall contain the full text of such item, but not the instructions thereto, and the full heading of each table. However, the tabular form may be rearranged where such rearrangement will not detract from the clarity of the presentation. Every item and subdivision thereof is to be answered fully and accurately but answers to subdivisions of the same item may be combined providing the information is clearly presented. Except as specifically provided, if any item is inapplicable, or the answer is "none", a statement to such effect is to be made.

(c) Unless the context indicates the contrary, the items in this registration statement apply only to the registrant.

(d) The answer to any of the items in the registration statement proper may be incorporated by reference as answer, or partial answer, to any of such items, provided the reference is specific and the matter incorporated is clearly designated in the reference. A reference to an exhibit will not suffice as an answer to an item, subject, however, to paragraph (e) below, and except as otherwise specifically provided. See also Rule N-4 of the General Rules and Regulations under the Act.

(e) Where "brief" answers are required, brevity is essential. It is not intended, in such case, that a statement shall be made as to all of the provisions of any document, but only in succinct and condensed form, as to the most important thereof. In addition, the answer may incorporate by reference particular items, sections or paragraphs of any exhibit, and may be qualified in its entirety by such reference.

(f) Names shall be given in full. Initials will not suffice.

9. All other material contracts not entered into in the ordinary course of business of the registrant or of the depositor concerning the registrant.

10. Form of application for a periodic payment plan certificate.

B. Furnish copies of each of the following:

1. Each notice sent to security holders pursuant to Section 19 [§ 48,644] of the Act prior to the date of the filing of this form.

2. Each annual report sent to security holders covering each fiscal year ending after January 1, 1937, exclusive of reports, copies of which have heretofore been filed with the Commission pursuant to the Act.

C. Furnish the name and address of each dealer to or through whom any principal underwriter currently offering securities of the registrant, distributed securities of the registrant during the last fiscal year covered by the financial statements filed herewith. (This exhibit shall be supplied separately as confidential information pursuant to Rule N-45A-1 [Reg. § 270.45-1, § 49,912].)

SIGNATURE

(See Instruction 2(i))

Pursuant to the requirements of the Investment Company Act of 1940 the (depositor or trustee or custodian) of the registrant has caused this registration statement to be duly signed on behalf of the registrant in the City of

and State of on the day of 194

[SEAL]

Signature (Name of registrant)

By (Name of depositor or trustee or custodian)

By (Name of officer of depositor or trustee or custodian)

Attest: (Name)

(Title)

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; a brief indication of preference, if any; and if convertible, a statement to that effect.

(b) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1950 to 1960"; if the payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of face-amount certificates, the full designation of the issue and, if not included therein, the number of years to maturity, assuming no delinquency in making payments, and whether of the installment or fully-paid type.

(d) In the case of any other kind of security, appropriate information of comparable character.

**Totally-held Subsidiary:** The term "totally-held subsidiary" means a subsidiary, other than a face-amount certificate company, (a) substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and (b) which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not.

### ORGANIZATION AND CONTROL

#### Item 1. General Information as to Organization

Give the date and form of organization of the registrant and the name of the state or other sovereign power under the laws of which it was organized.

**Instruction.** As to the form of organization only a brief statement such as "A corporation" or other appropriate statement is required.

#### Item 2. Miscellaneous Information

Furnish the following information as to the registrant:

(a) Date of termination of charter.

(b) Date upon which fiscal year ends.

(c) Date and place of annual or other regular meetings of security holders.

(d) Frequency, nature and scope of regular reports proposed to be made to each class of security holders.

#### Item 3. Control

Furnish a list or diagram of all persons controlling, controlled by or under common control with the registrant and indicate (1) the State or other sovereign power under the laws of which each was organized, and (2) the respective percentage of voting securities of each such person owned by each other person named.

**Instructions.** 1. The term "control" for the purposes of this item means "control" as defined in Section 2(a)(9) of the Act, but without reference to the presumption created therein. If control does not arise from ownership of voting securities, indicate briefly the method of control. If in any instance the existence of control is open to reasonable doubt, the registrant may state the material facts pertinent to the possible existence of control, with a disclaimer of any admission of the actual existence of effective control.

2. The list or diagram shall include the registrant and shall be so prepared as to show clearly the relationship of each person to the registrant and to the other persons named. If any person is controlled by or through two or more persons jointly, so indicate by appropriate cross reference.

3. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in the respective consolidated financial statements; (c) subsidiaries included in the respective group financial statements filed for unconsolidated subsidiaries; and (d) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

(g) **Information Unknown to Registrant:** Information required need be given only insofar as known or reasonably available to the registrant. If any required information is unknown and not reasonably available to the registrant either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person neither controlling, controlled by, nor under common control with the registrant, such information may be omitted subject to the following conditions:

(1) The registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense together with the sources thereof;

(2) As to all information omitted, the registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of either any relationship with, or any control over, the person within whose knowledge the information rests and stating the result of a request made to such person for such information.

(h) It is recommended that to the extent the preparation of the registration statement requires data pertaining to persons other than the registrant, such data be obtained over the signature of the person to whom it pertains. These signed statements should be kept by the registrant for future reference, and the information therein contained should constitute the basis for preparing the answers to the applicable items of the registration statement.

#### 3. Filing of Registration Statement

(a) **Filing:** Filing of the registration statement and all inquiries and communications with respect thereto shall be addressed to the Securities and Exchange Commission, 1500 North Capital Street, N. W., Washington, D. C. 20549. One original and three copies of the registration statement shall be filed. The original shall be manually signed. The three copies may have facsimile or typewritten signatures of the persons who signed the original copy of the registration statement.

(b) **Time for Filing:** Any investment company required to use this form shall file a registration statement with the Commission within 90 days after the effective date of this form or within 90 days after registration pursuant to Section 8(a) of the Act, whichever date is later; provided, that the Commission may, upon a showing of good cause, extend the time for filing not more than 60 days after the end of such 90-day period.

(c) **Fee:** There is no fee for filing this registration statement.

#### 4. Definitions:

Unless the context clearly indicates the contrary, terms used in this form have meanings as defined in Section 2 or 28 of the Investment Company Act of 1940. In addition, the following definitions apply:

**Act:** The term "Act" means the Investment Company Act of 1940.

**Material:** The term "material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed.

**Predecessor:** The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession, or in a series of successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

**Subsidiary:** The term "subsidiary" means any company controlled by another company whether or not majority-owned. Unless the context clearly indicates the contrary, the term "control" shall have the meaning set forth in Section 2(a)(9) of the Act for the purpose of determining whether or not a company is a subsidiary.

**Succession:** The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

**Title of Securities:** Wherever the "title" of securities is required to be stated there shall be given such information as will indicate the type and general character of the securities, including the following:

**Item 4. Voting Trusts**

If more than 10 percent of any class of voting securities of the registrant are held subject to any voting trust or other similar agreement, state the title of such securities, the amount held, and the duration of the agreement. Give the names and addresses of the voting trustees and outline briefly their voting rights and other powers under the agreement.

**BUSINESS AND POLICIES OF REGISTRANT****Item 5. Business**

Briefly describe the business of the registrant and its subsidiaries and the development thereof during the past five years. State, on the basis of present intentions and existing conditions, any contemplated changes in the character of or method of conducting the business. State briefly the general character of any materially important assets of the registrant and its subsidiaries other than investments in securities, mortgages and mortgage loans and commodities and commodity contracts.

*Instructions.* 1. This item does not relate to corporate powers and objects specified in the charter but to actual business done and intended to be done.

2. The description of the business should include the general character of any materially important business of the registrant and its subsidiaries other than the issuance and redemption of face-amount certificates and investing and trading in securities, real estate mortgages and similar investments, and, insofar as practicable, the relative importance of each such line to the business of the total enterprise in terms of contribution to gross income.

3. The description required by this item shall include the business of subsidiaries and predecessors of the registrant only insofar as necessary to understand the character and development of the business transacted by the total enterprise represented by the registrant and its subsidiaries.

**Item 6. Underwriting Securities Issued by Other Persons**

(a) Summarize briefly any provision in the charter, other instrument of organization or by-laws of registrant (other than the mere authorization to buy and sell or otherwise deal in securities) which authorizes or restricts the power of the registrant to act as underwriter of securities issued by persons other than the registrant.

(b) Describe briefly the policy of the registrant with respect to acting as underwriter of securities issued by other persons.

*Instruction.* Registrant may reserve freedom of action with respect to acting as underwriter, but if such freedom of action is reserved, a statement shall be made briefly indicating, insofar as is practicable, the extent to which registrant so intends to act. (See Investment Company Act of 1940 Release No. 167.)

(c) State the name and address of each issuer for which the registrant has acted as underwriter during the last fiscal year. Identify all such issuers affiliated with the registrant and state the nature of the affiliation.

(d) For each issuer named under (c) state the title of each issue underwritten and the approximate amount thereof distributed during the last fiscal year.

(e) Describe briefly any liability assumed by the registrant in its capacity as underwriter other than that ordinarily attaching to the relationship of underwriter and issuer.

**Item 7. Concentration of Investments in Particular Industries**

(a) Summarize briefly any provision in the charter, other instrument of organization or by-laws of registrant which specifically requires or forbids the registrant to concentrate its investments in a particular industry or group of industries.

(b) Describe briefly the policy of the registrant with respect to concentrating its investments in a particular industry or group of industries.

*Instruction.* Registrant may reserve freedom of action with respect to the concentration of investments in particular industries, but if such freedom of action is reserved, a statement shall be made briefly indicating, insofar as is practicable, the extent to which registrant intends to concentrate its investments. (See Investment Company Act of 1940 Release No. 167.)

(c) Indicate the nature of any industry or group of industries in which the registrant's investments were concentrated at the end of each of the last three fiscal years covered

by the financial statements filed herewith, and the approximate percentage of assets of registrant represented by its investment in each such industry or group of industries at the end of each year.

**Item 8. Investments in Securities**

(a) Describe briefly the policy of the registrant with respect to investment in the following types of investments:

(1) Income producing securities  
(A) United States Government Bonds

(B) Other bonds  
(C) Preferred stocks  
(D) Common stocks

(2) Non-income producing securities  
(A) Special situations

(B) Promotional enterprises  
(3) Investments in particular companies  
(A) Dependent upon management  
(B) Dependent upon location  
(C) Dependent upon product or service

(4) Securities of other investment companies

(5) Other security investments (specify)

(b) State, as of the close of each of the last five fiscal years, the percentage of total assets represented by the registrant's investments under each subdivision of (a)(1) and (a)(2) and under (a)(4) and (a)(5).

(c) Summarize briefly any provision in the charter, other instrument of organization or by-laws of registrant which restricts the power of the registrant to invest in any type of investment listed under (a).

*Instruction.* Include hereunder any geographical limitations and any limitations upon the amount of, or proportion of, assets which may be invested in any one security, class of securities or group of securities.

(d) State whether registrant elects to treat any policy stated under (a) as a fundamental policy for purposes of Sections 8(b)(2) and 13(a)(3) of the Act.

*Instruction.* No information need be given in response to any paragraph of this item with respect to investments in and purchases and sales of real estate, real estate mortgage loans, commodities and commodity contracts, other than publicly distributed certificates of beneficial participation in mortgages or publicly distributed bonds secured by mortgage.

**Item 9. Purchase and Sale of Real Estate (Including Real Estate Mortgage Loans)**

(a) Summarize briefly any provision in the charter, other instrument of organization or by-laws of the registrant which specifically authorizes or restricts the power of the registrant to engage in the purchase and sale of real estate and real estate mortgage loans.

(b) Describe the policy of the registrant and its majority-owned subsidiaries with respect to the purchase and sale of real estate and real estate mortgage loans.

*Instruction.* Registrant may reserve freedom of action with respect to purchases and sales of real estate and real estate mortgage loans, but if such freedom of action is reserved, a statement shall be made briefly indicating, insofar as is practicable, the extent to which it is intended so to purchase and sell. (See Investment Company Act of 1940 Release No. 167.)

(c) State, as of the close of each of the last five fiscal years, the percentage of total assets represented by the registrant's investments in each of the following categories:

(1) Mortgage loans insured by the Federal Housing Administration.

(2) Other first mortgage loans.

(3) Second mortgage loans.

(4) Loans guaranteed under the Servicemen's Readjustment Act of 1944, as amended, authorized as qualified investments by Rule N-28-B-1.

(5) Other liens on real estate.

(d) Indicate the extent to which the registrant's mortgage loans are secured by liens on real estate concentrated in any particular area.

(e) Indicate, as of the date of the latest balance sheet filed herewith, the approximate average size of the real estate mortgage loans owned by the registrant.  
 (f) State, as of the date of the latest balance sheet filed herewith, the carrying value of any real estate acquired as a result of or in connection with foreclosure proceedings or other disposition of mortgage loans and the basis of computing such value. Indicate the extent to which such real estate is concentrated in any particular area.

*Instruction.* No information need be given in response to any paragraph of this item as to publicly distributed certificates of beneficial participation in mortgages or publicly distributed bonds secured by mortgages.

**Item 10. Borrowing Money**

(a) Summarize briefly any provision in the charter, other instrument of organization or by-laws of the registrant which specifically authorizes or restricts the power of the registrant to borrow money.  
 (b) Describe the policy of the registrant with respect to such borrowings.

*Instruction.* Registrant may reserve freedom of action with respect to borrowings coming within the purview of Section 18(j)(1)(C) of the Act, but if such freedom of action is reserved, a statement shall be made briefly indicating, insofar as is practicable, the extent to which it is intended so to borrow. (See Investment Company Act of 1940 Release No. 167.)

(c) State, as at the end of each quarter of each of the periods covered by the financial statements filed herewith, the amount of such borrowings outstanding, and describe to the extent practicable the reasons for the registrant's borrowings during the three-year period.

**Item 11. Purchase and Sale of Commodities and Commodity Contracts**

(a) Summarize briefly any provision in the charter, other instrument of organization or by-laws of registrant which specifically authorizes, or restricts the power of, the registrant to engage in the purchase and sale of commodities and commodity contracts.  
 (b) Describe the policy of the registrant with respect to the purchase and sale of commodities and commodity contracts.

*Instruction.* The registrant may reserve freedom of action with respect to the purchase and sale of commodities and commodity contracts, but if such freedom of action is reserved, a statement shall be made briefly indicating, insofar as is practicable, the extent to which it is intended so to purchase and sell. (See Investment Company Act of 1940 Release No. 167.)

(c) Indicate the types of commodities and commodity contracts purchased or sold, during the periods covered by the financial statements filed herewith and the approximate dollar amounts of such commodities and commodity contracts purchased and sold during each such period.

**Item 12. Loans to Other Persons**

(a) Describe any provision in the charter, other instrument of organization, or by-laws of the registrant which specifically authorizes, or restricts the power of, the registrant to make loans to other persons.  
 (b) Describe the policy of the registrant with respect to the making of loans to other persons.

*Instruction.* Registrant may reserve freedom of action with respect to making loans to other persons, but if such freedom of action is reserved, a statement shall be made briefly indicating, insofar as is practicable, the extent to which the registrant intends to make such loans. (See Investment Company Act of 1940 Release No. 167.)

(c) Indicate, to the extent practicable, the persons to whom loans were made by the registrant during each of the last three fiscal years, the amount and life of each such loan, the amount thereof outstanding as of the date of the latest balance sheet filed herewith, the rate of interest paid or charged on the loan and the terms of repayment. Indicate the amount of any loss sustained by the registrant, during each of the last three fiscal years, the amount of the reserve maintained, and the nature and amount of any collateral held by the registrant as security.

*Instructions.* 1. For the purpose of this item the term "loans" shall include advances to affiliated persons, affiliated persons of such persons, and sales personnel, but shall not include (1) the purchase of a portion of an issue of bonds, debentures

or other securities issued by a person other than the registrant, an affiliated person, or an affiliated person of such person, whether or not the purchase was made upon the original issuance of the securities, (2) the purchase of mortgages upon real estate or loans secured by mortgages or first liens upon real estate, except where the borrower is the registrant, an affiliated person, or an affiliated person of such person, or (3) loans made upon the security of outstanding face-amount certificates which do not exceed the reserves applicable to such certificates.

2. As to any natural persons, other than officers and directors, constituting a class, the information called for by (c) may be furnished for such class as a unit provided the approximate number of members of the class is stated and the information is clearly presented. Information with respect to affiliated persons or classes of affiliated persons shall be shown separately.

**Item 13. Portfolio Turnover**

(a) Summarize briefly any provision in the charter, other instrument of organization or by-laws of registrant which specifically restricts the registrant's portfolio turnover.  
 (b) Describe the policy of the registrant with respect to portfolio turnover.

*Instruction.* The registrant may reserve freedom of action with respect to portfolio turnover, but if such freedom of action is reserved, a statement shall be made briefly indicating, insofar as is practicable, the extent to which the registrant intends to engage therein. (See Investment Company Act of 1940 Release No. 167.)

(c) Furnish the following information with respect to transactions by the registrant in portfolio securities (exclusive of government securities) for each of the periods covered by the financial statements filed herewith:

- (1) Aggregate dollar amount of portfolio securities purchased.
  - (2) Aggregate dollar amount of the proceeds from portfolio securities sold.
  - (3) The percentage of the dollar amount in (1) represented by the dollar amount in (2).
- (d) Furnish, for the last fiscal year covered by the financial statements filed herewith, the approximate aggregate brokerage commissions paid by registrant to all brokers for effecting securities transactions for the account of the registrant.

**Item 14. Other Fundamental Policies**

(a) Describe any other policy of the registrant which it deems a matter of fundamental policy and elects to treat as such pursuant to Sections 8(b)(2) and 13(a)(3) of the Act.  
 (b) Describe the practice followed by the registrant during the last fiscal year covered by the financial statements filed herewith with respect to each of the matters, if any, described under (a).

**SECURITIES AUTHORIZED**

**Item 15. Face-Amount Certificates**

For each series of authorized face-amount certificates of the registrant furnish the following information:

Title of the series	As of .....			Gross payments by certificate holders on certificates in default for the maximum period and having no cash surrender value
	Col. A	Col. B	Col. C	
	Face-amount authorized	Face-amount outstanding	Col. D	

*Instructions.* 1. The information shall be given as of the date of the most recent balance sheet filed for the registrant. Indicate in a note any material change since that date.

2. State separately in Column (C), (i) the amount of certificates in default for the "maximum period," as defined in Instruction 3 below, and having no cash surrender value, and (ii) the amount of other certificates outstanding.

3. The term "maximum period" in Columns C and D means a period of six months when used with respect to certificates meeting the requirements of Section 28(f) of the Act, when used with respect to other certificates, the term means the

(j) Outline briefly provisions for optional settlements and state whether the granting thereof is mandatory.

(k) Describe briefly contractual, regulatory and statutory provisions and conditions with respect to the maintenance of reserves. Indicate the nature of the reserves maintained and the assumed improvement rate used in the computation thereof. If the obligation to improve any certificate reserve is dependent upon earnings (other than as stated under (i)), outline briefly the provisions applicable thereto.

(l) State the character and ratio of qualified investments or other assets required to be maintained. State whether the governing instruments provide that certificate holders shall have a lien on such investments or other assets and, if so, describe the kind and priority of such lien.

(m) State briefly contractual, regulatory and statutory provisions and conditions relating to the deposit of assets required to be maintained. If the release or release and substitution of assets is permitted, indicate the principal provisions with respect thereto and state whether any notice is required in connection therewith.

(n) Outline briefly provisions for the deferment of any payment or payments to certificate holders.

(o) Describe briefly any life or other insurance provisions.

(p) Describe briefly any other material provisions of the certificates.

*Instructions.* 1. What is required is information as to such matters as have bearing on the investment value of the registrant's securities and not a full and complete legal description of the rights and duties involved.

2. Where the provisions of two or more certificate series are similar with respect to any matter called for by this item, appropriate grouping or cross reference may be made provided the information is clearly presented and the essential differences between the series are disclosed.

3. If the securities described are guaranteed by another person, include the name of the guarantor and a brief outline of the contract of guaranty.

4. Information relating to amounts of payments and similar matters to be given in terms of a single certificate shall be based upon the smallest face-amount for which full certificates of the particular series are or have been issued.

5. If the registrant is not required to meet the reserve requirements of Section 28 of the Act, state the reasons therefor under paragraph (k) and indicate clearly the nature of the investments and other assets under paragraph (l).

6. Information required to be furnished in answer to any other item of the form, need not be given under paragraph (m) or (o) of this item provided a general reference to such other item is made.

**Item 18. Capital Shares**

For each class of capital shares of the registrant set forth under Item 16, furnish the following information:

(a) Title of the class, including the par value per share.

(b) A brief outline of (1) dividend rights; (2) limitations in any indentures, instruments defining the rights of certificate holders or other instruments on the payment of dividends or source from which dividends may be declared or paid; (3) voting rights; (4) liquidation rights; (5) preemptive or other subscription rights; (6) conversion rights; (7) redemption provision; (8) liability to further call; and (9) transferability.

(c) If any limitation on the declaration or payment of dividends on any class of shares has been imposed by any governmental regulatory body and is currently in effect, briefly describe the nature and grounds of such limitation.

(d) Submit a schedule indicating for a period of three fiscal years: (1) the dividends paid per share; (2) the methods of payment, i. e., whether in cash, stock or otherwise; (3) the name of each account charged and the dollar amount per share at which such dividend was charged to each such account.

*Instruction.* Instructions 1 and 3 to Item 17 shall be applicable to this item.

maximum period provided in the certificate. The period shall be specified. Column D shall be totaled.

4. The information required by Column D need not be furnished with respect to any company which has not made a public offering of face-amount certificates since December 31, 1940.

**Item 16. Securities Other Than Face-Amount Certificates**

Furnish the following information as to each class of authorized securities of the registrant other than face-amount certificates:

As of .....

Col. A	Col. B	Col. C	Col. D
Title of issue	Amount authorized	Amount outstanding (exclusive of amount held in treasury)	Amount in treasury

*Instructions.* 1. Information need not be set forth as to promissory notes or other evidence of indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged and not intended to be publicly offered which mature not later than nine months from the date of issuance; provided the total amount as to which the information is omitted does not exceed five percent of the registrant's total assets or \$1,000,000, whichever amount is smaller.

2. Securities other than those referred to in Section 18(j)(1)(A), (B) and (C) of the Act shall be shown in a separate group, to group.

3. The information shall be given as of the date of the most recent balance sheet filed for the registrant. Indicate in a note any material changes since the date of the table.

**DESCRIPTION OF SECURITIES**

**Item 17. Description of Face-Amount Certificates**

For each series of Face-Amount Certificates of the registrant set forth under Item 15, furnish the following information:

(a) Title of series and date first issued.

(b) State (1) the methods and amounts of payments, (2) the number of certificate years to maturity and (3) the provisions for payments after maturity.

(c) Outline briefly any provision for changing the payment basis and the mechanics by which such change is accomplished. State whether or not any notice on the part of the certificate holder is required to initiate a change in the payment basis.

(d) Describe briefly any provision or procedure with respect to changing the anniversary and maturity dates and the effect thereof.

(e) Outline briefly the provisions of the certificate with respect to (1) cash surrender and loan values at anniversary dates, between anniversary dates and immediately after a specified payment, including the basis of computing the surrender charge, and (2) rate of and method of charging interest on loans to certificate holders.

(f) Outline briefly the lapse, reinstatement, "paid-up," death and disability transfer and call provisions of the certificate. State whether or not certificate values are improved during periods of delinquency and describe briefly the provisions for making up payments in default. Indicate the procedure followed in notifying certificate holders that payments are due and, if none, so state.

(g) Describe briefly any provision for the making of advance payments by the certificate holder and for the back-dating or pre-dating of certificate payments. Indicate any restriction on the withdrawal of advance payments and the extent to which interest is credited in the event of such withdrawal. Describe any provision for applying advance payments on the certificate in the event of default.

(h) Outline briefly any conversion or voting rights and provisions restricting the declaration of dividends. If none, so state.

(i) Describe briefly any provision for additional credits or participation in profits and state the basis of computation. Indicate any restrictions thereon with respect to particular classes of certificates.



DISTRIBUTION OF SECURITIES

Item 24. *Geographical Distribution and State Deposits*

(a) Furnish the names of the states in which sales of the registrant's securities (1) are currently being made, (2) are presently proposed to be made, and (3) have been discontinued, indicating by appropriate symbols the status with respect to each state. Designate by a separate symbol those states in which the registrant is required to maintain assets on deposit in respect of its liabilities under certificates issued to or held by residents of such states.

(b) For each state in which the registrant is required to maintain assets on deposit in respect of its liabilities under certificates issued to or held by residents of such state, indicate the general requirements of the governing statute, order, regulation, requirement or deposit agreement and identify the depositary. State briefly the basis of determining the amount of the required deposit and indicate whether it is less than, equal to, or greater than the cash surrender value. If the assets on deposit, other than cash, do not consist of "qualified investments" as defined in Section 28(b) of the Act, so state and indicate briefly the nature of such assets.

(c) If the registrant has more than one series of face-amount certificates outstanding, designate any state reported under (b) in which the assets on deposit are segregated as to series. If none, so state.

Item 25. *Restriction of Authority to Distribute Securities*

Furnish the following information with respect to each instance where, during the past three years, any federal or state governmental officer, agency or regulatory body denied, revoked, suspended or otherwise restricted authority to distribute securities of the registrant, excluding denials which were merely a procedural step prior to any determination by such officer, etc., and which denial was subsequently rescinded.

- (a) Name of officer, agency or body.
- (b) Date of denial, revocation, suspension or other restriction.
- (c) Brief statement of the reasons given for the action taken.

Item 26. *Method of Distribution and Underwriting Agreements*

(a) Furnish a general description of the method of distribution of securities of the registrant and state the name and address of each principal underwriter currently offering securities of the registrant.

(b) Outline briefly the material provisions of any current selling agreement between each principal underwriter and the registrant and, if not included therein, the amount and method of determining all underwriting discounts and commissions. Identify each principal underwriter affiliated with the registrant and state the nature of the affiliation.

(c) Describe briefly any liability assumed by a principal underwriter other than that ordinarily attaching to the relationship of underwriter and issuer.

(d) State the substance of any current agreements or arrangements of each principal underwriter with dealers, managers, salesmen, etc., with respect to commissions and over-riding commissions, territories, franchises, qualifications and revocations.

*Instruction.* Include a statement as to the inception and termination dates of the agreement, any renewal and termination provisions and any assignment provisions.

Item 27. *General Information Regarding Principal Underwriters*

(a) Describe briefly the general character of the business engaged in by each principal underwriter currently distributing securities of the registrant, including a statement as to any materially important business other than the distribution of securities of the registrant. If a principal underwriter acts, or has acted within the past five years, in any capacity with respect to any investment company or companies other than the registrant, state the name or names of such company or companies, their relationship, if any, to the registrant and the nature of such activities. If a principal underwriter has ceased to act in such named capacity, state the date of and the circumstances surrounding such cessation.

(b) State whether or not any principal underwriter currently distributing securities of the registrant is a member of the National Association of Securities Dealers, Inc.

(c) Furnish as at the latest practicable date the address of each regional or principal branch office of each principal underwriter currently distributing securities of the registrant, the territory covered by such office, and the name and residence address of the person in charge of such office.

issued in exchange where such amounts exceed the cash surrender value of the new certificates, are not to be included in this column. However, appropriate explanations may be furnished by footnote.

6. If any certificates have been terminated otherwise than pursuant to the specific terms thereof, indicate by footnote the circumstances and the effect upon Column F.

7. See instruction 2 to Item 15 for definition of the term "maximum period".

8. The grand totals of Columns G and H shall represent the applicable information as of the close of the entire three year period for which the information is furnished with respect to all certificates sold during such period.

Item 22. *Distribution Spread and Yield*

For each series of face-amount certificates of the installment type outstanding as of the date of the latest balance sheet filed herewith, and assuming the certificate holder is not delinquent in making installment payments, furnish the following information:

	Annually	Semi-annually	Quarterly	Monthly
Installment payment				
Gross payments to maturity				
Gross sales load				
Maturity value				
Yield to maturity (interest compounded annually)				
Certificate year in which cash surrender value equals amount paid in by certificate holder				

*Instructions.* 1. The general effect of delinquency in making installment payments shall be stated in a footnote to the table.

2. The information shall be furnished on the basis of the smallest face-amount for which full certificates of the particular series were issued.

3. Indicate by footnote, or otherwise, the first month in which a cash surrender value is available under the monthly payment basis.

4. Information need not be furnished as to any series of certificates for which the outstanding face-amount does not exceed five percent of the aggregate outstanding face-amount of all certificates of the installment type or \$1,000,000, whichever amount is the smaller.

Item 23. *Table of Payments, Surrender Values, etc.*

For each series of face-amount certificates of the installment type referred to in Item 22 furnish the following information for each certificate year:

- (a) Certificate year
- (b) Gross payment
- (c) Accumulated gross payments
- (d) Call value
- (e) Load
- (f) Amount of payment credited to reserve
- (g) Annual accretion
- (h) Total reserve at end of certificate year
- (i) Surrender charge
- (j) Cash surrender value

*Instructions.* 1. The information shall be furnished on the basis of the smallest face-amount for which full certificates of the particular series were issued. The face-amount value for which the information is furnished shall be stated.

2. Where the certificate provides for more than one payment method, the information shall be so presented as to show the resulting variations. However, information need not be furnished with respect to any payment basis other than the annual, semi-annual, quarterly and monthly payment bases.

(d) State the number of individual salesmen of each principal underwriter through whom any of the securities of the registrant were distributed for the last fiscal year of the registrant and furnish the aggregate amount of compensation received by such salesmen in such year.

*Instruction.* The information called for by (d) shall be shown separately with respect to full-time and part-time salesmen, those selling for the entire year and those selling for only a part of the year.

**Item 28. Remuneration of Principal Underwriters**

Furnish the following information with respect to all fees, etc., received, directly or indirectly, by each principal underwriter of the registrant from the sale of securities of the registrant and any other functions exercised by such underwriter with respect to the registrant, during each of the last three fiscal years of the registrant.

A	B	C	D	E	F	G	H	I
Year	Amount of salaries received	Amount of commissions received	Amount of management advisory fees received (excluding mortgage loan portfolio)	Amount of brokerage commissions received	Amount of fees received in connection with sale or purchase of mortgages	Amount of fees received in connection with servicing mortgage loan portfolio	Amount of other fees received (specify)	Aggregate amount of fees, etc., received

*Instruction.* Columns B through I shall be totaled.

**INVESTMENT ADVISER, DEPOSITARY AND OTHERS**

**Item 29. Investment Advisers and Agreements Therewith**

(a) Outline briefly the material provisions of any investment advisory agreement currently in effect between each investment adviser and the registrant, and, if not included therein, the basis upon which the investment adviser is compensated.

(b) Furnish the following information with respect to the amount of remuneration paid by the registrant or any investment adviser of the registrant to any person for services as an investment adviser of the registrant, during the registrant's most recently ended fiscal year:

Name of investment adviser	Amount of aggregate remuneration	By whom remuneration paid
(c) If any material change has been made in the basis of computing the compensation to any investment adviser during the period covered by the financial statements filed herewith, indicate briefly the effect thereof.		

**Item 30. Purchase and Servicing of Mortgage Loans**

(a) Outline briefly the material provisions of any agreement currently in effect for the purchase, sale or servicing of mortgage loans for the registrant, including the basis or bases of compensation.

(b) Furnish the following information with respect to the amount of remuneration paid to any person for the purchase, sale or servicing of mortgage loans during the registrant's most recently ended fiscal year where such remuneration exceeded 10% of the aggregate remuneration paid by the registrant for such services during that period. State also the aggregate amount paid to all persons for such services during such period.

Name and address of recipient	Amount of fees received on purchase or sale of mortgage loans	Amount of fees received for servicing and supervising mortgage loan portfolio
(f) If any person other than the insurance company receives any part of such premiums, the name of each such person and the amounts involved, and the nature of the services rendered therefor.		

**Item 31. Depositories**

Furnish the following information as to each depository of the registrant:

- (a) Name and principal business address.
- (b) Form of organization.
- (c) State or other sovereign power under the laws of which the depository was organized.
- (d) Name of governmental supervising or examining authority.

*Instruction.* Exclude information relating to state deposits reported in Item 24.

**Item 32. Deposit Agreements**

(a) State the basis for payment of fees or expenses of the depository for services rendered with respect to the registrant and its securities and the aggregate amount thereof for the last fiscal year. If any fees or expenses are prepaid, state the unearned amount.

(b) State whether the depository, or any other person, has or may create a lien on the assets of the registrant, and, if so, give full particulars, outlining the substance of the provisions of any indenture or agreement with respect thereto.

(c) If the registrant has more than one series of face-amount certificates outstanding, state whether the assets held by the depository are segregated as to series.

(d) Describe briefly the provisions of the deposit agreement with respect to the following:

- (1) Amendments to the agreement.
- (2) The extension or termination of the agreement.
- (3) The submission of reports and certificates to the depository as to the reserve requirements and valuation of assets in connection with the maintenance of assets, including the frequency thereof and the persons certifying. Furnish similar information with respect to the deposit and withdrawal of assets.
- (4) Limitations on the liability of the depository.
- (5) The removal or resignation of the depository or the failure of the depository to perform its duties, obligations and functions.
- (6) The appointment of a successor depository.

*Instruction.* Exclude information relating to state deposits reported in Item 24.

**Item 33. Insurance of Holders of Face-Amount Certificates**

Furnish the following information with respect to insurance of holders of face-amount certificates of the registrant:

- (a) The name and address of the insurance company.
- (b) The types of policies and whether individual or group policies.
- (c) The types of risks insured and excluded.
- (d) The coverage of the policies.
- (e) The beneficiaries of such policies and the uses to which the proceeds of policies must be put.
- (f) The terms and method of cancellation and of reinstatement.
- (g) The method of determining the amount of premiums to be paid by holders of certificates and the method provided for payment thereof.
- (h) The amount of aggregate premiums paid to the insurance company during the last fiscal year.
- (i) State whether any person other than the insurance company receives any part of such premiums, the name of each such person and the amounts involved, and the nature of the services rendered therefor.
- (j) The substance of any other material provisions of any agreement of the registrant relating to insurance of holders of face-amount certificates issued by the registrant.

4. Include all remuneration paid or set aside by any underwriter or investment adviser having an exclusive contract with and controlling the registrant. The amount paid by each person shall be stated separately.

(b) State the annual benefits estimated to be payable in the event of retirement at normal retirement date to each individual named in answer to paragraph (a) (1) or (2), pursuant to any pension or retirement plan.

*Instruction.* Except as to persons whose retirement benefits have already vested, the information called for by this paragraph may be given in a table showing the annual benefits payable to persons in specified salary classifications.

(c) Describe all transactions since the beginning of the last fiscal year of the registrant in which any person who was a director, advisory board member or officer of the registrant at any time during such period received remuneration, directly or indirectly, from the registrant or its subsidiaries in the form of securities, options, warrants, rights, or other property, or through the exercise or disposition thereof. As to options, warrants or rights granted or extended give (1) the title and amount of securities called for; (2) the prices, expiration dates, and other material provisions; (3) the consideration received for the granting thereof; and (4) the market value of the securities called for on the granting or extension date. As to options, warrants or rights exercised, state (1) the title and amount of securities purchased; (2) the purchase price; and (3) the market value of the securities purchased on the date of purchase.

*Instruction.* This paragraph does not apply to warrants or rights issued to security holders, as such, on a pro rata basis. Instruction 4 to paragraph (a) shall also apply to this paragraph.

**Item 37. Remuneration of Certain Employees**

Furnish the following information with respect to the remuneration for services paid, directly or indirectly, by the registrant during its last fiscal year to the following classes of persons (exclusive of those persons covered by Item 38): (1) Sales managers, branch managers, district managers and other persons supervising the sale of securities; (2) Salesmen, sales agents, canvassers and other persons making solicitations but not in a supervisory capacity; (3) Economists, statisticians and research personnel; (4) Administrative and clerical employees; and (5) Others (specify). If a person is employed in more than one capacity, classify according to predominant type of work.

Class of persons	Number in class	Aggregate remuneration
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*Instruction.* Sales personnel shall be considered employees for the purpose of this item regardless of the contractual relationship therewith.

**Item 38. Compensation to Other Persons**

Furnish the following information with respect to the aggregate remuneration for services in whatever capacity paid, directly or indirectly, by the registrant and any of its subsidiaries to any person, (exclusive of directors, advisory board members, officers or employees of the registrant or its subsidiaries) whose aggregate remuneration from the registrant and its subsidiaries exceeded \$25,000 during the last fiscal year of the registrant.

Name of Person	Capacity in which Compensation was Received	Name of each Company paying Compensation	Amount of Compensation paid by each such Company
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**Item 39. Securities Owned by Affiliated Persons**

Furnish the following information, in substantially the tabular form indicated, as to all securities of the registrant owned as of a specified date within 90 days prior to the date of filing by each affiliated person of the registrant.

(1) Name and address	(2) Title of Class	(3) Type of Ownership	(4) Amount Owned	(5) Percent of Class
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**MANAGEMENT PERSONNEL, REMUNERATION AND SECURITY HOLDERS**

**Item 34. Directors, Officers and Advisory Board Members**

(a) List the names and complete mailing addresses of all directors, executive officers and advisory board members of the registrant and indicate all positions and offices held by each person named.

Name	Complete mailing address	Office
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(b) Describe briefly the business experience during the past five years of each person named under paragraph (a). Include the present principal occupation or employment of each such person, if other than with the registrant, and the name and character of the business of the corporation or other organization, if any, in which such occupation or employment is carried on.

*Instruction.* For the purposes of this item, the term "executive officer" means the president, vice-president, secretary and treasurer, and any other officer who performs policy making functions for the registrant.

**Item 35. Indemnification of Directors, Officers, Investment Advisers and Principal Underwriters**

Describe any arrangement under which any director, officer, investment adviser or principal underwriter of the registrant is insured or indemnified in any manner against any liability which he may incur in his or its capacity as director, officer, investment adviser or principal underwriter.

**Item 36. Remuneration of Directors and Officers**

(a) Furnish the following information, in substantially the tabular form indicated, as to the aggregate remuneration directly or indirectly paid or set aside by the registrant and its subsidiaries to, or for the benefit of, the following persons for services in all capacities while acting as directors or officers of the registrant during its last fiscal year:

- (1) Each person who was a director or member of the advisory board of the registrant at any time during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement and similar payments, exceeded \$25,000.
- (2) Each person who was one of the three highest-paid officers of the registrant during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement, and similar payments, exceeded \$25,000.
- (3) All persons, as a group, who were directors, advisory board members or officers of the registrant at any time during such fiscal year.

(A) Name of individual or identity of group	(B) Capacities in which remuneration was received	(C) Fees, salaries, and commissions	(D) Bonuses and shares in profits	(E) Pension, retirement and similar payments
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*Instructions.* 1. The registrant may omit from the table the proportionate shares of any person specified in the total remuneration paid to a partnership in which such person was a partner. However, if the aggregate remuneration of such person including the total amount paid to the partnership, exceeded \$25,000, the registrant shall state in a note to the table the name of the partnership, the total amount of remuneration paid to it, and the capacities in which it was received, unless such information is otherwise required by Item 18.

2. If the aggregate remuneration of any individual director, advisory board member or officer or the directors, advisory board members and officers as a group for the preceding fiscal year exceeded by more than 10 percent the amount of the remuneration of such director, advisory board member, officer or group for the last fiscal year, state also the amount of such excess.

3. Include in Column (E) money paid, set aside or accrued pursuant to any pension, retirement, savings or other similar plan including premiums paid for life insurance or retirement annuities. However, premiums paid for group insurance need not be included if it is impracticable to do so and if there is set forth in a note the amount of such insurance purchased for each individual director or officer required to be named in Column (A).

**Item 42. Pending Legal Proceedings**

**Instructions.** 1. Indicate in the third column whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show separately in the fourth and fifth columns the respective amounts and percentages owned in each such manner.

2. The percentages are to be calculated on the basis of the amount of outstanding securities of the class. In any case where the amount owned by any affiliated person is less than 1 percent of the class, the percent of the class owned by such person may be omitted.

3. With respect to a person specified who has a proprietary or beneficial interest in a partnership, a personal holding company or trust, which owns of record or beneficially any of the specified securities, there may be stated the entire amount of such securities owned by such partnership, company or trust in lieu of an allocation of such person's proportionate interest therein, provided that, by note or otherwise, it is indicated that such has been done.

**Item 40. Options, Warrants, and Rights**

Furnish the following information as to any options, warrants or rights outstanding or presently to be granted to purchase securities of the registrant or any of its subsidiaries from the registrant or any of its subsidiaries—

(a) The title and amount of securities called for by the options, warrants, or rights, which the options, warrants, or rights may be exercised.

(b) A brief outline of the prices, expiration dates, and other material conditions on which the options, warrants, or rights may be exercised.

(c) The amount called for by the options, warrants or rights held or to be held by each affiliated person of the registrant.

(d) The name and address of each person who holds or is to hold options, warrants, or rights calling for 5 percent or more of the amount called for by each class of such options, warrants, or rights and the amount called for by the options, warrants, or rights held by each such person.

(e) For each class of options, warrants, or rights granted within two years, the consideration received for the granting thereof.

**Instruction.** The information need not be given as to any class of securities substantially all of which is outstanding in the hands of the general public, such as warrants or rights issued to security holders on a pro rata basis, or convertible securities.

**Item 41. Interest of Affiliated Persons in Certain Transactions**

(a) Describe briefly any material interest, direct or indirect, of any affiliated person in any material transactions during the last three years, or in any material proposed transactions, to which the registrant or any of its subsidiaries and any one or more of such persons were or are to be parties.

(b) If any such transaction involved or is to involve the purchase or sale of property by or to the registrant or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

**Instructions.** 1. This item does not apply to a person's interest as a principal underwriter of securities of the registrant or its subsidiaries, an investment adviser or a director, advisory board member or officer of the registrant or a voting trustee or other holder of securities of the registrant. However, for the purposes of this item no acquisition of assets, directly or indirectly from a director or officer, shall be deemed made in the ordinary course of business if made upon a basis or at a price materially less favorable than the registrant could acquire similar assets from other sources.

2. The information need not be given with respect to the redemption of an entire class of securities of the registrant substantially all of which was or is outstanding in the hands of the general public; a pro rata redemption in part or a redemption by lot under accepted disinterested practice, of any such securities; exchanges of such securities for other securities of the registrant pursuant to an offer made to all holders of the class of securities acquired in exchange; the exercise of conversion rights; or as to the purchase of securities pursuant to an invitation for tenders extended to all holders of the class.

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court in which the proceedings were instituted, the date instituted and the principal parties thereto. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

**Instructions.** 1. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 5 percent of the total assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Notwithstanding the foregoing, any bankruptcy, receivership or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any proceeding to which any affiliated person is a party shall also be described.

**Item 43. Financial Statements and Exhibits**

List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements.

(b) Exhibits.

**SIGNATURE**

Pursuant to the requirements of the Investment Company Act of 1940, the registrant of ..... a corporation organized and existing under the laws of ..... has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, and its seal to be hereunto annexed and attested, all in the city of ..... and State of ..... on the ..... day of ....., 19.....

.....  
 Registrant

By: .....  
 (Signature and title)

Attest: .....  
 (Signature and title)

**Instructions.** 1. The name of each person shall be typed or printed beneath his signature.

2. If the registrant is not a corporation, the necessary changes in the form of the signature shall be made.

**INSTRUCTIONS AS TO FINANCIAL STATEMENTS****1. Registrant and Subsidiaries**

(a) The following financial statements shall be filed for registrant and for each majority-owned subsidiary:

- (1) Balance sheet as of the close of the last fiscal year; and
- (2) Income statements for each of three fiscal years preceding the date of the balance sheet.

(b) The following financial statements shall be filed for each subsidiary less than majority-owned:

- (1) Balance sheet as of the close of the last fiscal year; and
- (2) Income statement for the fiscal year preceding the date of the balance sheet.

If the financial statements required hereunder for any subsidiaries have previously been filed with the Commission pursuant to the Securities Act of 1933, the Securities Exchange

(b) Notwithstanding the provisions of paragraph (a) the financial statements therein required need not be furnished if both the following conditions exist:

- (1) The predecessors of the registrant were totally-held subsidiaries of the registrant, or the registrant having no assets other than nominal ones succeeded to a single predecessor or to a group of companies consisting of a parent and one or more subsidiaries; and
- (2) The balance sheet of the registrant immediately after succession was substantially the same as the balance sheet of the single predecessor, or the consolidated balance sheet of the group of predecessors, immediately before succession, except for changes resulting from the substitution of issuers incident to the succession or from adjustments of an insignificant aggregate amount.

For the purpose of meeting the requirements of paragraph (a) with respect to successions of the types specified in (1) and (2) of paragraph (b), the financial statements of a single predecessor or consolidated financial statements of a group of predecessors shall, for any period preceding the transfer of accounts, be considered financial statements of the registrant.

#### 4. Form and Content of Financial Statements—Application of Regulation S-X.

The form and content of financial statements of investment companies, including supplementary schedules, shall be governed by Articles 2, 3, 4, 6B, 11 and 12 of Regulation S-X promulgated under the Securities Act of 1933 and the Securities Exchange Act of 1934; for non-investment company subsidiaries, the appropriate Articles of Regulation S-X shall govern.

#### 5. Certification.

All financial statements required by the foregoing instructions to be filed shall be certified by an independent public accountant or accountants in accordance with Article 2 of Regulation S-X.

#### 6. Special Provisions.

If, in any case, the statements herein required are inadequate or inappropriate, the Commission may, upon the informal written request of the registrant, permit the omission of one or more of the statements herein required and the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary for a proper presentation of the financial condition of any person for which financial statements are required, or for which such statements are otherwise necessary for the protection of investors.

#### 7. Historical Financial Information.

Furnish the information specified below for the 7-year period preceding the period for which profit and loss statements are being filed, as to the accounts of each person for which balance sheet is being filed. The information is to be given as to all the accounts specified whether they are presently being carried on the books or not. This instruction does not call for an audit, but only for a survey or review of the accounts named. It should not be detailed beyond a point material to the investor. Information may be omitted, however, as to any person for which equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

**Revaluations of Assets.** If there were any material increases or decreases in investments or other tangible or intangible assets, resulting from revaluing such assets, state—(1) in what year or years such revaluations were made; (2) the amounts of such increases, or decreases, and the accounts affected, including all related entries; and (3) if in connection with such revaluations any related adjustments were made in reserve accounts, state the accounts and amounts with explanations.

**Changes in Certificate Reserves.** If there were any material increases or decreases in certificate reserves, resulting from restating, eliminating, or changing the basis for any of such reserves, identify the reserves and state—(1) In what year or years such increases or decreases were made; (2) the reasons and basis therefor; and (3) the amounts of such increases or decreases, and the accounts affected, including all related entries.

Act of 1934, or the Investment Company Act of 1940, such statements may be incorporated by appropriate reference, provided they meet the requirements as to form and content of financial statements currently prescribed by Regulation S-X.

(c) No financial statement need be furnished for any subsidiary less than majority-owned in respect of which there is filed, within 60 days after the filing of this registration statement, an application pursuant to Section 2(a)(9) of the Act for an order from the Commission determining that such company is not in fact a controlled company. The filing of financial statements for any subsidiary shall not in any way prejudice the determination by the Commission of an application under Section 2(a)(9) of the Act for an order declaring that such company is not, in fact, a controlled company. In the event of denial of such an application, the exception provided by this paragraph shall be removed retroactively, and the requisite financial statements for such subsidiary shall be filed within 90 days after such denial.

#### 2. Significant Subsidiaries.

(a) Financial statements need not be filed for any subsidiary which is not significant, provided that the financial statements of such subsidiaries may be omitted only to the extent that the aggregate of the securities issued by, and indebtedness of, all subsidiaries, whose statements are so omitted, which were owned by the registrant as of the end of the last fiscal year covered by financial statements of the registrant filed herewith, do not exceed 15% of the total assets of the registrant as of that date. Notwithstanding Rule 1.02 of Regulation S-X, a subsidiary shall be considered significant if either of the following conditions exists:

- (1) The securities issued by, and indebtedness of, the subsidiary which were owned by the registrant and its other subsidiaries as of the end of the last fiscal year covered by financial statements of the registrant filed herewith exceeded 5% of the assets of the registrant; or,

- (2) The total investment income of the subsidiary, or in the case of a non-investment company subsidiary, the net income, exceeds 5% of the total investment income of the registrant as shown by the income statement of the registrant filed herewith for the last fiscal year.

(b) For the purposes of this instruction, the term "investment income" means the aggregate of net operating income or loss from real estate and gross income from interest, dividends and all other sources, exclusive of profit or loss on sales of securities or other properties.

#### 3. Predecessor of Registrant.

(a) If during the last three fiscal years preceding the filing of the registration statement, the registrant has either (i) emerged from insolvency proceedings (such emergence being deemed a succession, for the purpose of this paragraph), or (ii) succeeded to one or more predecessors and the total assets of the registrant prior to such succession was less than 50% of the total assets immediately thereafter, the following additional financial statements shall be filed:

- (1) Individual and combined balance sheets of the registrant and predecessors as of the status immediately before the transfer of assets or emergence from insolvency proceedings;

- (2) A balance sheet of the registrant immediately after the transfer of assets or emergence from insolvency proceedings (this balance sheet need not be accompanied by schedules);

- (3) Income statements related to each balance sheet filed pursuant to (1). The income statements of the registrant and predecessors prior to emergence or transfer shall be for such periods as, when added to the periods covered by the registrant's income statements subsequent to emergence or transfer, will cover the equivalent of three fiscal years preceding the date of the registrant's most recent balance sheet filed.

The balance sheets required by this instruction shall be set forth in such form, preferably columnar, as to show in related manner the balance sheets of the registrant and the predecessors, the elimination of inter-company items, the combined balance sheet of the registrant and all of the predecessors, the changes effected in the succession, and the balance sheet of the registrant after giving effect to the changes of the succession. By note or otherwise, a brief explanation of the eliminations and changes shall be made.

7. Copies of all options, warrants and rights referred to in answer to Item 40.
8. A copy of any contract of guaranty of the registrant's securities and any contract of guaranty entered into by the registrant with respect to the securities of another person.
9. A copy of each denial, revocation, suspension or other restriction described in answer to Item 25.
10. (a) A copy of each contract with a principal underwriter described in answer to Item 26.
- (b) A copy of a typical application form used in connection with the sale of the registrant's securities.
- (c) A specimen of typical agreements between principal underwriters and dealers, managers, sales supervisors and salesmen.
- (d) Schedules of sales commissions referred to in Item 26(d).
11. Copies of all deposit agreements referred to in answer to Item 24 or 32.
12. A copy of each investment advisory agreement described in answer to Item 29.
13. A copy of any agreement or typical insurance policy referred to in answer to Item 33.
14. Copies of all contracts, agreements or arrangements referred to in answer to Items 30 and 35.
15. A copy of each annual report sent to security holders covering each fiscal year ending after January 1, 1937, exclusive of reports, copies of which have heretofore been filed with the Commission pursuant to the Act.
16. A copy of each notice sent to security holders pursuant to Section 19 of the Act prior to the date of the filing of this form.
17. A schedule showing (i) the amounts periodically credited to each class of security holders' accounts from installment payments, and (ii) such other amounts periodically credited to accumulate the maturity amount of the certificate. Such information shall be stated on a \$1,000 face-amount certificate basis for the term of the certificate.
18. A copy of every material contract not made in the ordinary course of business which is to be performed in whole or in part at or after the filing of the registration statement or which was made not more than 2 years before such filing, except contracts called for by the foregoing instructions. Only contracts need be filed as to which the registrant or a subsidiary of the registrant is a party or has succeeded to a party by assumption or assignment, or in which the registrant or such subsidiary has a beneficial interest.

**Capital Shares.** (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to surplus or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) If there was an original issue of capital shares, any part of the proceeds of which was credited to accounts other than capital share accounts, state the title of the class, the accounts and the respective amounts credited thereto.

**Premiums and Discount on Securities Retired.** (a) If any face-amount certificates or other securities were called or otherwise retired at an amount materially in excess of or less than the reserves maintained or liability therefor at the time of such retirement, state—(1) Title of the securities; (2) date or dates of retirement; (3) difference between amount paid on retirement and reserves maintained or certificate or other liability at date of retirement; and (4) the accounts affected, including all material related entries.

(b) Information need not be given under paragraph (a) as to the retirement of certificates by maturity or by election of certificate holders to take the cash surrender value or to exercise any other option specifically permitted by the terms of the certificate.

**Other Changes in Surplus.** If there were any material increases or decreases in surplus, other than those resulting from transactions specified above, the closing of the profit and loss account or the declaration or payment of dividends, state—(1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Paragraph (c) under "Revaluations of Property" shall also apply here.

**Predecessors.** Information shall also be furnished as to any predecessor of the registrant, if:

(a) The registrant at the time of succession continued under substantially the same ownership and control as the predecessor; and

(b) The registrant succeeded to either (1) substantially all of the assets of the predecessor, or (2) a substantial portion thereof and such portion was segregated on the books of the predecessor.

The information shall be furnished from the beginning of the period to the date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected by means of the transaction by which the assets were transferred from the predecessor, except that no information need be furnished as to any one or more predecessors of the registrant, if such predecessors, considered in the aggregate, would not constitute a significant predecessor.

**Omission of Certain Information.** No information need be furnished hereunder as to any subsidiary for the period prior to the date on which the subsidiary became a majority-owned subsidiary of (1) the registrant, (2) a predecessor for which statements are filed, or (3) a predecessor for which information is required above.

#### INSTRUCTIONS AS TO EXHIBITS

Subject to Rule N-4 regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits required by Item 43. If any contract is not in writing, describe the terms of the arrangement.

1. A copy of the charter or other instrument of organization as now in effect.
2. A copy of the existing by-laws or instruments corresponding thereto.
3. A copy of any voting trust agreement referred to in answer to Item 4.
4. A specimen or, if a specimen is not available, a copy of each face-amount certificate referred to in Item 15 and a copy of any other constituent instrument evidencing the rights of certificate holders.
5. (a) A specimen or, if a specimen is not available, a copy of each security referred to in Item 16.
- (b) A copy of each indenture, or other constituent instrument, and amendments and supplements thereto defining the rights of holders of each security, a specimen or copy of which is required to be filed under paragraph (a).

FORM 4-R  
THIS FORM SHALL BE FILED IN DUPLICATE ORIGINAL  
SECURITIES AND EXCHANGE COMMISSION  
Washington 25, D.C.

IRREVOCABLE APPOINTMENT OF AGENT FOR SERVICE OF PROCESS, PLEADINGS  
AND OTHER PAPERS BY INDIVIDUAL NON-RESIDENT INVESTMENT ADVISER

1. I, \_\_\_\_\_ (Name)  
of \_\_\_\_\_ (Residence address in full)  
doing business as \_\_\_\_\_ (Name under which business is conducted)

at \_\_\_\_\_ (Business address in full)  
hereby designate and appoint, without power of revocation, the United States Securities and Exchange Commission as my agent upon whom may be served all process, pleadings, and other papers in any civil suit or action brought against me in any appropriate court in any place subject to the jurisdiction of the United States, where the cause of action (a) accrues on or after August 2, 1954 (b) arises out of any activity, in any place subject to the jurisdiction of the United States, occurring in connection with the conduct of my business as an investment adviser, and (c) is founded, directly or indirectly, upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, or any rule or regulation under any of said Acts; and

2. I hereby consent, stipulate and agree, without power of revocation, (a) that any such civil suit or action may be commenced against me by the service of process upon the Commission and the forwarding by the Commission of a copy thereof by registered mail to me at the last address of record filed by me with the Commission, (b) that all service of process, pleadings, or other papers upon the Commission and the forwarding by the Commission of a copy thereof by registered mail to me at the last address of record filed by me with the Commission shall be taken and held in all courts to be as valid and binding as if due personal service had been made upon me, and (c) that service upon the Commission may be effected by delivering copies of said process, pleadings or other papers to the Secretary of the Commission or to any other person designated by it for such purpose, and that the certificate of the Secretary of the Commission or of such other person reciting that said process, pleadings or other papers were received by the Commission and that a copy thereof was forwarded to me at the last address of record filed by me with the Commission shall constitute evidence of such service upon me.

IN WITNESS WHEREOF, I have executed this irrevocable power of attorney, consent, stipulation and agreement at \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19 \_\_\_\_\_ (Seal)

NOTE: The person executing this irrevocable power of attorney, consent, stipulation and agreement should appear before a person authorized to administer acknowledgments in

the jurisdiction in which it is executed and acknowledge that he executed it as his free and voluntary act. The acknowledgment should be in the form prescribed by the law of the jurisdiction in which it is executed. The form of acknowledgment suggested below should be used only if it is consistent with the requirements of the law of such jurisdiction.

The failure of any acknowledgment to meet applicable requirements shall not affect the validity or effect of the foregoing irrevocable power of attorney, consent, stipulation and agreement.

Province (or State) of \_\_\_\_\_ ss.  
County of \_\_\_\_\_

I, \_\_\_\_\_ (Name)

(Official position of person administering acknowledgment)

and for (said County in) the Province (or State) aforesaid, do hereby certify that

(Name of person appointing agent for service, etc.) personally appeared before me

this day and signed and sealed the above instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19 \_\_\_\_\_

(Seal)

(Signature of Official)

(Official position)

My commission (or office) expires:

\_\_\_\_\_ (Date)

Effective August 2, 1954

FORM 5-R

THIS FORM SHALL BE FILED IN DUPLICATE ORIGINAL

SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

IRREVOCABLE APPOINTMENT OF AGENT FOR SERVICE OF PROCESS, PLEADINGS  
AND OTHER PAPERS BY CORPORATION\* NON-RESIDENT INVESTMENT ADVISER

1. The \_\_\_\_\_ (Name of corporation)  
a corporation incorporated under the laws of \_\_\_\_\_  
(Name of jurisdiction under whose laws  
corporation was organized), and having its principal place of business at  
\_\_\_\_\_, hereby designates  
(Address in full)

and appoints, without power of revocation, the United States Securities and Exchange  
Commission as the agent of said corporation upon whom may be served all process, pleadings,  
and other papers in any civil suit or action brought against it in any appropriate court in  
any place subject to the jurisdiction of the United States, where the cause of action  
(a) accrues on or after August 2, 1954, (b) arises out of any activity, in any place subject  
to the jurisdiction of the United States, occurring in connection with the conduct of business  
of said corporation as an investment adviser, and (c) is founded, directly or indirectly,  
upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the  
Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers  
Act of 1940, or any rule or regulation under any of said Acts; and

2. Said corporation, \_\_\_\_\_ (Name of corporation)  
hereby consents, stipulates and agrees, without power of revocation, (a) that any such civil  
suit or action may be commenced against it by the service of process upon the Commission and  
the forwarding by the Commission of a copy thereof by registered mail to it at the last  
address of record filed by it with the Commission, (b) that all service of process, pleadings,  
or other papers upon the Commission and the forwarding of a copy thereof by registered mail  
to it at the last address of record filed by it with the Commission shall be taken and held  
in all courts to be as valid and binding as if due personal service had been made upon it,  
and (c) that service upon the Commission may be effected by delivering copies of said  
process, pleadings or other papers to the Secretary of the Commission or to any other person  
designated by the Commission for such purpose, and that the certificate of the Secretary  
of the Commission or of such other person reciting that said process, pleadings or other  
papers were received by the Commission and that a copy thereof was forwarded to said  
corporation at the last address of record filed by it with the Commission shall constitute  
evidence of such service upon it.

IN WITNESS WHEREOF, the President and Secretary of said corporation

\_\_\_\_\_, by the authority and direction  
(Name of corporation)  
of the Board of Directors of said corporation, have executed this irrevocable power of  
attorney, consent, stipulation and agreement for and on behalf of said corporation at  
\_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, A.D., 19 \_\_\_\_\_

SEC 881 (1-82)

Form 5-R

-2-

Attest \_\_\_\_\_ (Secretary)  
\_\_\_\_\_, (Corporate name)  
By \_\_\_\_\_ (President)  
\_\_\_\_\_, (Corporate Seal)

NOTE: The persons executing this irrevocable power of attorney, consent, stipulation and  
agreement should appear before a person authorized to administer acknowledgments in the  
jurisdiction in which it is executed and acknowledge that they executed it on behalf of said  
corporation as its free and voluntary act. The acknowledgment should be in the form prescribed  
by the law of the jurisdiction in which it is executed. The form of acknowledgment suggested  
below should be used only if it is consistent with the requirements of the law of such  
jurisdiction.

The failure of any acknowledgment to meet applicable requirements shall not affect the  
validity or effect of the foregoing irrevocable power of attorney, consent, stipulation  
and agreement.

Province (or State) of \_\_\_\_\_ }  
County of \_\_\_\_\_ } as.

I, \_\_\_\_\_ (Name) \_\_\_\_\_ a \_\_\_\_\_ (Official position of person administering  
acknowledgment) \_\_\_\_\_, in and for (said County in) the Province  
(or State) aforesaid, do hereby certify that \_\_\_\_\_ (Name of President)  
and \_\_\_\_\_ (Name of Secretary) personally appeared before me this day, stated  
that they are respectively the president and secretary of the \_\_\_\_\_ (Name of corporation)

that they are the same persons named in the foregoing instrument as the president and  
secretary of said corporation, that they have been duly authorized to execute said instrument  
for the corporation, and that they signed and sealed said instrument for and on behalf of  
said corporation as its free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, A.D., 19 \_\_\_\_\_  
(Seal) \_\_\_\_\_ (Name of Official)

My commission (or office) expires: \_\_\_\_\_ (Date)  
\_\_\_\_\_ (Official position)

\*This form should be appropriately revised for use by an investment adviser which is an  
unincorporated organization or association other than a partnership.

SEC 881 (1-82)

CERTIFICATE OF RESOLUTION AUTHORIZING IRREVOCABLE APPOINTMENT BY CORPORATION OF AGENT FOR SERVICE OF PROCESS, PLEADINGS AND OTHER PAPERS

At a duly constituted meeting of the Board of Directors of \_\_\_\_\_, a corporation duly organized and existing under the laws of \_\_\_\_\_, held at the office of said corporation at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the following resolution was adopted:

Be it resolved that the president and secretary of this corporation, \_\_\_\_\_, be and they hereby are authorized and directed to execute in legal form and to deliver to the United States Securities and Exchange Commission on behalf of this corporation in such forms as may be prescribed by or acceptable to the United States Securities and Exchange Commission:

(1) A power of attorney designating and appointing, without power of revocation, the United States Securities and Exchange Commission as the agent of this corporation upon whom may be served all process, pleadings and other papers in any civil suit or action brought against this corporation in any appropriate court in any place subject to the jurisdiction of the United States, where the cause of action (a) accrues on or after August 2, 1954, (b) arises out of any activity, in any place subject to the jurisdiction of the United States, occurring in connection with the conduct of business of this corporation as an investment adviser, and (c) is founded, directly or indirectly, upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, or any rule or regulation under any of said Acts; and

(2) A stipulation, consent and agreement, likewise without power of revocation, (a) that any such civil suit or action brought against this corporation may be commenced against this corporation by service of process upon the United States Securities and Exchange Commission and the forwarding by the Commission of a copy thereof by registered mail to this corporation at the last address of record filed by this corporation with said Commission, (b) that all service of process, pleadings or other papers upon the said Commission and the forwarding of a copy thereof by registered mail to this corporation at the last address of record filed by this corporation with the Commission shall be taken and held in all courts to be as valid and binding as if due personal service had been made upon this corporation and (c) that service upon the Commission may be effected by delivering copies of said process, pleadings or other papers to the Secretary of the Commission or to any other person designated by the Commission for such purpose, and that the certificate of the Secretary of the Commission or of such other person reciting that said process, pleadings or other papers were received by the Commission and that a copy thereof was forwarded to this corporation at the last address of record filed by this corporation with the Commission shall constitute evidence of such service upon it.

Province (or State) of \_\_\_\_\_ ) ss.  
County of \_\_\_\_\_ )

SEC 881 (1-82)

I, \_\_\_\_\_ (Name of Secretary) being duly sworn, depose and say that I am Secretary of \_\_\_\_\_ (Name of corporation), and that the foregoing is a true and correct copy of a resolution adopted by the Board of Directors of said corporation on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_, as the same appears on the records of said corporation now in my custody and control.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said corporation.

(Corporate Seal) \_\_\_\_\_ (Secretary)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_.

(Seal) \_\_\_\_\_ (Name of Official)  
\_\_\_\_\_ (Official position)

My commission (or office) expires: \_\_\_\_\_ (Date)

NOTE: The Secretary of the corporation should appear before a person authorized to administer oaths in the jurisdiction in which it is executed and duly swear that he is the Secretary of such corporation and that the resolution is a true and correct copy of the resolution adopted by the Board of Directors of said corporation. The form of affidavit suggested above should be used only if it is consistent with the requirements of the law of the jurisdiction in which it is executed.

SEC 881 (1-82)

THIS FORM SHALL BE FILED IN DUPLICATE ORIGINAL

SECURITIES AND EXCHANGE COMMISSION  
Washington 25, D.C.

IRREVOCABLE APPOINTMENT OF AGENT FOR SERVICE OF PROCESS, PLEADINGS  
AND OTHER PAPERS BY PARTNERSHIP NON-RESIDENT INVESTMENT ADVISER

1. The partners of \_\_\_\_\_, a partnership having  
its principal place of business at \_\_\_\_\_  
(Name of partnership)

Exchange Commission and appoint, without power of revocation, the United States Securities and  
Exchange Commission as the agent of said partnership as now or hereafter constituted, upon  
whom may be served all process, pleadings, and other papers in any civil suit or action  
brought against it in any appropriate court in any place subject to the jurisdiction of  
the United States, where the cause of action (a) accrues on or after August 2, 1954,  
(b) arises out of any activity, in any place subject to the jurisdiction of the United  
States, occurring in connection with the conduct of business of said partnership as a  
investment adviser, and (c) is founded, directly or indirectly, upon the provisions of  
the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture  
Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940,  
or any rule or regulation under any of said Acts; and

2. The said partners of \_\_\_\_\_  
(Name of partnership)  
hereby consent, stipulate and agree, without power of revocation, (a) that any such civil  
suit or action may be commenced against it by the service of process upon the Commission  
and the forwarding by the Commission of a copy thereof by registered mail to it at the  
last address of record filed by it with the Commission, (b) that all service of process,  
pleadings, or other papers upon the Commission and the forwarding of a copy thereof by  
registered mail to it at the last address of record filed by it with the Commission shall  
be taken and held in all courts to be as valid and binding as if due personal service had  
been made upon it, and (c) that service upon the Commission may be effected by delivering  
copies of said process, pleadings or other papers to the Secretary of the Commission or  
to any other person designated by the Commission for such purpose, and that the certificate  
of the Secretary of the Commission or of such other person reciting that said process,  
pleadings or other papers were received by the Commission and that a copy thereof was  
forwarded to said partnership at the last address of record filed by it with the Commission  
shall constitute evidence of such service upon it.

3. This irrevocable power of attorney, consent, stipulation and agreement shall continue  
in effect notwithstanding the subsequent withdrawal or admission of any partner if such  
withdrawal or admission does not as a matter of law create a new partnership. In the event  
of dissolution of the partnership this irrevocable power of attorney, consent, stipulation  
and agreement shall nevertheless continue in effect for any action against the former  
partners or the partnership in dissolution.

IN WITNESS WHEREOF,

\_\_\_\_\_ (Name of general partner authorized to execute this instrument)  
duly authorized by all of the partners of said partnership, has executed this irrevocable  
power of attorney, consent, stipulation and agreement for and on behalf of said partnership  
at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_

SEC 882 (1-82)

\_\_\_\_\_  
(Partnership)

By \_\_\_\_\_  
(General Partner)

(Seal)

NOTE: The person executing this irrevocable power of attorney, consent, stipulation and  
agreement should appear before a person authorized to administer acknowledgments in the  
jurisdiction in which it is executed and acknowledge that he executed it on behalf of said  
partnership as its free and voluntary act. The acknowledgment should be in the form  
prescribed by the law of the jurisdiction in which it is executed. The form of acknowledgment  
suggested below should be used only if it is consistent with the requirements of the law of  
such jurisdiction.

The failure of any acknowledgment to meet applicable requirements shall not affect the  
validity or effect of the foregoing irrevocable power of attorney, consent, stipulation  
and agreement.

Province (of State) of \_\_\_\_\_ ss.  
County of \_\_\_\_\_

I, \_\_\_\_\_ (Name)

(Official position of person administering acknowledgment), in and for (said  
County in) the Province (or State) aforesaid, do hereby certify that

\_\_\_\_\_ personally appeared before me this day, stated  
(Name of  
general partner)  
that he is a general partner of \_\_\_\_\_

that he is the same person named in the foregoing instrument as a general partner of said  
partnership, that he has been duly authorized by all of the partners to execute said  
instrument for the partnership, and that he signed and sealed said instrument for and on  
behalf of said partnership as its free and voluntary act for the uses and purposes therein  
set forth.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
A.D., 19 \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
(Name of Official)

My commission (or office) expires:

\_\_\_\_\_  
(Official position)

(Date)

SEC 882 (1-82)

Effective August 2, 1954

FORM 7-R

THIS FORM SHALL BE FILED IN DUPLICATE ORIGINAL

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

IRREVOCABLE APPOINTMENT OF AGENT FOR SERVICE OF PROCESS, PLEADINGS AND OTHER PAPERS BY NON-RESIDENT GENERAL PARTNER\* OF AN INVESTMENT ADVISER

1. I, \_\_\_\_\_ of \_\_\_\_\_ hereby

(Name)

(Address in full)

designate and appoint, without power of revocation, the United States Securities and Exchange Commission as my agent upon whom may be served all process, pleadings and other papers in any civil suit or action brought against me individually or as a partner of any partnership engaged in business as an investment adviser, in any appropriate court in any place subject to the jurisdiction of the United States, where the cause of action (a) accrues on or after August 2, 1954, (b) arises out of any activity, in any place subject to the jurisdiction of the United States, occurring in connection with the conduct of business of an investment adviser, and (c) is founded, directly or indirectly, upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, or any rule or regulation under any of said Acts; and

2. I hereby consent, stipulate and agree, without power of revocation, (a) that any such civil suit or action may be commenced against me individually or as a partner of any partnership engaged in business as an investment adviser, by the service of process upon the Commission and the forwarding by the Commission of a copy thereof by registered mail to me at the last address of record filed by me with the Commission, (b) that all service of process, pleadings or other papers upon the Commission and the forwarding of a copy thereof by registered mail to me at the last address of record filed by me with the Commission shall be taken and held in all courts to be as valid and binding as if due personal service had been made upon me, and (c) that service upon the Commission may be effected by delivering copies of said process, pleadings or other papers to the Secretary of the Commission or to any other person designated by it for such purpose, and that the certificate of the Secretary of the Commission or of such other person reciting that said process, pleadings or other papers were received by the Commission and that a copy thereof was forwarded to me at the last address of record filed by me with the Commission shall constitute evidence of such service upon me.

IN WITNESS WHEREOF, I have executed this irrevocable power of attorney, consent, stipulation and agreement at \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_.

(Seal)

SEC 883 (8-54)

NOTE: The person executing this irrevocable power of attorney, consent, stipulation and agreement should appear before a person authorized to administer acknowledgments in the jurisdiction in which it is executed and acknowledge that he executed it as his free and voluntary act. The acknowledgment should be in the form prescribed by the law of the jurisdiction in which it is executed. The form of acknowledgment suggested below should be used only if it is consistent with the requirements of the law of such jurisdiction.

The failure of any acknowledgment to meet applicable requirements shall not affect the validity or effect of the foregoing irrevocable power of attorney, consent, stipulation and agreement.

Province (or State) of \_\_\_\_\_ ss.  
County of \_\_\_\_\_

I, \_\_\_\_\_ (Name) \_\_\_\_\_ in and for (said

(Official position of person administering acknowledgment) \_\_\_\_\_  
County in) the Province (or State) aforesaid, do hereby certify that \_\_\_\_\_ (Name

\_\_\_\_\_ personally appeared before me this day and signed and sealed the above instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_.

(Seal)

(Signature of Official)

(Official position)

My commission (or office) expires:

(Date)

\*This form should be appropriately revised for use by a "managing agent" of investment adviser. Paragraph (d) of the rule defines a "managing agent" to mean any person, including a trustee, who directs or manages or who participates in the directing or managing of the affairs of any unincorporated organization or association which is not a partnership.

SEC 883 (8-54)

SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C.  
REGISTRATION STATEMENT

Under  
SECURITIES ACT OF 1933

FORM C-3

for  
AMERICAN CERTIFICATES AGAINST FOREIGN ISSUES  
AND FOR THE UNDERLYING SECURITIES

I. American Certificates

\_\_\_\_\_  
(Names of Depositors)  
\_\_\_\_\_  
(Name of Depository)

II. Underlying Securities

Issued by \_\_\_\_\_  
(Name and Country of Organization of Issuer  
of the Underlying Securities)

\_\_\_\_\_  
(Translation into English of Name of Issuer of Underlying Securities)

SECURITIES BEING REGISTERED

Title of Issue (American Certificates) (Underlying Securities)	Amount

Amount of filing fee:

Approximate date of proposed public offering:

Name and Address of Persons Authorized to Receive Notices and Communications from the  
Securities and Exchange Commission:

\_\_\_\_\_  
(For the Person Signing Part I)

\_\_\_\_\_  
(For the Issuer of the Underlying Securities)

If the registrant be a foreign or territorial person, the name and address of its authorized  
representative in the United States:  
SEC 1923 (1-82)

PART I

The information herein required is more specifically defined in the instruction book for  
this form, which also contains instructions as to signatures and consents of experts and  
requirements as to prospectuses.

CALCULATION OF REGISTRATION FEE

Col. A Title of issue or issues registered	Col. B Amount registered	Col. C Proposed maximum offering price per unit	Col. D Proposed maximum aggregate offering price	Col. E Amount of filing fee

GENERAL

1. Give the date, and the date of expiration, of the deposit agreement.
2. State the name of the issuer and the title of issue of the underlying securities.
3. State the amount of underlying securities represented by one unit of the issue of American Certificates.
4. State whether all securities of the same class as the underlying securities may be deposited against the issuance of American Certificates and, if not, state the total amount which may be so deposited.
5. State the amount of underlying securities which were represented by American Certificates outstanding on a specified date within thirty days prior to the date of filing.
6. Outline briefly the principal provisions, if any, of the deposit agreement restricting deposits and withdrawals.
7. As to any underlying securities acquired by the depositors within two years or to be acquired by them:
  - (a) State the amount of such securities.
  - (b) Describe briefly the transaction in which the securities were, or are to be, acquired.
  - (c) State the cost of the securities to the depositors.

DISTRIBUTION BY DEPOSITORS

- The information required by Items 8 through 17 need not be furnished if there are no depositors.
8. State the method of calculating the selling price of one unit of the American Certificates, including the underlying securities represented thereby; state separately each component of such price, including any "service" or "loading" charge.
  9. Name each person or class of persons participating, directly or indirectly, in any "service" or "loading" charge, and state the percentage of such charge received or to be received by each.
  10. Describe briefly the general plan of distribution of the American Certificates.
  11. Give the name and address of each principal underwriter of the American Certificates and the respective amount underwritten. Identify each principal underwriter affiliated with the registrant or with "the Company", and state the nature of the affiliation.

SEC 1923 (1-82)

Form C-3

-2-

- 12. Outline briefly the material provisions of each underwriting contract with a principal underwriter, and each contract made by the registrant or "The Company" or an affiliate of either agreeing not to sell American Certificates or securities of the same class as the underlying securities during the period of distribution; and each such contract, known to the registrant made by any other person.
- 13. State briefly the discounts or commissions to be received by sub-underwriters or dealers.
- 14. Sales to special parties. List the persons or classes of persons (other than underwriters, sub-underwriters or dealers, as such) to whom American Certificates have been sold within six months, or are to be sold, for a consideration varying from that at which the certificates are to be sold to the general public, naming such persons or specifying each class, and stating the consideration given or to be given by each.
- 15. State whether a firm commitment to take the American Certificates, including the underlying securities, has been made. If so, state the amount of consideration received or to be received, and the date of such receipt.
- 16. Give the information required by the following table (estimating, if necessary) as to American Certificates, including the underlying securities, to be offered to the public:

	Total	Per Unit
(a) Net cash proceeds to depositors	_____	_____
(b) Underwriting Discounts and Commissions	_____	_____
(c) Other expenses of the depositors in connection with the sale of the securities	_____	_____
(d) Price to public	_____	_____

- 17. Furnish a reasonably itemized statement of expenses included in Item 16(c), "Other expenses of the depositors in connection with the sale of the securities".
- 18. Give the name, address of principal executive office, and form of organization, of each depositor.
- 19. Give the dates and general effect briefly and concisely stated of every material contract between "The Company" and any depositor in effect at any time within the last three years.

RECENT SALES OF AMERICAN CERTIFICATES BY DEPOSITORS

- 20. As to all American Certificates sold by the depositors within three years, furnish the following information:
  - (a) Amount sold.
  - (b) Date of sale.
  - (c) Aggregate net proceeds received by the depositors.
  - (d) Names of principal underwriters, if any, indicating which, if any, are depositors and which, if any, are, or were at the time of the underwriting, affiliates of any depositor, the depositor or "The Company".

THE DEPOSITARY

- 21. Give the name of the depositary and the address of its principal executive office.

SEC 1923 (1-82)

Form C-3

-3-

- 22. Give the following information as to the provisions of the deposit agreement or any other agreement governing the services to be rendered by the depositary with respect to the American Certificates or underlying securities.

Type of Service	Amount of Fee or Rate of Compensation	By Whom to be Paid
23. Give in tabular form the following information concerning the remuneration received by the depositary for each type of service rendered under the deposit agreement during each of the past three fiscal years of "The Company".		

Type of Service for Which Remuneration Received	By Whom Paid	Amount of Remuneration
24. Outline briefly the principal provisions of the deposit agreement limiting the liability of the depositary.		

THE DEPOSIT AGREEMENT

- 25. Outline briefly the principal provisions of the deposit agreement with respect to the following:
  - (a) Voting the underlying securities.
  - (b) Removal of the depositary or depositors, and designation and removal of successor depositaries or depositors.
  - (c) Amendment, extension, or termination of the deposit agreement.
  - (d) Exchange of the underlying securities for other securities.
  - (e) Dealing with cash or securities received as interest or dividends upon the underlying securities.
  - (f) Publication or mailing to certificate holders of reports with respect to the business and financial condition of "The Company".
  - (g) Rights of certificate holders to inspect the transfer books of the depositary and the list of certificate holders.

EXHIBITS

- 26. Submit exhibits in accordance with the instructions. Insert at this point a list of the exhibits filed.

Part I of this registration statement comprises:

- (1) The registration statement proper, containing pages numbered \_\_\_\_\_ to \_\_\_\_\_ consecutively, and insert pages numbered \_\_\_\_\_.
- (2) The exhibits listed in answer to Item 26.
- (3) The prospectus, consisting of \_\_\_\_\_ pages.

This registration statement is filed pursuant to the instructions contained in the Instruction Book for this form and amendments numbered \_\_\_\_\_.

Upon the basis of the statements and documents comprising this registration statement, the undersigned hereby applies for registration, pursuant to the Securities Act of 1933, of the securities specified on the facing sheet of this registration statement.

SEC 1923 (1-82)

UNDERTAKING TO FILE PERIODIC REPORTS

Pursuant to Section 15(d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents, and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in said Section 15(d); provided, however, that this undertaking shall become operative only upon the conditions specified in said Section 15(d), and provided, further, that the duty to file pursuant to this undertaking shall be automatically suspended upon the conditions and for the periods specified in clauses (1), (2), and (3) of said Section 15(d).

SIGNATURES

(a) Of the issuer;

In pursuance of the requirements of the Securities Act of 1933, \_\_\_\_\_ has duly caused this registration statement to be signed on its behalf by the undersigned, heretofore duly authorized, and its seal to be hereunto affixed and attested, all in the City of \_\_\_\_\_, and State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(SEAL) \_\_\_\_\_  
Attest: \_\_\_\_\_  
(Title) \_\_\_\_\_  
By \_\_\_\_\_ (Name and Title)  
By \_\_\_\_\_ (Name and Title)

(b) Of the principal executive officer or officers, the principal financial officer and the comptroller or principal accounting officer;

In pursuance of the Securities Act of 1933, the undersigned have signed the within registration statement on the respective dates set beside their names.

(i) Principal executive officer or officers:

Name Title Date

(ii) Principal financial officer:

Name Title Date

(iii) Comptroller or principal accounting officer:

Name Title Date

(c) Of the trustees or directors or, if a partnership, of the partners:

In pursuance of the Securities Act of 1933, the undersigned have signed the within registration statement on the respective dates set beside their names.

Name Title Date

(d) Of the duly authorized representative in the United States:

SEC 1923 (1-82)

SEC 1923 (1-82)

In pursuance of the Securities Act of 1933, the undersigned has signed the within registration statement on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

CONSENTS OF EXPERTS  
(See Instructions)

PART II

(Part II need be filed only if the sale of the underlying securities, if made directly rather than through the means of American Certificates, would require registration of such securities. It need not be filed, however, if a registration statement for the underlying securities is in effect at or before the effective date of this registration statement.)

File information as to the underlying securities as required by the Form appropriate for registration under the Securities Act of 1933 of such securities themselves. Part II shall be deemed to incorporate in all respects the requirements of such appropriate Form, except that the Facing Sheet of the appropriate form shall not be submitted.

## INSTRUCTION BOOK

for

FORM C-3

FOR AMERICAN CERTIFICATES AGAINST FOREIGN ISSUES  
AND FOR THE UNDERLYING SECURITIES

## Rules as to the Use of Form C-3

This Form shall be used for registration under the Securities Act of 1933 of American Certificates (for example, so-called American Depositary Receipts for foreign shares or American Participation Certificates in foreign bonds or notes) issued against securities of foreign issuers deposited or to be deposited with an American depository (whether physically held by such depository in America or abroad) and of the foreign securities so deposited.

A registration statement on this Form consists of two parts:

- Part I: For the registration of American Certificates;  
Part II: For the registration of securities of foreign issuers deposited pursuant to the Deposit Agreement.

Part I, which requires information concerning the depositor, the depository, and the deposit agreement, is to be signed by the issuer of the American Certificates. Part II need be filed only if the sale of the underlying securities, if made directly rather than through the means of American Certificates, would require registration of such securities. It need not be filed, however, if a registration statement for the underlying securities is in effect at or before the effective date of this registration statement. Part II requires information concerning the issuer of the underlying securities and is to be signed by such issuer.

## Instructions as to Part I of the Form

## GENERAL INSTRUCTIONS

Attention is directed to Regulation C of the General Rules and Regulations under the Securities Act of 1933.

Matters contained in a registration statement for the underlying securities may be incorporated by reference in answer or partial answer to any particular item in Part I of a registration statement on this Form, provided that the reference is specific, and the matter incorporated is clearly designated in the reference. A reference to an exhibit will not suffice as an answer, subject, however, to the provisions of Rule 506, and except as otherwise specifically provided.

## DEFINITIONS

Unless the context otherwise requires, and except as otherwise provided below, all terms used in this Form or in the accompanying Instruction Book have the same meanings as in Rule 455. In addition, the following definitions apply, unless the context otherwise requires:

"Depositor". The term "depositor" means all depositors executing the deposit agreement, or performing the functions of "depositor" as that term is generally used in connection with transactions of the type covered by the Form.

"The Company". The term "The Company" means the issuer of the securities against which the American Certificates are issued, whether the issuer of such securities be a corporation, trust, or other organization.

SEC 1923 (1-82)

## Instructions - Form C-3

"Registrant". The term "registrant" means the person or persons signing Part I of the Form. "Underlying Securities". The term "underlying securities" means the securities held or to be held subject to the deposit agreement, and against which the American Certificates are issued.

"Principal Underwriter". The term "principal underwriter" means an underwriter in privity of contract with the registrant of "The Company".

"Deposit Agreement". The term "Deposit Agreement" means the agreement under which the underlying securities are deposited, whether such agreement is embodied in the American Certificates or in a separate agreement.

## INSTRUCTIONS AS TO PARTICULAR ITEMS OF THE FORM

Facing Sheet: The information required as to the underlying securities need not be given if such securities are otherwise registered under the Securities Act of 1933, but in such case, the title of the underlying securities and the name of their issuer shall be included in the title of the American Certificates.

Items 13 and 16. Commissions, as used in these items shall include all cash, securities, contracts or anything else of value, paid, to be set aside, or disposed of, or understandings with or for the benefit of any persons in which any underwriter is interested, made in connection with the sale of the securities registered. In addition, they shall include any commissions paid or to be paid in connection with the sale of the certificates registered by a person in which the registrant or "The Company" has an interest or by any affiliate of the registrant or "The Company" or by any person having an interest in the registrant of "The Company". In addition commissions as used in these items include payments to underwriters for reimbursement of legal, accounting and other expenses of a similar character.

Item 16. If the price to the public is not a fixed price, the method by which it is to be determined shall be set forth. If the answer is "at the market", an estimate shall be made for the purpose of giving the information required. In addition there shall be stated what market is meant and a description shall be given of the kind of market involved. If the market is on an exchange, the amount sold on such exchange shall be given for the period of a month preceding a named date within ten days.

If the commissions or discounts are in other than cash, the cash value thereof shall be stated if that is practicable.

Show in a footnote: (a) Proceeds already received; (b) those for which firm commitments have been made, giving the date on or before which such proceeds are to be received; and (c) estimated proceeds, for which no firm commitments have been made.

Item 17. These expenses shall include legal, accounting, engineering, certification, authentication and other expenses and charges. They may be given as subject to future contingencies. If amounts of items are not known, estimates as such shall be furnished.

Item 20. If the sales covered by this question are "open-end" ones or otherwise constitute a continuous operation, the information may be given by such totals and periods as will reasonably convey the information required. The information is to be given both for transaction involving sales to the public and private ones. Sales of reacquired securities, as well as of new issues, are to be set forth.

## Item 26. EXHIBITS

Subject to the regulations permitting incorporation by reference, the following exhibits shall be filed as a part of the registration statement:

- EXHIBIT "A" - Copies (specimens, if available) of all securities registered hereunder.  
EXHIBIT "B" - A copy of the "price make-up sheet" showing the calculations of the offering price required under Item B.

SEC 1923 (1-82)

Instruction - Form C-3

-8-

EXHIBIT "C" - A copy of the Deposit Agreement or Deposit Agreements under which the securities registered hereunder are issued.

EXHIBIT "D" - Copies of all contracts set forth in answer to Items 12, 19, and 22 other than the deposit agreement.

INSTRUCTION AS TO UNDERTAKING TO FILE PERIODIC REPORTS

Reference is made to Rule 730 which provides that the undertaking required by Section 15(d) of the Securities Exchange Act of 1934 may be in the wording included in the form. Any other form of undertaking which fully complies with said Section 15(d) may be used.

INSTRUCTIONS AS TO SIGNATURES

1. The name of each person signing the registration statement shall be typed or printed beneath his signature.
2. The capacity in which each person signs the registration statement shall be stated after his signature.
3. The signature of the registrant's duly authorized representative in the United States is not required unless the registrant is a foreign or territorial person.

INSTRUCTIONS AS TO WRITTEN CONSENTS OF EXPERTS

Attention is directed to Section 7 of the Securities Act of 1933 and to Rules 670 and 671, concerning the filing of written consents of experts, and applications to dispense with written consents.

INSTRUCTIONS AS TO PROSPECTUSES

I. Attention is directed to Article 4 of Regulation C of the General Rules and Regulations.

II. The following special instructions shall govern the preparation of prospectuses relating to securities registered on this form:

1. The answer to Item 16 of the Registration Statement shall be stated on the first page of the prospectus.
2. There may be omitted from the prospectus matter contained in Part I of the Registration Statement in regard to the following:
  - (a) The Facing Sheet.
  - (b) Calculation of Registration Fee.
  - (c) Any item of the registration statement as to which the answer is in the negative.
  - (d) All exhibits.
  - (e) All matters following Item 26.
3. There may be omitted from the prospectus matter contained in Part II of this Registration Statement which is permitted to be omitted by the form appropriate for registration of the underlying securities and by the instructions, and Rules and Regulations of the Commission supplemental thereto.

SEC 1923 (1-82)

FORM 8

U.S. SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

AMENDMENT TO APPLICATION OR REPORT  
Filed Pursuant to Section 12, 13, or 15 (d) of  
THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of registrant as specified in charter)

AMENDMENT NO. \_\_\_\_\_ 1

The undersigned registrant hereby amends the following items, financial statements, exhibits or other portions of its \_\_\_\_\_ 2 on \_\_\_\_\_ 3

Form \_\_\_\_\_ 3 as set forth in the pages attached hereto:

(List all such items, financial statements, exhibits or other portions amended)

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this amendment to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

Date \_\_\_\_\_ By \_\_\_\_\_  
(Signature) 4

1 See Rule 12b-15.  
2 Insert the appropriate designation, e.g., "Application for Registration," "Annual Report for 1964,"  
3 Insert the number of the form on which the application or report was filed, e.g., "10-K."  
4 Print the name and title of the signing officer under his signature.

SECO-2F

CERTIFICATION FOR ASSOCIATED PERSONS ENGAGED IN SECURITIES  
ACTIVITIES OUTSIDE THE JURISDICTION OF THE UNITED STATES\*

The Company certifies that \_\_\_\_\_ (name of associated person) conducts all of his securities activities in areas outside the United States, its territories or possessions, and that he does not engage in securities activities with or for any resident, citizen or national of the United States wherever located.

The Company further certifies that it has made due and diligent inquiry of appropriate authorities of each country in which he engages or has engaged in securities activities; that the Company has ascertained from such authorities that the associated person has not been arrested, indicted, or convicted of any offense (except minor traffic offenses) in such country or countries, except as indicated below; and that such authorities have not supplied, and the Company is unaware of, any information which reflects adversely on the person's qualifications or competence to be in the securities business.

- (1) (a) Country or countries in which he engages in securities activities. \_\_\_\_\_
- (b) Country or countries in which he has engaged in securities activities. \_\_\_\_\_
- (2) Authorities contacted \_\_\_\_\_
- (3) Nature of offense; date of judgment; decision or other findings made; and sanction imposed. \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Name of corporation, partnership, sole proprietorship or other organization)

(Manual signature of principal officer, general partner, sole proprietor or managing agent)

(Title)

\*THIS CERTIFICATION IS IN ADDITION TO THAT REQUIRED TO BE MADE BY THE  
BROKER-DEALER ON FORM SECO-2 AND SHALL BE ATTACHED THERETO.

## [FACING SHEET]

## SECURITIES AND EXCHANGE COMMISSION

Washington, D. C.

## FORM S-6

[As last amended in Release No. 33-6402, May 14, 1982, effective June 14, 1982, 47 F. R. 22356.]

**FOR REGISTRATION UNDER THE SECURITIES ACT OF 1933  
OF SECURITIES OF UNIT INVESTMENT TRUSTS  
REGISTERED ON FORM N-8B-2**

- A. Exact name of trust:  
B. Name of depositor:  
C. Complete address of depositor's principal executive offices:  
D. Name and complete address of agent for service:

It is proposed that this filing will become effective (check appropriate box)

- immediately upon filing pursuant to paragraph (b)  
— on (date) pursuant to paragraph (b)  
— 60 days after filing pursuant to paragraph (a)  
— on (date) pursuant to paragraph (a) of rule (485 or 486).

E. Title and amount of securities being registered:

F. Proposed maximum aggregate offering price to the public of the securities being registered:

G. Amount of filing fee:

[Fees: see ¶ 1081; 3021 and 10,735.]

H. Approximate date of proposed public offering:

— Check box if it is proposed that this filing will become effective on (date) at (time) pursuant to Rule 487.

## GENERAL INSTRUCTIONS

**Instruction 1. Rule as to Use of Form S-6.**

This form may be used for registration under the Securities Act of 1933 of securities of any unit investment trust registered under the Investment Company Act of 1940 on form N-8B-2.

**Instruction 2. Compliance with Requirements.**

The registrant should read carefully every provision of this form and should consider the applicability of the General Rules and Regulations under the Act, particularly regulation C thereof. The registration statement will not be accepted for filing unless it is prepared, executed and filed substantially in accordance with the requirements contained in this form and in the General Rules and Regulations.

**Instruction 3. Contents of Registration Statement.**

- (a) The registration statement shall consist of the following:
- (1) The facing sheet.
  - (2) A prospectus containing the information specified in the instructions herein after set forth.
  - (3) The undertaking required by Section 15(d) of the Securities Exchange Act of 1934, the form of which is hereinafter set forth.
  - (4) A list of the papers and documents comprising the registration statement.
  - (5) The signatures to the registration statement.
  - (6) The written consents referred to in instruction 4, below.
  - (7) The exhibits specified in the instructions as to exhibits set forth at the end of the form.
- (b) The papers and documents comprising the registration statement shall be assembled and filed in the order indicated above. Two extra copies of the prospectus shall be filed to make up the five copies required by rule 800(a).
- (c) These general instructions and the instructions as to the prospectus and as to exhibits are to be entirely omitted from the registration statement as filed with the Commission.

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

Signature	Title	Date
Instruction. 1.	The registration statement shall be signed by the registrant and its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer, and by at least a majority of its board of directors or persons performing similar functions.	
2.	If the registrant is a foreign or territorial person the registration statement shall also be signed by its duly authorized representative in the United States.	
3.	The name of each person signing the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall sign separately in each capacity.	

## INSTRUCTIONS AS TO EXHIBITS

Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately numbered or lettered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing.

1. Copies of all exhibits which would be required by paragraph A of the instructions as to exhibits in form N-8B-2 if a registration statement on that form were currently being filed.
2. A specimen or copy of each security being registered.
3. An opinion of counsel as to the legality of the securities being registered.
4. All financial statements omitted from the prospectus pursuant to instruction 1 (b) or 1 (c) of the instructions as to the prospectus.
5. If more than 25% of the trust property underlying any class of securities being registered consists or is to consist of securities of a single issuer, or of two or more affiliated issuers, which are not registered and are not being registered under the Securities Act of 1933, furnish the information which would be required if the underlying securities were being registered. The information shall be furnished on the form appropriate for registration of the underlying securities and shall be accompanied by the financial statements, exhibits and other documents specified in that form. However, the facing sheet, the undertaking to file reports and the signatures required by the form on which the information is furnished may be omitted.

11 and 13 of form N-8B-2 shall be set forth not further back than page three of the prospectus.

**Instruction 3. Negative Answers.**  
If the answer to any item of form N-8B-2 required by instruction 1, above, to be included in the prospectus is "Not applicable", "None", or "No", or otherwise in the negative and is not material, it may be omitted from the prospectus.

**Instruction 4. Reconciliation and Tie.**  
A reconciliation and tie similar to that required by rule 801, giving a complete reconciliation and tie of the information shown in the prospectus with the items of form N-8B-2, shall be filed.

(Note.—None of the following matter is required to be included in the prospectus.)

**UNDERTAKING TO FILE REPORTS**

Subject to the terms and conditions of Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents, and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in that section.

**CONTENTS OF REGISTRATION STATEMENT**

This registration statement comprises the following papers and documents:

- The facing sheet.
- The prospectus consisting of ..... pages.
- The undertaking of file reports.
- The signatures.
- Written consents of the following persons:
- The following exhibits:

**SIGNATURES**

Pursuant to the requirements of the Securities Act of 1933, the registrant, \_\_\_\_\_, (certifies that it meets all of the requirements for effectiveness of this Registration Statement pursuant to rule (485(b) or 486(b)) under the Securities Act of 1933 and) has duly caused this registration statement to be signed on its behalf by the undersigned thereunto duly authorized, and its seal to be hereunto affixed and attested, all in the city of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**ALTERNATIVE FORM OF SIGNATURE FOR FILINGS UNDER RULE 487**

The registrant, \_\_\_\_\_, hereby identifies series (number(s) and type) of the trust for purposes of the representations required by rule 487 and represents the following:

- 1) That the portfolio securities deposited in the series as to the securities of which this registration statement is being filed do not differ materially in type or quality from those deposited in such previous series;
- 2) That, except to the extent necessary to identify the specific portfolio securities deposited in, and to provide essential financial information for, the series with respect to the securities of which this registration statement is being filed, this registration statement does not contain disclosures that differ in any material respect from those contained in the registration statement(s) for such previous series as to which the effective date was determined by the Commission or the staff; and
- 3) That it has complied with rule 460 under the Securities Act of 1933.

Pursuant to the requirements of the Securities Act of 1933, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned thereunto duly authorized, and its seal to be hereunto affixed and attested, all in the city of \_\_\_\_\_, and State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**Instruction 4. Written Consents.**  
(a) Section 7 of the Securities Act of 1933 requires the filing of written consents of certain experts. Rule 670 and 671 govern respectively the filing of such written consents and application to dispense with the filing thereof. Any such expert who is referred to or quoted in the prospectus shall specifically consent to such reference or quotation.

(b) Rule 672 requires the filing of written consents of persons who have not signed the registration statement but who are named therein as about to become directors of the registrant.

**INSTRUCTIONS AS TO THE PROSPECTUS**

**Instruction 1. Information to be Contained in Prospectus.**

A prospectus for securities registered on this form shall contain the following information:

(a) The information which would be required by the items of form N-8B-2 if a registration statement on that form were currently being filed, except items 7, 8, 36, 41 (b) and (c), 56, 57, 58 and 59.

(b) The following financial statements for the trust, prepared in accordance with the applicable provisions of regulation S-X:

(1) A statement of condition as of a date within 90 days prior to the date of filing. If this statement is not certified, there shall also be included a certified statement of condition as of a date within one year prior to the date of filing.

(2) Statements of income and other distributable funds for the last three fiscal years and any subsequent period up to the date of the latest statement of condition, certified to the date of the latest certified statement of condition.

Notwithstanding paragraphs (1) and (2), all schedules may be omitted from the prospectus, except the information required by columns A, F, G and H of Schedule I, and Schedules II, IV and V in support of the most recent financial statements filed for the trust.

(c) The following financial statements for each depositor prepared in accordance with the provisions of item 59 (d) of form N-8B-2 and the applicable provisions of regulation S-X.

(1) A balance sheet as of a date within 90 days prior to the date of filing. If this balance sheet is not certified there shall also be included a certified balance sheet as of a date within one year prior to the date of filing.

(2) A profit and loss statement for the last fiscal year and for any subsequent period up to the date of the latest balance sheet, certified to the date of the latest certified balance sheet.

Notwithstanding paragraphs (1) and (2), all schedules may be omitted from the prospectus. (d) If any expert named in the registration statement as having prepared or certified any part thereof was employed for such purpose on a contingent basis or, at the time of such preparation or certification or at any time thereafter, had a substantial interest in the Company or any affiliated person or was connected with the Company or any affiliated person as a promoter, underwriter, voting trustee, director, officer, employee or affiliated person, furnish a brief statement of the nature of such contingent basis, interest or connection.

(e) The information, including financial statements, furnished pursuant to instruction 5 of the instructions as to exhibits, which would be required to be included in a prospectus for securities registered on the form on which the information is furnished.

**Instruction 2. Presentation of Information.**

The information required to be included in the prospectus need not follow the numerical sequence of the items of form N-8B-2. However, the information required by items 10,

Form N-8A

INSTRUCTIONS FOR FORM N-8A

[As last amended in Release No. IC-10378, August 28, 1978, 43 F. R. 39553.]

SECURITIES AND EXCHANGE COMMISSION  
Washington, D. C. 20549

FORM N-8A

NOTIFICATION OF REGISTRATION  
FILED PURSUANT TO SECTION 8(a) OF THE  
INVESTMENT COMPANY ACT OF 1940

The undersigned investment company hereby notifies the Securities and Exchange Commission that it registers under and pursuant to the provisions of Section 8(a) of the Investment Company Act of 1940 and in connection with such notification of registration submits the following information:

Name: \*

Address of Principal Business Office (No. & Street, City, State  
Zip Code):

Telephone Number (Including area code):

Name and address of agent for service of process:

Check Appropriate Box:

Registrant is filing a Registration Statement pursuant to  
Section 8(b) of the Investment Company Act of 1940 concu-  
rently with the filing of Form N-8A: YES  \*\* NO

\* See footnote 1 to Item 1.

\*\* See Instructions 4(b) and 4(f).

Read instructions carefully before preparing the notification of registration. A notification of registration will not be deemed acceptable as the notification of registration filed pursuant to Section 8(a) of the Investment Company Act of 1940 ("Act") unless it is prepared, executed and filed substantially in accordance with these instructions.

1. Rule as to use of form:

This form shall be used as the notification of registration filed with the Commission pursuant to Section 8(a) of the Act.

2. The registrant:

As used in this form the word "registrant" means the investment company filing the notification of registration.

Each investment company should file a separate notification of registration.

For purposes of the Act, unincorporated investment organizations, such as trusts, funds, or any organized groups of persons, are regarded as distinct entities. In such cases it is the trust, the fund or other unincorporated entity which is the "registrant." Each such trust, fund or other unincorporated entity must file an individual notification of registration. This is true even though such entities have been created under and pursuant to the same indenture of trust or contract of custodianship, or have the same corporate trustee, investment adviser, manager, depositor, or distributor of their securities.

Attention is further directed to the fact that a trust or other form of organization which issues periodic payment plan certificates and the assets of which are securities issued by an investment company is itself an investment company, and as such must file a notification of registration independent of that of the investment company the securities of which constitute its assets.

3. Application of General Rules and Regulations:

The general Rules and Regulations under the Act contain certain general requirements which are applicable to registration of any form. These general requirements should be carefully read and observed in the preparation and filing of a notification of registration on this form. Particular attention is directed to Regulation 8B which sets forth general requirements regarding matters such as the kind and size of paper to be used.

#### 4. Preparation of form of notification of registration:

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the notification of registration on paper meeting the requirements of Rule 8b-12. The notification of registration shall contain the item numbers and the text of the items.

(b) If registrant is filing a registration statement as required by Section 8(b) of the Act concurrently with the filing of notification of registration, registrant need furnish only the information requested on the cover page and sign the form to effect registration. Otherwise, every item and subdivision of the form is to be answered fully and accurately. If an item or subdivision is not applicable to the registrant, indicate that fact by giving the answer "NOT APPLICABLE."

(c) Every item is to be answered as of the date the form is prepared, unless the context clearly indicates the contrary.

(d) All answers are to be typewritten or printed in ink. The reply should be centered on the page so that a margin will appear on both sides of the reply.

(e) Names shall be given in full. Initials or abbreviations will not suffice.

(f) Signature.

An original and three copies of each notification of registration shall be filed. The three copies of the notification of registration may have facsimile or typed signatures. If the registrant is an investment company having a board of directors, the original notification of registration shall be signed on behalf of the registrant by a director, officer or trustee. If the registrant has some other form of organization, such as a trust administered by a corporate trustee, a fund, etc., the original notification of registration shall be signed on behalf of the registrant by an officer or director of its sponsor. If no sponsor exists or is at present functioning with reference to the registrant, the signature may be made on behalf of the registrant by an officer or director of the trustee or custodian.

If registrant is concurrently filing a registration statement as required by Section 8(b) under the Act, the signature, which should conform to the appropriate form of signature shown on the final page of this form, may be placed on the cover page.

#### (g) Filing.

The notification of registration and all inquiries and communications with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D.C. 20549.

#### (h) Fee.

There is no fee charged for filing the notification of registration.

(i) Specific instructions with respect to Item 5(b) of the notification of registration.

The determination of whether or not a company is a "diversified company" or a "non-diversified company" involves an evaluation of registrant's portfolio securities in relation to the value of its assets. Attention is directed to the definition of value in Section 2(a)(41) of the Act which provides, in general, that valuations for this purpose are to be taken as of the last preceding fiscal quarter except in respect of securities and other assets acquired since such quarter.

The Commission recognizes that registrant, on the date of preparation of the notification of registration, may not be able to determine its classification with accuracy and that an estimate may have to be made. If such an estimate proves to be erroneous, the registrant, as promptly as possible, should file an amendment to its notification of registration stating its correct classification.

Registration by an investment company in any classification in no sense constitutes a determination by the Securities and Exchange Commission that registrant is actually entitled to such classification under the Act.

Attention is further called to the provisions of Section 13 of the Act to the effect that no registered diversified investment company may change from a diversified to a non-diversified company without approval by a vote of a majority of its outstanding voting securities.

#### 5. Definitions:

All words and terms used in the form for notification of registration have the same meaning as in the Act. A list of these terms and the sections of the Act in which they are defined follows:

FORM N-8A

"closed-end company"  
 "company"  
 "diversified company"  
 "face-amount certificate company"  
 "investment adviser"  
 "investment company"  
 "management company"  
 "non-diversified company"  
 "open-end company"  
 "security"  
 "short-term paper"  
 "underwriter"  
 "unit investment trust"  
 "value"  
 "voting security"

Section 5(a)(2)  
 Section 2(a)(8)  
 Section 5(b)(1)  
 Section 2(a)(13)  
 Section 2(a)(20)  
 Section 3(a)  
 Section 4(3)  
 Section 5(b)(2)  
 Section 5(a)(1)  
 Section 2(a)(36)  
 Section 2(a)(38)  
 Section 2(a)(40)  
 Section 4(2)  
 Section 2(a)(41)  
 Section 2(a)(42)

In addition the following definitions apply: The term "director" is defined in Section 2(a)(12) of the Act. In general the term includes only directors of a corporation, trustees of a common law trust who are natural persons, and natural persons performing similar functions with respect to any organization whether incorporated or unincorporated such as a board of directors or managers of a joint stock company or association.

The term "sponsor" means the depositor or manager of an investment company not having a board of directors as defined above.

6. Failure to file a registration statement required by Section 8(b) of the Act:

Registrant's attention is directed to Rule 8b-5 promulgated under Section 8(b) of the Act. Rule 8b-5 provides that an investment company shall file a registration statement with the Commission within three months after the filing of notification of registration under Section 8(a) of the Act. In addition, the rule provides that if the fiscal year of such company ends within the three-month period, its registration statement may be filed within three months after the end of such fiscal year. Unless an application for an extension of time pursuant to Rule 8b-25 is granted, a registrant's failure to comply with Section 8(b) and Rule 8b-5 thereunder may result in immediate Commission action either to revoke registration under the Act pursuant to Section 8(e) or to institute deregistration proceedings on its own motion pursuant to Section 8(f) of the Act.

When any registrant (1) indicates in Item 9(e) that its outstanding securities are held by fewer than 100 beneficial owners, (2) fails to comply with Rule 8b-5, and (3) fails to file a registration statement under the Securities Act of 1933 with respect to a proposed public offering within 90 days after the filing of Form N-8A or has withdrawn any such registration statement filed within such 90-day period, the Commission may use such information as the basis for a decision that such registrant has abandoned its intentions of engaging in business as an investment company. Such a determination may be used as a basis for a finding by the Commission that such registrant has ceased to be an investment company and for an order, pursuant to Section 8(f) of the Act, declaring that the registration of such registrant shall cease to be in effect.

In addition to completing the cover page, a registrant must complete the following items unless it has indicated on the cover page that it is filing the registration statement required pursuant to Section 8(b) of the Investment Company Act of 1940 concurrently with the filing of Form N-8A:

- Item 1. Exact name of registrant.<sup>1/</sup>
- Item 2. Name of state under the laws of which registrant was organized or created and the date of such organization or creation.
- Item 3. Form of organization of registrant (for example, corporation, partnership, trust, joint stock company, association, fund).
- Item 4. Classification of registrant (face-amount certificate company, unit investment trust, or management company).
- Item 5. If registrant is a management company:
- (a) state whether registrant is a "closed-end" company or an "open-end" company;
- (b) state whether registrant is registering as a "diversified" company or a "non-diversified" company (read Instruction 4(i) carefully before replying).

- Item 6. Name and address of each investment adviser of registrant.<sup>2/</sup>

<sup>1/</sup> Section 35(d) of the Act should be considered in connection with the registrant's name, as should the following: (a) a review of the current List of Companies Registered under the Investment Company Act of 1940, published by the Commission, to ascertain if the name is similar to that of any existing company; and (b) if the corporate name implies a particular investment medium, industry emphasis or objective, the investment policy should be consistent with the name.

<sup>2/</sup> The term "investment adviser" of an investment company is defined in Section 2(a)(20) of the Act. It should be noted that under this definition any person who pursuant to contract "regularly performs substantially all of the duties" undertaken by an investment adviser to an investment company is also deemed to be an investment adviser to the investment company. Thus, if registrant has a sub-adviser, the name and address of each such sub-adviser should be included in the response to this item.

Item 7. If registrant is an investment company having a board of directors, state the name and address of each officer and director of registrant. 3/

Item 8. If registrant is an unincorporated investment company not having a board of directors:

- (a) state the name and address of each sponsor of registrant;
- (b) state the name and address of each officer and director of each sponsor of registrant;
- (c) state the name and address of each trustee and each custodian of registrant.

Item 9. (a) State whether registrant is currently issuing and offering its securities directly to the public (yes or no).

(b) If registrant is currently issuing and offering its securities to the public through an underwriter, state the name and address of such underwriter.

(c) If the answer to Item 9(a) is "no" and the answer to Item 9(b) is "not applicable," state whether registrant presently proposes to make a public offering of its securities (yes or no).

(d) State whether registrant has any securities currently issued and outstanding (yes or no).

(e) If the answer to Item 9(d) is "yes," state as of a date not to exceed ten days prior to the filing of this notification of registration the number of beneficial owners of registrant's outstanding securities (other than short-term paper) and the name of any company owning 10 percent or more of registrant's outstanding voting securities.

3/ The response to this item should include the full names, not initials, of all officers and directors, and, if all positions on the board are not filled, the number of vacancies should be indicated. Registrant's attention is also directed to Sections 10(a), 10(b), 10(c) and 10(d) of the Act regarding the makeup of the board of directors.

Item 10. State the current value of registrant's total assets.

Item 11. State whether registrant has applied or intends to apply for a license to operate as a small business investment company under the Small Business Investment Act of 1958 (yes or no).

Item 12. Attach as an exhibit a copy of the registrant's last regular periodic report to its securityholders, if any.

SIGNATURES

1. Form of signature if registrant is an investment company having a board of directors:

Pursuant to the requirements of the Investment Company Act of 1940, the registrant has caused this notification of registration to be duly signed on its behalf of the city of \_\_\_\_\_ and state of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

[SEAL]

Signature \_\_\_\_\_ (Name of Registrant)

BY \_\_\_\_\_ (Name of director, trustee or officer signing on behalf of Registrant)

Attest:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

Form N-6E1-1

[As adopted in Release No. IC-9482, October 18, 1976, 41 F. R. 47032.]

Notification of Claim of Exemption Pursuant to Rule 6e-2  
Under the Investment Company Act of 1940

2. Form of signature if registrant is an unincorporated investment company not having a board of directors.

Pursuant to the requirements of the Investment Company Act of 1940 the \_\_\_\_\_ (sponsor, trustee or custodian) of the registrant has caused this notification of registration to be duly signed on behalf of the registrant in the city of \_\_\_\_\_ and the state of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

[SEAL] Signature \_\_\_\_\_ (Name of Registrant)

BY \_\_\_\_\_ (Name of sponsor, trustee or custodian)

BY \_\_\_\_\_ (Name of officer of sponsor, trustee or custodian)

Attest: \_\_\_\_\_ (Name)  
\_\_\_\_\_ (Title)

..... Exact Name of Separate Account

..... Exact Name of Life Insurance Company Which Established and Maintains the Separate Account ("Life Insurer")

**INSTRUCTIONS FOR FORM N-6E1-1**

Read instructions carefully before preparing this Notification. It will not be deemed acceptable unless it is prepared, executed and filed substantially in accordance with these instructions.

**1. Rule as to use of form:**

This form shall be used as the Notification of Claim of Exemption filed with the Commission pursuant to Rule 6e-2 under the Investment Company Act of 1940.

**2. Preparation of form of Notification:**

(a) Every item is to be answered fully and accurately. If an item is not applicable indicate that fact by giving the answer "not applicable."

(b) Every item is to be answered as of the date the form is prepared, unless the context clearly indicates the contrary.

(c) All answers are to be typewritten or printed. The reply should be centered on the page so that a margin will appear on both sides. If the space provided for an answer is insufficient, separate sheets of the same size as the form shall be used and attached to the form as exhibits. Each such sheet shall be identified at the top as follows: "Exhibit No. . . . , referring to Item . . . . of the Form of Notification of Claim of Exemption." Where such sheets are used, reference thereto shall be made under the appropriate item of the form by the words "See Exhibit No. . . . ."

(d) Names shall be given in full. *Initials or abbreviations will not suffice.*

(e) *Signature.* An original and five copies of each Notification of Claim of Exemption shall be filed. The original Notification shall be signed by the Chairman of the board of directors of the separate account claiming exemption, and by a senior officer or trustee of the life insurer.

The five copies of the Notification may have facsimile or typed signatures.

(f) *Filing.* The Notification and all inquiries and communications with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D. C. 20549.

(g) *Fee.* There is no fee charged for filing the Notification.

**NOTIFICATION OF CLAIM OF EXEMPTION**

The undersigned life insurer hereby notifies the Securities and Exchange Commission that it has established a separate account that is intended to be maintained and operated in compliance with Rule 6e-2 under the Investment Company Act of 1940 and in connection with such Notification submits the following information:

1. Exact name of separate account:
2. Exact name of life insurer:
3. Name of State or other jurisdiction under whose laws the life insurer was organized or created:
4. Date of organization of life insurer:
5. Date of establishment of separate account:
6. Law or statute and regulation, if any, pursuant to which the separate account was organized:
7. Name and address of each director, trustee and senior officer of the separate account:

**8. Furnish the following information concerning the life insurer:**

- (a) Address of principal business office:
  - (b) The name and address of each director, trustee and senior officer:
9. Exact name of the investment adviser to the separate account:

**10. Furnish the following information with respect to the investment adviser:**

- (a) Name of state or other jurisdiction under the laws of which the investment adviser was organized:
- (b) Date of organization:
- (c) Principal business address:
- (d) Name and address of each director and officer:

**11. Exact name of the principal underwriter for the variable life insurance contracts:**

**12. Furnish the following information with respect to the principal underwriter:**

- (a) Name of state or other jurisdiction under the laws of which the principal underwriter was organized:
- (b) Date of organization:
- (c) Principal business address:
- (d) Name and address of each director and officer:

**13. If the separate account is a unit investment trust provide the following information with respect to the investment company in which the assets of the separate account will be invested:**

- (a) Exact name:
- (b) Principal business address:
- (c) Name and address of the Investment Adviser:
- (d) Name and address of the Principal Underwriter:

**14. Exact name and address of Independent Public Accountant for the separate account:**

**15. Exact name and address of the Custodian or the bank or other company in whose safekeeping the assets of the separate account will be held:**

**16. Exact name of variable life insurance contract(s) to be funded by this separate account:**

**17. State the investment objectives of the separate account:**

**18. State the fundamental investment policies and techniques of the separate account:**

**19. List the types and amounts of any charges to be made on a periodic basis against the assets of the separate account:**

**20. Furnish the information required by the following table with reference to: (a) every company owning 5% or more of the voting securities of the life insurer, (b) every company 5% or more of the voting securities of which are owned directly by the life insurer, and (c) every company 5% or more of the voting securities of which are owned by any company 5% or more of the voting securities of which are owned by the life insurer:**

Name of Company <sup>1</sup>	Date of organization	Form of organization	State or foreign country under laws of which organized	Principal business	Percentage of voting securities owned
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21. Annex the latest regular periodic report filed with the superintendent of insurance of the life insurer's domicile and, if available, submit in the form of an attached exhibit a copy of the life insurer's last regular periodic report to its security holders or policyholders.

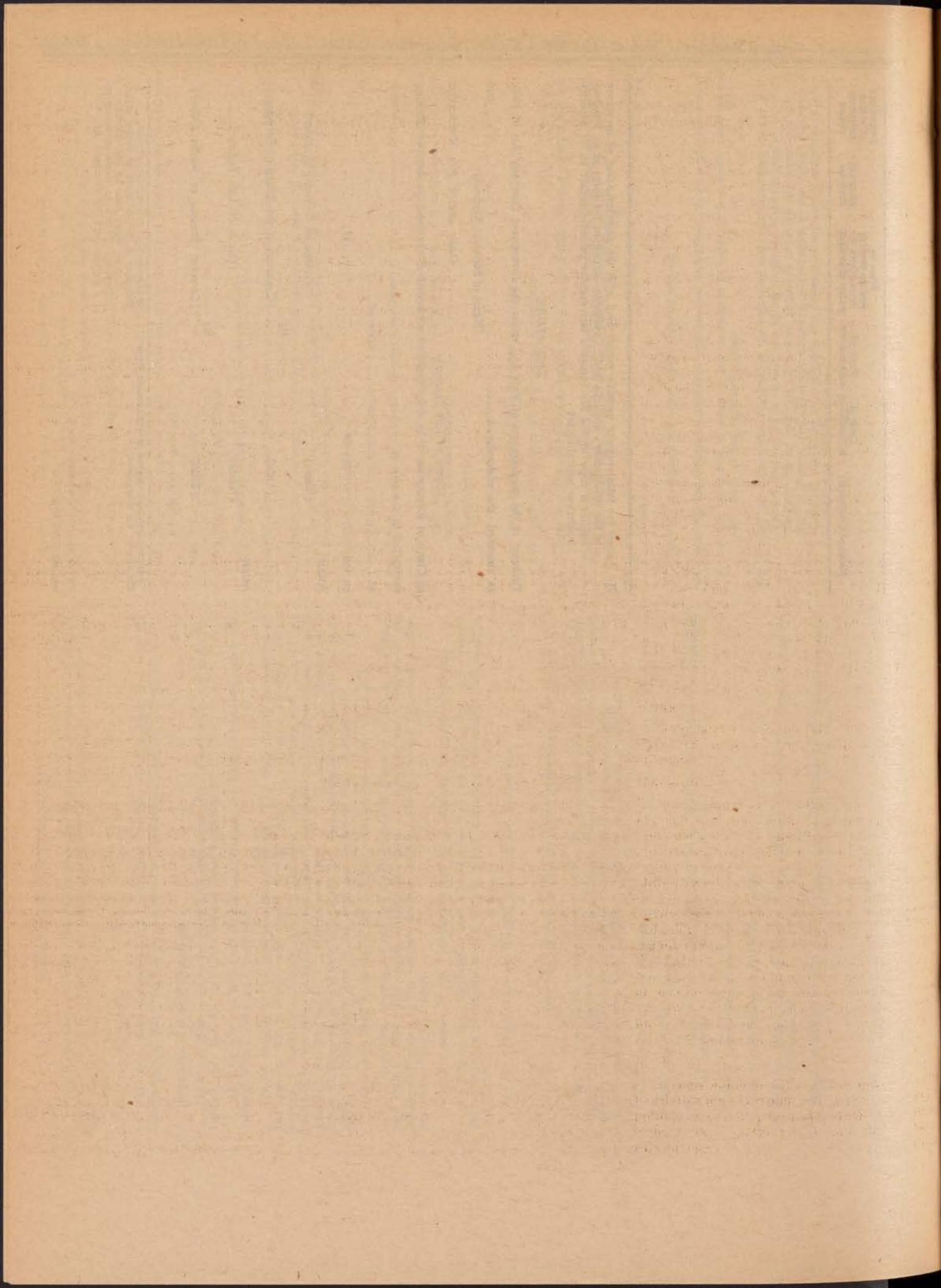
**SIGNATURE**

Pursuant to the requirements of Rule 6e-2 under the Investment Company Act of 1940, as amended, the undersigned . . . . . (Name of Separate Account) and . . . . . (Name of Separate Account) have caused this Notification

of Claim of Exemption to be duly executed on behalf of the separate account claiming exemption in the city of . . . . ., county of . . . . ., state of . . . . ., 197 . . . . . on the . . . . . day of . . . . .

Attest: . . . . . (Name) . . . . . (Name of Separate Account)  
 . . . . . (Title) . . . . . By . . . . . (Chairman of the Board of Directors)  
 Attest: . . . . . (Name) . . . . . (Name of Life Insurer)  
 . . . . . (Title) . . . . . By . . . . . (Director, Trustee or Senior Officer)

<sup>1</sup> Indent to show degree of remoteness from life insurer, for example—  
 Life Insurer Company A (5% or more of voting securities of which held by life insurer)  
 Company B (5% or more of voting securities held by Company A).



# Federal Register

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Friday  
September 10, 1982

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## Part V

### Department of Energy

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Energy Information Administration

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Extension of Quarterly Coal Consumption Report—Manufacturing Plants (Form EIA-3), Coke Plant Report—Quarterly (Form EIA-5) and Coke Plant Report—Annual Supplement (Form EIA-5A); Request for Comments

**DEPARTMENT OF ENERGY****Energy Information Administration****Extension of Quarterly Coal Consumption Report—Manufacturing Plants (Form EIA-3); Request for Comments**

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Request for comments on extension Form EIA-3.

**SUMMARY:** The Energy Information Administration (EIA) of the Department of Energy (DOE) plans to extend the Quarterly Coal Consumption Report—Manufacturing Plants (Form EIA-3) and invites comments on the survey and contents of the form.

**DATE:** Written comments must be submitted on or before October 12, 1982.

**ADDRESSES:** Send comments to Harriet M. Tarver at the address listed immediately below.

**FOR FURTHER INFORMATION CONTACT:**

To obtain additional information or copies of the EIA-3, contact Ms. Harriet M. Tarver, EI-521, Coal Division, Energy Information Administration, Department of Energy, MS: 2F-021, 1000 Independence Ave., S.W., Washington, D.C. 20585, (202) 252-9723.

**SUPPLEMENTARY INFORMATION:**

- I. Background.
- II. Quarterly Coal Consumption Report, Form EIA-3.
- III. Request for Comments.

**I. Background**

The EIA announces plans to extend the collection of coal consumption data on the Quarterly Coal Consumption Report—Manufacturing Plants, EIA-3. The EIA-3 is designed to provide information on coal used for generating heat and electricity and for processing raw or manufactured materials by manufacturers. The form requests coal receipts, consumption and stocks by coal rank on a quarterly basis.

In 1983 the estimated average respondent burden, defined as the number of person-hours required to complete a form, remains at one-half hour.

**II. Quarterly Coal Consumption Report—Manufacturing Plants, Form EIA-3**

A sample of the Form EIA-3 and its instructions follow.

**III. Request for Comments**

EIA invites the public to comment on the form on or before October 12, 1982. The following general guidelines are provided to assist in the preparation of responses.

If you are a potential data provider:

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarifying?

B. Can the data be submitted using the definitions included in the instructions?

C. Can the data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for computation, preparation and administrative review, will it take your company to complete and submit a quarterly form?

E. What is the cost of completing a quarterly form, including the direct and indirect costs associated with this data collection? Direct costs should include all one-term and recurring costs, such as development, assembly, equipment, ADP and other administrative costs directly attributable to providing this information.

F. How can this form be improved?

Comments provided on the Form EIA-3 will be included in EIA's submission to the Office of Management and Budget and will become a matter of public record.

Issued in Washington, D.C.

Date: September 2, 1982.

**Yvonne M. Bishop,**

*Director, Statistical Standards, Energy Information Administration.*

**BILLING CODE 6450-01-M**

Energy Information Administration  
Quarterly Coal Consumption Report—  
Manufacturing Plants

U.S. Department of Energy

This report is being collected under mandatory authorities vested in the U.S. Department of Energy under Public Laws 93-275 and 95-620. Late filing, failure to file or failure otherwise to comply with these instructions may result in criminal fines, civil penalties and other sanctions as provided by Section 13 (i) of the FEA Act (P.L. 93-275). For provisions regarding the confidentiality of information submitted on this form see Section G of the Instructions on the reverse side of this form.

Form Approved  
O.M.B. No. 038-R0193

I. Identification

Please make any corrections to this mailing label in the space provided at the right.

Please read the Instructions on the reverse side before completing this form.

A. Please enter the name and address of the Parent Company for this plant. The parent company is that which solely or jointly owns this plant and which is not itself the subsidiary of another company. If there are additional parent companies for this plant, please give their names and addresses on a separate piece of paper.

Name \_\_\_\_\_

Address (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

B. Please enter the name, address, title and telephone number of the plant or parent company representative who can answer questions regarding the information provided on this form.

Name \_\_\_\_\_ Title \_\_\_\_\_ Tel. No. (Area Code) \_\_\_\_\_

Address (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

C. Please report the primary product manufactured at this plant if it has changed since the last submission of this form.

Primary Product \_\_\_\_\_

II. Coal Receipts, Consumption, and Stocks

- \* Complete all data items applicable to this plant. Blanks will be interpreted as zeroes.
- \* Do not report coal used to produce coke.
- \* Report quantities in whole short tons (2,000 pounds) and costs in dollars.
- \* C.I.F. means Cost including Insurance and Freight.
- \* In Spot Purchases (columns C and D), report coal purchased on the open market, i.e., not under an existing contract.
- \* In Net Stock Adjustment (columns F, G and H), report the net change in stocks during the quarter resulting from any revisions to the previous quarter's ending stock estimate (column I), and any stock losses, transfers of coal stocks to other plants owned by the same parent company or sales of coal stocks to other companies.

Coals by Rank (Refer to table I on the re- verse side for definition of each type of coal listed below.)	Receipts		Spot Purchases		Consump- tion	Stocks			
	Contract Purchases		Total Cost of Coal Received on a C.I.F. basis (dollars)			Net Stock Adjustment		Stocks at the End of the Quarter (short tons)	
	Total Quantity of Coal Received during the Quarter (short tons)	Total Cost of Coal Received on a C.I.F. basis (dollars)	Total Quantity of Coal Received during the Quarter (short tons)	Total Cost of Coal Received on a C.I.F. basis (dollars)		Type (check one) Addition (+) Reduction (-)	Quantity (short tons)		
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	
Bituminous									
Subbituminous									
Lignite									
Anthracite									

Was coal consumed for the production of electricity during the reporting quarter?  Yes  No

III. Disclosure Statement

Please read Section G of the instructions before completing these questions.

Does the information supplied on this form contain trade secrets and/or privileged or confidential commercial or financial information?  
 Yes  No

Have you attached a written justification for exemption from the Freedom of Information Act (FOIA)?  
 Yes  No

Has a written justification for exemption from the FOIA been previously submitted?  
 Yes, date \_\_\_\_\_  No

IV. Certification

This part of the form is to be completed by the official of the reporting company empowered to certify the truth and accuracy of the information provided on this form. Print or type name and title of the certifying official. The certifying official must sign and date the certification.

I certify that the information provided herein and appended hereto (if any) is true and accurate to the best of my knowledge.

Name \_\_\_\_\_ Title \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Title 18 USC 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fraudulent statements or representations as to the matter within its jurisdiction.

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## Instructions for Quarterly Coal Consumption Report—Manufacturing Plants

## A. Purpose

Form EIA-3 is designed to provide information on coal used for generating heat and electricity and processing raw or manufactured materials by manufacturers. This report is necessary for "fully informed monitoring and guidance" by the Energy Information Administration (EIA) in accordance with Section 13 of the Federal Energy Administration Act of 1974 (P.L. 93-275) and for the study of coal requirements, production, conversion and utilization mandated by Sections 741 and 742 of the Powerplant and Industrial Fuel Use Act of 1978 (P.L. 95-820).

## B. Who Shall Submit

Form EIA-3 shall be submitted by all manufacturing companies that consume anthracite, bituminous, subbituminous coal or lignite for all uses other than coke production. A separate Form EIA-3 must be submitted for each manufacturing plant consuming coal. Submit white copy to EIA and retain yellow copy.

## C. When to Submit

Form EIA-3 must be submitted no later than thirty (30) days after the end of the reporting quarter. The reporting quarters are: January 1-March 31 (first), April 1-June 30 (second), July 1-September 30 (third) and October 1-December 31 (fourth).

## D. Where to Submit

The EIA-3 should be returned in the business reply envelope provided with the form. If you do not receive an envelope, please send Form EIA-3 to:

Energy Information Administration, EI-34  
Mail Station: BG-086 Forstl  
U.S. Department of Energy  
Washington, D.C. 20585

and please identify the survey by putting "Attn: EIA-3" in the lower left-hand corner of your envelope. Requests for further information and/or additional forms, instructions, or business reply envelopes may be directed to the address above or by telephone to (202) 252-6868.

## E. Sanctions

The timely submission of form EIA-3 by a company required to report is a mandatory requirement. Late filing, failure to file, or failure to otherwise make information available to EIA in accordance with these instructions may result in criminal fines, civil penalties and other sanctions as provided by Section 13 (i) of the Federal Energy Administration Act of 1974 (P.L. 93-275).

## F. Definitions

1. Classification of Coals by Rank—Coal consumption data to be submitted by coal rank as defined in Table 1, Classification of Coals by Rank. If you do not have all of the information required to use the table, please consult your technical engineer or testing laboratory for assistance.
2. Manufacturing Plant—A plant engaged in the mechanical or chemical transformation of materials or substances into finished or semi-finished materials or products.
3. Primary Product—The primary product manufactured at the plant.

## G. Disclosure of Information

The information contained on these forms may be (i) information which is exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act (FOIA), 5 U.S.C. 552 (b) (4) or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

Therefore, you should state briefly and specifically (on an element by element basis if possible), in a letter accompanying your submission of the form, why you consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential by your company and the industry, and the type of competitive harm that would result to your company from disclosure of the information.

In accordance with the provisions of 10 C.F.R. 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE does not receive a request for exemption from you, it will assume that you do not object to public disclosure of any information submitted on this form by your company. A new written justification need not be submitted each time form EIA-3 is submitted if:

- a. your views concerning information items identified by you as privileged or confidential have not changed and
- b. a written justification setting forth your views in this regard was previously submitted.

By statutory authority, DOE must provide this information, when requested, to the Congress or any Committee of Congress and to the General Accounting Office.

Table 1—Classification of Coals by Rank<sup>1</sup>

Class	Group	Fixed carbon limits, percent (Dry, mineral-matter-free basis)		Volatile matter limits, percent (Dry, mineral-matter-free basis)		Calorific value limits, BTU per lb. (Moist, <sup>2</sup> mineral-matter-free basis)		Agglomerating character
		Equal or greater than	Less than	Greater than	Equal or Less than	Equal or greater than	Less than	
I. Anthracitic	1. Meta-anthracite	98	—	—	2	—	—	Non-agglomerating
	2. Anthracite	92	98	2	8	—	—	
	3. Semianthracite <sup>3</sup>	88	92	8	14	—	—	
II. Bituminous	1. Low-volatile bituminous coal	78	86	14	22	—	—	Commonly, agglomerating <sup>5</sup>
	2. Medium-volatile bituminous coal	69	78	22	31	—	—	
	3. High-volatile A bituminous coal	—	69	31	—	14,000 <sup>4</sup>	—	
	4. High-volatile B bituminous coal	—	—	—	—	13,000 <sup>4</sup>	14,000	
	5. High-volatile C bituminous coal	—	—	—	—	11,500	13,000	Agglomerating
III. Subbituminous	1. Subbituminous A coal	—	—	—	—	10,500	11,500	Non-agglomerating
	2. Subbituminous B coal	—	—	—	—	9,500	10,500	
	3. Subbituminous C coal	—	—	—	—	8,300	9,500	
IV. Lignite	1. Lignite A	—	—	—	—	6,300	8,300	Non-agglomerating
	2. Lignite B	—	—	—	—	—	6,300	

<sup>1</sup> This classification does not include a few coals, principally nonbanded varieties, which have unusual physical and chemical properties and which come within the limits of fixed carbon or calorific value of the high-volatile bituminous and subbituminous ranks. All of these coals either contain less than 48 percent dry, mineral-matter-free fixed carbon, or have more than 15,500 British thermal units per pound, calculated on the moist, mineral-matter-free basis.

<sup>2</sup> Moist refers to coal containing its natural inherent moisture but not including visible water on the surface of the coal.

<sup>3</sup> If agglomerating, classify in low-volatile group of the bituminous class.

<sup>4</sup> Coals having 69 percent or more fixed carbon on the dry, mineral-matter-free basis shall be classified according to fixed carbon, regardless of calorific value.

<sup>5</sup> It is recognized that there may be nonagglomerating varieties in these groups of the bituminous class, and there are notable exceptions in the high-volatile C bituminous group.

Source: American Society for Testing and Materials 1974, Standard Specifications for Classification of Coal by Rank, ASTM Designation D 388-66.

[FR Doc. 82-24717 Filed 9-9-82; 8:45 am]

BILLING CODE 6450-01-C

**Extension of Coke Plant Report—Quarterly (Form EIA-5) and Coke Plant Report—Annual Supplement (Form EIA-5A); Request for Comments**

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Request for comments on extension of Forms EIA-5, 5 A.

**SUMMARY:** The Energy Information Administration (EIA) of the Department of Energy (DOE) plans to extend the Coke Plant Report—Quarterly (Form EIA-5) and Coke Plant Report—Annual Supplement (Form EIA-5A) and invites comments on the survey and contents of the forms.

**DATES:** Written comments must be submitted on or before October 12, 1982.

**ADDRESSES:** Send comments to Harriet M. Tarver at the address listed immediately below.

**FOR FURTHER INFORMATION CONTACT:** To obtain additional information or copies of the EIA-5 and 5A, contact Ms. Harriet M. Tarver, EI-521, Coal Division, Energy Information Administration, Department of Energy, MS: 2F-021, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9723.

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Coke Plant Report—Quarterly and the Annual supplement (Forms 5 and 5A)
- III. Request for Comments

**I. Background**

The EIA announces plans to extend the collection of coal carbonization data on the Coke Plant Report—Quarterly (Form EIA-5) and the Annual Supplement (Form EIA-5A). The EIA-5 is designed to provide information on metallurgical coal receipts, carbonization, and stocks of coke and breeze at U.S. coke plants. The EIA-5A requests data on the origin and quality of metallurgical coal used to produce coke, production sales and stocks or crude coal chemical materials and the status of coke ovens at coke plants.

In 1983 the estimated average respondent burden, defined as the number of person-hours required to complete a form, remains at six and thirteen hours respectively.

**II. Coke Plant Report—Quarterly and Annual Supplement, EIA-5 and 5A**

Samples of the Forms EIA-5 and 5A and the instructions follow.

**III. Request for Comments**

EIA invites the public to comment on the form on or before October 12, 1982. The following general guidelines are provided to assist in the preparation of responses.

If you are a potential data provider:

- A. Are the instructions and definitions

clear and sufficient? If not, which instructions require clarifying?

- B. Can the data be submitted using the definitions included in the instructions?

- C. Can the data be submitted in accordance with the response time specified in the instructions?

- D. How many hours, including time for computation, preparation and administrative review, will it take your company to complete and submit a quarterly form?

- E. What is the cost of completing a quarterly form, including the direct and indirect costs associated with this data collection? Direct costs should include all one-time and recurring costs, such as development, assembly, equipment, ADP and other administrative costs directly attributable to providing this information.

- F. How can these forms be improved?

Comments provided on the Form EIA-5 and 5A will be included in EIA's submission to the Office of Management and Budget and will become a matter of public record.

Issued in Washington, D.C.

Dated: September 2, 1982.

**Yvonne M. Bishop,**

*Director, Statistical Standards, Energy Information Administration.*

**BILLING CODE 6450-01-M**

Energy Information Administration  
Coke Plant Report—Quarterly

U.S. Department of Energy

This report is being collected under mandatory authorities vested in the U.S. Department of Energy under Public Law 93-275. Late filing, failure to file or failure otherwise to comply with these instructions may result in criminal fines, civil penalties and other sanctions as provided by Section 13 (i) of the FEA Act (P.L. 93-275). For provisions regarding confidentiality of information submitted on this form see Section H of the instructions. Form Approved O.M.B. No. 1950-0003 Approval Expires 1/31/83

I. Identification

Please read the instructions before completing this form. Report revisions to previously reported data in Section IV (Remarks). Please make any corrections to the mailing label below in the space provided at the right.

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II. Coking Coals

Report only coal received for carbonization at the coke plant. All other coal should be reported on Form EIA-3, Quarterly Coal Consumption, Report—Manufacturing Plants. Report coal quantities on an as received basis. Report cost of coal received as the C.I.F. (or delivered) cost. Refer to the instructions Section VII, (Definitions) for definitions of Captive and Open Market Coal. Use the adjustment columns (columns G, H, and I) to report a revision to the previous quarter's ending stock estimate, any stock losses, transfers of coal stocks to other plants owned by or affiliated with your company, or any sales of coal stocks. Report the nature of the adjustment in the Section IV (Remarks). Refer to Table 1. Classification of Coals by Rank for a description of bituminous and anthracite coal.

Rank	Receipts during the Quarter				Coal Carbonized during the Quarter (short tons) (F)	Adjustment			Stocks at the end of the Quarter (short tons) (J)
	Captive Coal		Open Market Coal			Type (check one)	Quantity (short tons)		
(A)	Quantity (short tons) (B)	Cost (dollars) (C)	Quantity (short tons) (D)	Cost (dollars) (E)		Add (+) (G)	Sub (-) (H)	(I)	
Bituminous									
Anthracite									

101

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Data consistency check: The following balance equation should be used to check the consistency of your coking coal related data submissions: For each line code, i.e. 101 (Bituminous) and 102 (Anthracite), column J (previous quarter) + columns [B+D] (current quarter) - column F (current quarter) ± column I (current quarter) = column J (current quarter)

III. Coke and Breeze

Use the adjustment columns (columns D, E and F) to report revisions to the previous quarter's ending stock and production adjustments due to rescreenings. Report the nature of the adjustment in Section IV (Remarks). Report the value of coke and breeze used or sold as the F.O.B. value at the coke plant, i.e. the value of the coke and breeze at the coke plant without any insurance or freight charges added.

Product	Uses	Production during the Quarter (short tons) (C)	Adjustment			Distribution During the Quarter				Stocks at end of Quarter (short tons) (K)
			Type (check one)	Quantity (short tons)		Used by your Company or transferred to affiliated companies		Commercial Sales		
(A)	(B)		Add (+) (D)	Sub. (-) (E)	(F)	Quantity (short tons) (G)	Value (dollars) (H)	Quantity (short tons) (I)	Value (dollars) (J)	
Coke	Blast Furnace									
	Foundry									
	Other Industries									
	Total									
Breeze	All									

103

104

105

106

107

Data consistency check: The following balance equation should be used to check the consistency of your coke and breeze data submission: For each line code, i.e. 106 (coke) and 107 (breeze), column K (previous quarter) + column C (current quarter) ± column F (current quarter) - columns [G+I] (current quarter) = column K (current quarter).

IV. Remarks

V. Point of Contact

Enter the name, title, and telephone number of your company representative who can answer questions regarding the information provided on this form.

Name \_\_\_\_\_ Title \_\_\_\_\_ Area Code & Office Telephone No. \_\_\_\_\_

VI. Confidentiality Statement

Please read Section H of the instructions before completing this section of the form.

- A. Information requested on this form is confidential and if released will cause substantial competitive injury.  Yes  No
- B. Written substantial justification is attached.  Yes  No
- C. Written substantial justification previously attached.  Yes, date \_\_\_\_\_  No

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VII. Certification

This part of the form must be completed by the company official empowered to certify that the information provided on this form is true and accurate. Print or type the certifying official's name and title. The certifying official must sign and date the certification.

I certify that the information provided herein and appended hereto is true and accurate to the best of my knowledge.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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TITLE 18 USC 1001 makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction

Energy Information Administration  
Instructions for Form EIA-5  
Coke Plant Report - Quarterly

U.S. Department of Energy

**A. Purpose**

Form EIA-5 is designed to provide data on metallurgical coal receipts, carbonization and stocks, and the production, distribution and stocks of coke and breeze at U.S. coke plants. The data collected will be used in the compilation of aggregated statistical reports and related analyses including energy/environmental studies and energy policy studies.

**B. Who must submit**

Form EIA-5 must be completed by all companies operating coke plants in the U.S. A separate report must be submitted for each coke plant owned. Submit white copy to EIA and retain the yellow copy.

**C. When to Submit**

Form EIA-5 shall be submitted to EIA no later than thirty (30) working days (6 weeks) after the close of each report quarter. The reporting quarters are: January 1-March 31, April 1-June 30, July 1-September 30, and October 1-December 31.

**D. Where to Submit**

Submit one copy in the business reply envelope provided to:

Energy Information Administration, EI-47  
Mail Station: BG-086 FORSTL  
U.S. Department of Energy  
Washington, D.C. 20585  
Attention: Form EIA-5

Requests for further information and/or additional forms may be directed to the above address, or a phone call may be made on our toll free line 800-424-9041. In the Washington D.C. area, please call 202-252-6621.

**E. Sanctions**

The timely submission of Form EIA-5 by a company required to report is a mandatory requirement. Failure to file, may result in criminal fines, civil penalties and other sanctions as provided by Section 13 (i) of the FEA Act of 1974 (P.L. 93-275).

**F. General Instructions**

1. Complete all items on the form applicable to your operations. If an item is not applicable, leave it blank (a blank will be interpreted as a zero).
2. Report all quantities in short tons (a short ton equals 2,000 pounds) to the nearest whole ton.
3. Report all values in dollars to the nearest whole dollar.

**G. Definitions**

1. **Affiliate Transfers**—The quantity of coke/breeze transferred to integrated operations and/or affiliated companies, as opposed to commercial or open market sales to other companies.
2. **Anthracite Coal**—See Table 1, Classification of Coals by Rank, enclosed with the instructions.
3. **Bituminous Coal**—See Table 1, Classification of Coal by Rank, enclosed with the instructions.
4. **Breeze**—The fine screenings from crushed coke. Usually breeze will pass through either a 1/2 inch or 3/4 inch screen opening depending on the coke plant.
5. **Captive Coal**—All coal produced by an operating subsidiary for consumption by a parent or affiliated company.
6. **C.I.F.**—Cost including Insurance and Freight, i.e. the delivered cost.
7. **Coke**—strong porous residue consisting of carbon and mineral ash formed when bituminous coal is heated in a limited air supply or in the absence of air.
8. **Commercial Sales**—The quantity of a material sold during the reporting quarter to a company not integrated or affiliated with the producing company.
9. **F.O.B.**—Free On Board. Value, F.O.B. the coke plant, is the sales revenue/value measured at the coke plant excluding transportation/freight costs to deliver the product to the buyer/user.
10. **Open Market Coal**—Coal purchased on the open market, i.e. coal purchased from companies other than the reporting company's parent company or an operating subsidiary of the parent company.

**H. Provisions Regarding the Confidentiality of Information**

The information contained on Form EIA-5 may be (i) information which is exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act (FOIA) (5 U.S.C. 552 (b) (4)) or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

Therefore, you should state briefly and specifically (on an element by element basis if possible), in a letter accompanying your submission of the form, why you consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential by your company and the industry, and the type of competitive harm that would result to your company from disclosure of the information. In accordance with the provisions of 10 C.F.R. 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE does not receive a request for exemption from you, it will assume that you do not object to public disclosure of any information submitted on this form by your company. A new written justification need not be submitted each time a form EIA-5 is submitted if:

- a) your views concerning information items identified by you as privileged or confidential have not changed and
- b) a written justification setting forth your views in this regard was previously submitted.

By statutory authority DOE must provide this information, when requested, to the Congress or any committee of Congress and the General Accounting Office.

Energy Information Administration  
Coke Plant Report—Annual Supplement

## U.S. Department of Energy

This report is being collected under mandatory authorities vested in the U.S. Department of Energy under Public Law 93-275. Late filing, failure to file or failure otherwise to comply with these instructions may result in criminal fines, civil penalties and other sanctions as provided by Section 13 (i) of the FEA Act (P.L. 93-275). For provisions regarding confidentiality of information submitted on this form see Section H of the instructions.

Form Approved  
O.M.B.No. 1950-0013  
Approval Expires 1/31/83

## I. Identification

Please read the instructions before completing this form. Report revisions to previously reported data in Section III (Remarks). Please make any corrections to the mailing label below in the space provided at the right.

## II. Data

A. Ovens Report data requested as of the end of the report year. Report annual coking capacity as the potential maximum amount of coke that could be produced. Calculate age of ovens from the installation date.

Operational Ovens			Ovens being Rebuilt or Repaired			Ovens Under Construction		Anticipated Total
Number	Average Age (years old)	Annual Coking Capacity (short tons)	Number	Average Age (years old)	Annual Coking Capacity (short tons)	Number	Annual Coking Capacity (short tons)	Annual Coking Capacity at end of next year (short tons)
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)

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B. Crude Coal Chemical Materials Refer to the instructions, Section G (Definitions), for descriptions of crude coal chemical materials. Report here the total amount of crude coal chemical materials produced at the coke plant before they are refined, used, or sold. If column F, sales value, report the total sales revenue F.O.B. (Free on Board) the coke plant.

Crude Coal Chemical Material	Unit of Measure for Quantities	Quantity Produced during the year	Quantity Refined or Used at Coke Plant, Steelmill or other allied plants during the year	Sales during the Year		Quantity Wasted during the year	Stocks at the end of the year
				Quantity	Value (dollars)		
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
Coke Oven Gas	Million cubic feet (corrected to 550 BTU's per cubic foot)						
Crude Coal Tar	Thousand Gallons						
Crude Light Oil	Thousand Gallons						
Intermediate Light Oil	Thousand Gallons						
Ammonium Sulfate and Phosphate	Short Tons						
Ammonium Liquor (NH <sub>3</sub> content)	Short Tons						

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C. Average Blending Percentages Report here the average blending percentage of various bituminous and anthracite coals used to make coke during the year. Refer to Table 1, Classification of Coals by Rank, for the definition of bituminous coal by volatile content.

	Bituminous			Anthracite	Total
	High Volatile (A)	Medium Volatile (B)	Low Volatile (C)	(D)	(E)
Average Blending Percentages					100

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**D. Coal Receipts during the year** Report only coal received for carbonization at the coke plant. Report coal receipts on an as received basis. If additional space is needed, use Section III (Remarks) or a separate sheet of paper. Report sulfur content to the nearest tenth of a percent. Report volatile content to the nearest whole percent.  
 For each state and county or foreign country from which you received coal during the year aggregate all high volatile coal receipts on one line, all medium volatile coal receipts on one line, and all low volatile receipts on one line. Refer to Table 1 Classification of Coals by Rank for the definition of high, medium and low volatile coal.

Origin Name of State or Foreign Country	For EIA Use Only	Name of County (U.S. Origin only)	For EIA Use Only	Quantity received during year (short tons)	Average Volatile Content (% by weight on a dry basis) (F)	Average Sulfur Content (% by weight on a dry basis) (G)	
(A)	(B)	(C)	(D)	(E)	(F)	(G)	
						.	240
						.	241
						.	242
						.	243
						.	244
						.	245
						.	246
						.	247
						.	248
						.	249
						.	250
						.	251
						.	252
						.	253
						.	254
						.	255
						.	256
						.	257
						.	258
						.	259
<b>Total Quantity Received -</b>							260

Average sulfur (volatile) content should be calculated as a weighted average sulfur (volatile) content of coal receipts i.e. (sum of the products of sulfur (volatile) content times quantity received divided by total quantity received).  
 Total coal receipts for the report year (line code 260) must equal the sum of your quarterly EIA-5 submissions for the report year (line codes 210 and 220, columns B and D). If they are not equal, please clarify the discrepancy in Section III, Remarks.

**III. Remarks**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**IV. Point of Contact**

Enter the name, title, and telephone number of your company representative who can answer questions regarding the information provided on this form.

Name	Title	Area Code & Office Telephone No.

**V. Confidentiality Statement**

Please read Section H of the instructions before completing this section of the form.

- A. Information requested on this form is confidential and if released will cause substantial competitive injury  Yes  No
- B. Written substantial justification is attached  Yes  No
- C. Written substantial justification previously attached  Yes, date \_\_\_\_\_  No

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**VI. Certification**

This part of the form must be completed by the company official empowered to certify that the information provided on this form is true and accurate. Print or type the certifying official's name and title. The certifying official must sign and date the certification.

*I certify that the information provided herein and appended hereto is true and accurate to the best of my knowledge.*

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**TITLE 18, USC 1001 makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.**

Energy Information Administration  
Instructions for Form EIA-5A  
Coke Plant Report - Annual Supplement

U.S. Department of Energy

#### A. Purpose

Form EIA-5A is designed to provide data on the origin and quality of metallurgical coal used to produce coke, crude coal chemical materials production, sales and stocks, and the status of coke ovens at U.S. coke plants. The data collected will be used in the compilation of aggregated statistical reports, for coke and metallurgical coal related analyses and energy policy studies.

#### B. Who Shall Submit

Form EIA-5A must be submitted by all companies operating coke plants in the U.S. A separate report must be submitted for each coke plant owned. Submit the white copy to EIA and retain the yellow copy.

#### C. Where to Submit

Companies shall return completed EIA-5A forms in the business reply envelope provided to:

Energy Information Administration EI-47  
Mail Station: BG-086 FORSTL  
U.S. Department of Energy  
Washington, D.C. 20585  
Attention: Form EIA-5A

Request for further information, additional forms and instructions may be directed to the address above or by telephone on our toll free line 800-424-9041. In the Washington, D.C. area, please call 202-252-6621.

#### D. When to Submit

Form EIA-5A shall be submitted to EIA no later than February 15th of the year following the report year.

#### E. Sanctions

The timely submission of Form EIA-5A by a company required to report is a mandatory requirement. Failure to file may result in criminal fines, civil penalties and other sanctions as provided by Section 13 (1) of the FEA Act of 1974 (P.L. 93-275).

#### F. General Instructions

1. Complete all items on the form applicable to your operations. If an item is not applicable, leave it blank (a blank will be interpreted as a zero).
2. Report all coal and coke quantities in short tons (a short ton equals 2,000 pounds) to the nearest whole ton.
3. Report all values in dollars to the nearest whole dollar.

#### G. Definitions

1. Ammonia Liquor— $\text{NH}_3\text{OH}$  - A compound derived from the destructive distillation of coal and condensed as a watery solution.
2. Ammonium Phosphate—A reporting category that combines dibasic and monobasic ammonium phosphate.
  - (i) Dibasic (DI) Ammonium Phosphate,  $(\text{NH}_4)_2\text{HPO}_4$  - A compound derived from the interaction of ammonium hydroxide and phosphoric acid.
  - (ii) Monobasic (MONO) Ammonium Phosphate,  $\text{NH}_4\text{H}_2\text{PO}_4$  - A compound derived from the interaction of phosphoric acid and ammonia.
3. Ammonium Sulfate— $(\text{NH}_4)_2\text{SO}_4$  - A compound derived from the ammoniacal vapors resulting from the destructive distillation of coal. These vapors are led into sulfuric acid, followed by crystallization and drying.
4. Anthracite Coal—See Table 1, Classification of Coals by Rank, enclosed with the instructions.
5. Bituminous Coal—See Table 1, Classification of Coals by Rank, enclosed with the instructions.
6. Breeze—The fine screenings from crushed coke. Usually breeze will pass through either a 1/2 inch or 3/4 inch screen opening, depending on the coke plant.
7. Coke—strong porous residue consisting of carbon and mineral ash formed when bituminous coal is heated in a limited air supply or in the absence of air.
8. Coke Oven Gas—The gaseous portion of volatile substances driven off in the coking process, after other coal chemicals are removed, measured in million cubic feet, corrected to 550 BTU per cubic foot.
9. Crude Coal Tar—The unrefined, black, viscous liquid derived from the distillation of coal. It is a raw material that can be refined into a variety of products such as phenol, naphthalene, creosote, pyridine and pitch.
10. Crude Light Oil—A mixture of aromatic hydrocarbons absorbed from the volatile matter released from coal during carbonization. In addition to the absorbing medium, the principal light oil constituents are benzene, toluene, xylene, and solvent naphtha.
11. F.O.B.—Free On Board—Sales revenue F.O.B. the coke plant, is the sales revenue measured at the coke plant excluding transportation/freight costs to deliver the product to the buyer.
12. Intermediate Light Oil—A category of the light oil group pertaining to the bottom fraction containing essentially all the liquids with a higher initial boiling point than the xylenes.

**H. Provisions Regarding the Confidentiality of Information**

The information contained on Form EIA-5A may be (i) information which is exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act (FOIA) (5 U.S.C. 552 (b) (4)) or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

Therefore, you should state briefly and specifically (on an element by element basis if possible), in a letter accompanying your submission of the form, why you consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential by your company and the industry, and the type of competitive harm that would result to your company from disclosure of the information. In accordance with the provisions of 10 C.F.R. 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

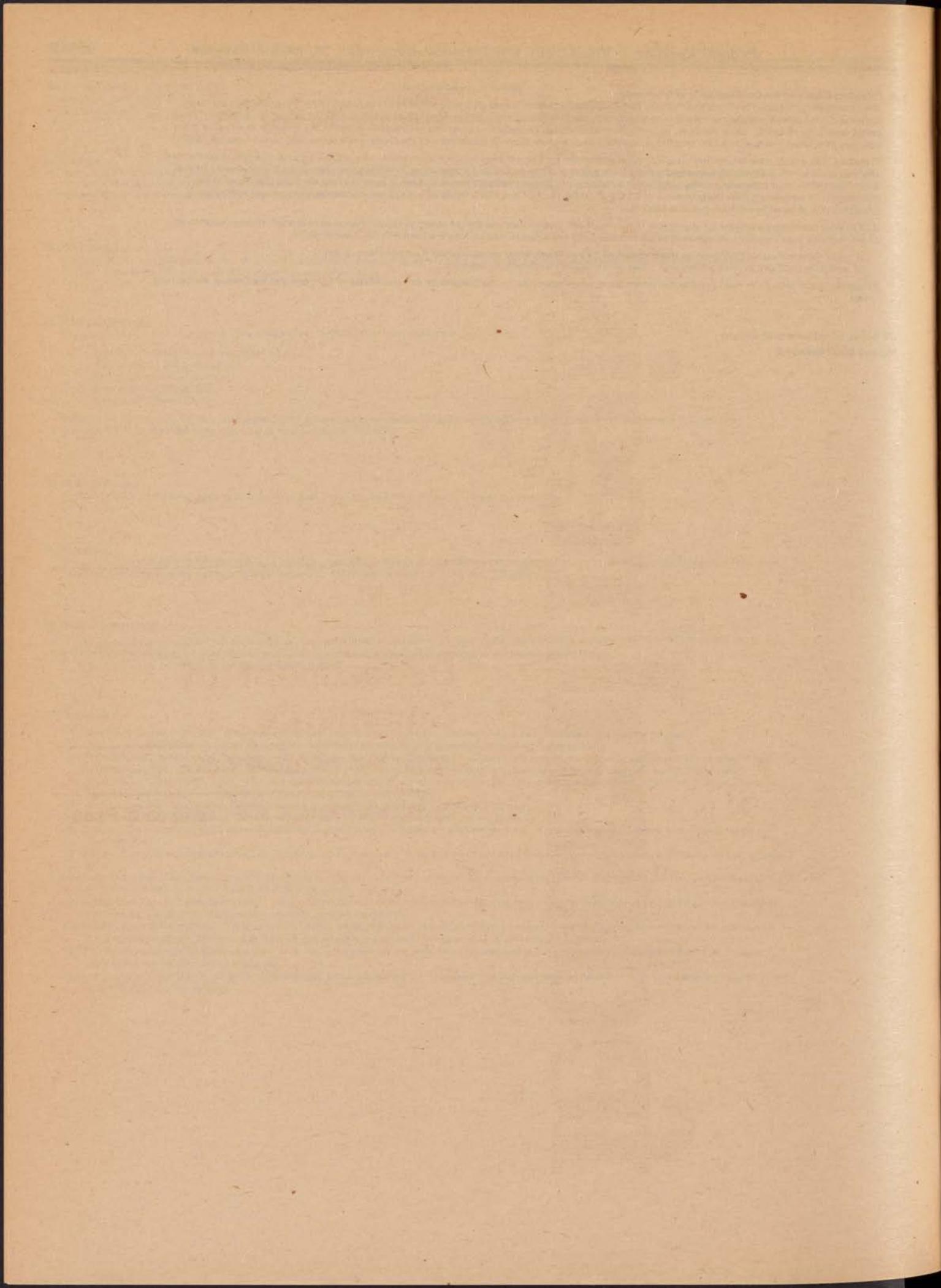
If DOE does not receive a request for exemption from you, it will assume that you do not object to public disclosure of any information submitted on this form by your company. A new written justification need not be submitted each time a form EIA-5A is submitted if:

- a) your views concerning information items identified by you as privileged or confidential have not changed and
- b) a written justification setting forth your views in this regard was previously submitted.

By statutory authority DOE must provide this information, when requested, to the Congress or any committee of Congress and the General Accounting Office.

[FR Doc. 82-24718 Filed 9-9-82; 8:45 am]

BILLING CODE 6450-01-C



# Federal Register

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Friday  
September 10, 1982

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Part VI

Department of  
Commerce

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Patent and Trademark Office

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Revision of Patent and Trademark Fees

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****37 CFR Parts 1, 3, and 4**

[Docket No. 2827-167]

**Revision of Patent and Trademark Fees****AGENCY:** Patent and Trademark Office, Commerce.**ACTION:** Final rule.

**SUMMARY:** The Patent and Trademark Office is amending the rules of practice in patent and trademark cases to establish procedures for the payment of fees under section 41 (a) and (b) of Title 35, United States Code, which are reduced by 50 per centum for independent inventors and nonprofit organizations as required by the public law resulting from H.R. 6260. This action is necessary at this time in order that the procedures for paying the reduced fees will be effective on October 1, 1982, the effective date of the changes in the amounts of Patent and Trademark Office fees established by the public law resulting from H.R. 6260. This final rule also deletes Parts 3 and 4 which contain outdated sample forms and corrects a reference to a section which appears in § 1.451.

**EFFECTIVE DATE:** October 1, 1982.**FOR FURTHER INFORMATION CONTACT:**

As to the patent rules contact R. Franklin Burnett by telephone at (703) 557-3054 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: R. Franklin Burnett, Room 3-11A13, Washington, D.C. 20231.

As to the trademark rules contact Miss Maude Williams by telephone at (703) 557-2222 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: Miss Maude Williams, Room 3-11C17, Washington, D.C. 20231.

**SUPPLEMENTARY INFORMATION:** Notices of proposed rulemaking relating to the revision of patent and trademark fees were published in the *Federal Register* on June 28, 1982, at 47 FR 28042-28065 and in the *Official Gazette* on June 29, 1982, at 1019 O.G. 57-120. Oral hearings were held on July 9, 1982. Full consideration has been given to all of the letters, statements, and testimony received at the time. A final rule on "Revision of Patent and Trademark Fees" was published on July 30, 1982 at 47 FR 33086-33112 with corrections in the printing thereof being published on August 4, 1982, at 47 FR 33688 and on August 5, 1982, at 47 FR 33959. The final

rule was also published in the *Official Gazette* on August 10, 1982, at 1021 O.G. 19-94. In view of comments received at the hearings, additional time for comment on the rules covered by this change was given until August 13, 1982. The notice extending the time for comment was published on July 27, 1982 at 47 FR 32458.

This final rule is being adopted as soon as possible after the enactment of the public law resulting from H.R. 6260. The Patent and Trademark Office has determined that the requirement of 5 U.S.C. 553(d) for publication not less than 30 days before its effective date does not apply to this final rule since it will reduce patent fees for independent inventors and nonprofit organizations.

**Objectives of Rule Changes**

These rule changes are designed to implement the Patent and Trademark Office fees and procedures which are provided for by the public law resulting from H.R. 6260.

**Public Law Resulting From H.R. 6260**

The public law resulting from H.R. 6260 provides that funds available under the act "shall be used to reduce by 50 per centum the payment of fees under section 41(a) and (b) of Title 35, United States Code" by independent inventors, small business concerns, and nonprofit organizations. The public law resulting from H.R. 6260 gives the Commissioner authority to establish regulations defining independent inventors and nonprofit organizations. The public law resulting from H.R. 6260 defines small business concerns by reference to section 3 of the Small Business Act and regulations established by the Small Business Administration. This rulemaking establishes regulations defining independent inventors and nonprofit organizations. The Small Business Administration is establishing the definition of a small business concern for the purpose of paying reduced fees under the public law resulting from H.R. 6260. This rulemaking also establishes the procedures which will be followed by independent inventors and nonprofit organizations when paying the reduced fees. The procedures to be followed by small business concerns when paying the reduced fees will be established in a separate final rule.

**Discussion of Specific Sections**

The following sections are changed by this final rule, effective October 1, 1982:

Section 1.9, as amended, adds paragraphs (c), (e), and (f) which define "independent inventor" and "nonprofit organization" as used in Title 37, Code

of Federal Regulations, Chapter I. Each of these along with "small business concern" is identified as a "small entity" for purposes of paying fees which are set under § 41(a) and (b) of Title 35, United States Code, as amended by the public law resulting from H.R. 6260. Paragraph (d) of § 1.9 relates to the definition of small business concern which is being established by the Small Business Administration. Accordingly, proposed paragraph § 1.9(d) is not being promulgated at this time.

The public law resulting from H.R. 6260 authorizes the Commissioner to establish regulations defining independent inventors and nonprofit organizations. Section 1.9(c) defines an independent inventor as any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization. Once an individual sole inventor, or one of several joint inventors, has assigned, granted, conveyed, or licensed, or comes under an obligation to assign, grant, convey, or license, any rights to the invention to anyone who could not likewise obtain status as a small entity, the inventor(s) will no longer be entitled to pay fees in the amounts established for an independent inventor (§ 1.9(c)). Section 1.9(c) will permit an individual inventor to make an assignment, grant, conveyance, or license of partial rights in the invention to another individual or individuals who could qualify as an independent inventor or inventors if they had made the invention. In addition, § 1.9(c) will permit an individual inventor to make an assignment, grant, conveyance, or license of partial rights in the invention to a small business concern or nonprofit organization. Under the circumstances described in the previous two sentences the individual inventor could still qualify as an independent inventor. However, if the independent inventor assigned, granted, conveyed, or licensed, or came under an obligation to assign, grant, convey, or license, any rights to the invention to any individual or organization which could not qualify as a small entity (§ 1.9(f)), then the inventor would no longer qualify as an independent inventor.

Proposed § 1.9(d) relating to the definition of a small business concern is not being promulgated at this time.

Section 1.9(e) defines a nonprofit organization by utilizing and broadening the definition contained in 35 U.S.C. 201(i). The term "university or other institution of higher education" as used in § 1.9(e) means an educational institution which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within the jurisdiction in which it operates to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association. The definition of "university or other institution of higher education" as set forth herein essentially follows the definition of "institution of higher education" contained in 20 U.S.C. 1141(a). Institutions which are strictly research facilities, manufacturing facilities, service organizations, etc., are not intended to be included within the term "other institution of higher education" even though such institutions may perform an educational function or publish the results of their work.

Section 1.9(f) identifies an independent inventor, a small business concern, or a nonprofit organization as a "small entity" for purposes of paying fees set under section 41(a) and (b) of Title 35, United States Code, as amended by the public law resulting from H.R. 6260. Fees established under section 41(c) or (d) of Title 35, United States Code, will not be reduced for small entities since such a reduction is not permitted or authorized by the public law resulting from H.R. 6260. Paragraphs (c), (e), and (f) of § 1.9 should be read together with new §§ 1.27 and 1.28 which deal with establishing status as a small entity and the effect thereof.

New § 1.27 provides in paragraph (a) that any person seeking to establish status as a small entity, as defined in § 1.9(f) for the purpose of paying reduced fees, must file a statement to that effect prior to or with the payment of the first fee paid as a small entity. Paragraph § 1.27(b) provides specifically for inventors filing statements claiming status as independent inventors. Paragraph § 1.27(c) relating to claiming status as a small business concern is not being promulgated at this time, but will

be the subject of a separate final rule. Paragraph § 1.27(d) provides for claiming status as a nonprofit organization. Under § 1.27, as long as all of the rights remain in small entities, the fees established for a small entity can be paid. This includes circumstances where the rights were divided between an independent inventor, a small business concern and a nonprofit organization or any combination thereof.

New § 1.28 provides guidance as to the effect of failure to establish, or notify the Office of any change from, small entity status. Paragraph § 1.28(a) provides that once status as a small entity has been established in an application or patent, the status remains in that application or patent without the filing of a further verified statement pursuant to § 1.27, unless the Office is notified of a change in status. Under paragraph § 1.28(a), status as a small entity in one application or patent does not affect any other application or patent except in applications filed under § 1.60 where a reference is made to a verified statement in a parent application. Paragraph § 1.28(b) requires that notification of any change in status resulting in loss of entitlement to small entity status be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. Section 1.28 also provides guidance as to the effect of improperly establishing status as a small entity. The intent of the reduced fees for small entities is to soften the impact of the fee increases under § 41(a) and (b) of Title 35, United States Code, as such sections are amended by the public law resulting from H.R. 6260, upon those who are least able to absorb the increased fees without overall damage to their ability to participate in the patent system through the filing, issuing and maintaining of patents. Accordingly, any attempt to improperly establish status as a small entity will be viewed as a serious matter by the Office and paragraph § 1.28(d) indicates that any attempt to fraudulently establish status as a small entity or pay fees as a small entity will be considered as a fraud practiced or attempted on the Office. In addition, improperly and through gross negligence establishing status as a small entity or paying fees as a small entity will be considered as a fraud practiced or attempted on the Office. Normally, the Office will not question a claim to status as a small entity. However, if the Office must resolve such an issue in a question arising before it, the Office will look to the actual or practical status of

the individual or organization claiming status as a small entity rather than the professed or apparent status.

Section 1.451, paragraph (b), is amended to correct a reference to another section of the regulations.

Parts 3 and 4 are removed to eliminate all of the patent and trademark forms from the Code of Federal Regulations. The Patent and Trademark Office has prepared a booklet entitled "Patent and Trademark Forms Booklet" which is available for sale to the public from the Superintendent of Documents and which includes full size copies of substantially all the forms in Parts 3 and 4. No need is seen to retain these forms in the Code of Federal Regulations in view of the difficulty of keeping such forms current by rule change provisions and since the use of the forms is not mandatory.

#### Discussion of Significant Differences Between Proposed and Final Rules

A number of changes which have been made to §§ 1.9, 1.27 and 1.28 as a result of the comments received and further review of the proposed rulemaking are identified below.

Paragraph (c) of § 1.9 has been changed from that proposed to simplify the definition by removing the words "including (i) the right to make, use, or sell the invention, and (ii) the right to exclude others from making, using, or selling the invention". No change in substance is intended by removing these words since the phrase "any rights in the invention" obviously is inclusive of all rights regardless of how they are, or would be, transferred. The words "or otherwise" have also been removed to simplify the definition without a change in substance.

Paragraph (d) of § 1.9 is not being promulgated by this rule change.

Paragraph (e) of § 1.9 is changed from that proposed by adding the words "located in any country" in item (e)(1) to clarify the fact that a university or other institution of higher education can qualify regardless of location. Paragraph (e) is also changed from that proposed by adding an item (4) to clarify that a nonprofit organization "located in a foreign country" can qualify as a nonprofit organization if it could qualify as a nonprofit organization under item (2) or (3) of paragraph (e) "if it were located in this country." Thus, under paragraph (e) of § 1.9 nonprofit organizations will be treated the same for purposes of paying fees regardless of location.

Paragraph (a) of § 1.27 has been changed from that proposed by substituting the words "the first fee paid as a small entity" for the words "any fee

paid as a small entity". This change is intended to clarify the fact that a verified statement is not required with every fee.

Paragraph (b) of § 1.27 has been changed from that proposed to clarify who is to file the verified statement. The verified statement for a small business concern or nonprofit organization is to be filed by "the owner of the small business concern, or an official of the small business concern or nonprofit organization empowered to act on behalf of the small business concern or nonprofit organization \* \* \*". The term "official" as used in paragraph (b) is intended to include any officer, employee, or part-owner empowered to act on behalf of a small business concern or nonprofit organization. For example, an officer or employee of a corporation empowered to act for the corporation by its board of directors would be qualified to sign such a verified statement.

Paragraph (c) of § 1.27 relating to claiming status as a small business concern is not being promulgated at this time, but will be the subject of a separate final rule.

Paragraph (d) of § 1.27 has been changed from that proposed in the same manner as paragraph (b) of § 1.27 to clarify who is to file the verified statement. Paragraph (d) of § 1.27 has also been changed from that proposed by adding a reference to § 1.9(e)(4).

Paragraph (a) of § 1.28 has been changed from that proposed by adding the words "or patent" in the first and third sentences since the failure to establish status as a small entity could occur in a patent as well as in an application. An exception to the requirement for a verified statement has also been inserted into paragraph (a) of § 1.28 for applications filed under § 1.60 where the status as a small entity has been established in a parent application and is still proper. Under this change in paragraph (a) of proposed § 1.28, the application filed under § 1.60 "must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."

Paragraph (b) of § 1.28 has been completely rewritten from that proposed to remove the requirement that the notification of a change in status resulting in loss of entitlement to small entity status must be filed prior to paying the next fee due. Instead, paragraph (b) of § 1.28 provides that after establishment of small entity status, "fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any

maintenance fee is due." Paragraph (b) of § 1.28 is also changed from that proposed by removing the sentence stating that payment of any fee as a small entity serves "as a representation that such payment as a small entity is proper at the time the payment is made." This change does not sanction the payment of improper fees, but is no longer necessary in view of another change in paragraph (b) which specifically provides that notification of any change in status resulting in loss of entitlement to small entity status "must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to § 1.9." The effect of the changes to paragraph (b) of § 1.28 is to permit status to be established and then checked only (1) at the payment of the issue fee and (2) at the time of payment of each maintenance fee. This means that only four checks are required during the pendency and term of a patent after initial establishment of small entity status if such establishment was made prior to payment of the issue fee. The last sentence of paragraph (b) has been changed from that proposed by inserting the words "of change in status" after "notification" for clarity.

Paragraph (c) of § 1.28 has been changed from that proposed to require a verified statement explaining how the error in good faith occurred only in situations where the error is not corrected within three months of the date on which the error occurred. This change from paragraph (c) as proposed will reduce paperwork and will provide a three-month grace period to correct errors with no explanations required for correction during that three-month period. The change has also been made to alleviate concerns about paragraph (d) of § 1.28 which is being adopted as proposed.

#### Response to Comments on the Patent Rules

Specific comments were received on a number of the sections. All of the comments, including the oral testimony and the written comments, were considered in adopting the changes set forth herein.

Written comments on the patent rules and forms affected by this final rule were received from three patent law groups and thirteen individuals. The three patent law groups were (1) the American Patent Law Association; (2) the Patent, Trademark, and Copyright Section of the Virginia State Bar; and (3) the Patent, Trademark and Copyright

Law Section of the Bar Association of the District of Columbia.

Oral comments were presented at the hearing on behalf of two patent law groups.

The comments appear below along with replies thereto.

#### Comment

One comment suggested that the definition of "independent inventor" be simplified.

#### Reply

The definition of "independent inventor" has been simplified without a change in substance by removing the words "including (i) the right to make, use, or sell the invention, and (ii) the right to exclude others from making, using, or selling the invention."

#### Comment

One comment suggested that there is no need to include any more than a simplified statement that a "non-profit organization includes a university or other institution of higher education" and that any other party that believes it qualifies will "be able to make a showing to qualify for non-profit organization status."

#### Reply

The suggestion has not been adopted since it is the intent of the rules to delineate as clearly as possible what organizations can qualify as nonprofit organizations without having to expend undue resources deciding each request on a case-by-case basis.

#### Comment

One comment suggested that § 1.9(e) discriminates against foreigners and thus violates the principle of national equality set forth in the Stockholm text of the Paris Convention for the Protection of Industrial Property.

#### Reply

Section 1.9(e), as promulgated, defines a nonprofit organization in such a way that it is clear that foreigners are not excluded.

#### Comment

One comment questioned whether or not government organizations can qualify as nonprofit organizations and more specifically, whether or not a government research facility can qualify under the broad definition of a nonprofit scientific or educational organization. Another comment recommended that § 1.9(e) be expanded to include the U.S. Government in the definition of a "nonprofit organization."

*Reply*

Government organizations as such, whether domestic or foreign, cannot qualify as nonprofit organizations as defined in § 1.9(e). Section 1.9(e) was based upon 35 U.S.C. 201(i), as established by Public Law 96-517. The limitation to "an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a))" would by its nature exclude the U.S. government and its agencies and facilities, including research facilities and government corporations. State and foreign governments and governmental agencies and facilities would be similarly excluded. Section 1.9(e) is not intended to include within the definition of a nonprofit organization government organizations of any kind located in any country. A university or other institution of higher education located in any country would qualify, however, as a "nonprofit organization" under § 1.9(e) even though it has some government affiliation since such institutions are specifically included.

*Comment*

One comment was directed to, and opposed, Public Law 96-517 and H.R. 6260 rather than the specific provisions of §§ 1.9, 1.27 and 1.28 on the ground that the concept of a self-supporting agency is ill-conceived, shortsighted and wrong.

*Reply*

Public Law 96-517 and H.R. 6260 are not issues for consideration in this rule change.

*Comment*

One comment asserted that the imposition of different fees depending upon the status of an applicant is unwise, unworkable, and will not "improve the efficiency of the Patent Office", while another comment urged the Office to "disavow the proposal for a two-tier fee system and adopt a different approach to assuring that patent and trademark fees are set so that individual inventors and small businesses can continue to obtain the protection of the patent and trademark system." Another comment supported the two-tier fee system, particularly as related to universities.

*Reply*

The imposition of different fees is a legislative mandate imposed by the public law resulting from H.R. 6260 and is not an issue for consideration in this rule change.

*Comment*

Four comments expressed concern that small entity status is required to be confirmed each time a fee as a small entity is paid. Alternative procedures which involve (1) confirming status at the time of filing and at the time the issue fee is paid, or (2) allowing a statement of status to hold for a period of time were recommended.

*Reply*

The last sentence in § 1.27(a) states that "[s]uch a verified statement need only be filed once in an application or patent and remains in effect until changed." It was not intended that such statements would be required each time a fee is paid. In order to clarify § 1.27(a), the first sentence has been changed to require the statement prior to or with the first fee paid as a small entity. Thereafter, notice is only required where a change in status occurs. In addition, § 1.28(b) has been rewritten to provide that "[o]nce status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due."

*Comment*

One comment suggested that a paragraph § 1.27(e) be added which would require confirmation of small entity status at the time of paying the patent issue fee and each maintenance fee and that this be done by a statement which designates the applicant's small entity status as of the close of the last fiscal year next preceding the date of the statement.

*Reply*

The suggested paragraph has not been added. However, paragraph (b) of § 1.28 has been completely rewritten to permit status to be established and then checked only (1) at the payment of the issue fee and (2) at the time of payment of each maintenance fee. Instead of requiring papers to be filed confirming status as suggested in the comment, the rules as adopted require that "[n]otification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to § 1.9." Paragraph (b) of § 1.28, as promulgated, is considered preferable to the suggested paragraph (e) of § 1.27 since it will eliminate the filing of a

confirming statement where there has been no change in status as a small entity. This reduces unnecessary paperwork.

*Comment*

One comment suggested that verified statements of small entity status need not be filed in Rule 60 applications.

*Reply*

The suggestion was adopted and is reflected by the change in § 1.28(a). In such applications, it will be sufficient to include a reference to a verified statement establishing small entity status in a parent application if status as a small entity is still proper and desired.

*Comment*

One comment suggested that proposed paragraph 1.28(b) be amended by inserting the words "believed to be" after "small entity is" in the second sentence.

*Reply*

Paragraph (b) of § 1.28 as promulgated does not contain the sentence to which the suggestion is directed.

*Comment*

One comment suggested that paragraph (c) of § 1.28 be amended by deleting the word "verified" so that a statement explaining how an error in good faith occurred can be made "on the basis of information and belief."

*Reply*

The suggestion has not been adopted. However, paragraph (c) of § 1.28 as promulgated permits the correction of errors without a verified statement if the correction is accomplished within three months after the date the error occurred.

*Comment*

Three comments expressed concern about the provision dealing with fraud on the Patent and Trademark Office because of some questionable act in connection with paying fees as a small entity and indicated that some persons have raised a question as to the Office's authority to designate the payment of a lesser fee as fraud. The comments suggested that proposed § 1.28 be withdrawn and turned over to an ad hoc group of Patent and Trademark Office officials and practitioners for immediate examination and timely comment.

*Reply*

The period for comments was extended until August 13, 1982, as an alternative to, and in response to, the suggestion that § 1.28 be withdrawn and turned over to an ad hoc committee. The

extended period for comments has now expired and all comments which have been received have been carefully considered. In response to the statement that some persons have raised a question regarding the Office's authority to designate payment of a lesser fee as fraud, no authority has been cited which would establish or suggest that the Office does not have the authority to adopt this section. Paragraph (d) of § 1.28 has been strictly limited to those situations in which there is an attempt to fraudulently establish status as a small entity, fraudulently pay fees as a small entity, or improperly and through gross negligence establish status or pay fees as a small entity. Paragraph (d) of § 1.28 is clearly within the rule-making authority provided to the Commissioner pursuant to 35 U.S.C. 6 to protect the integrity of the system established by the public law resulting from H.R. 6260, whereby fees are reduced for small entities. In order to alleviate the concerns expressed about paragraph (d) of § 1.28, paragraph (c) of § 1.28 has been changed from that proposed to require a verified statement explaining how the error in good faith occurred only in situations where the error is not corrected within three months of the date on which the error occurred. This three-month grace period to correct errors with no explanations required for correction during that three-month period should reduce the concern about paragraph (d) of § 1.28.

#### Comment

One comment by an attorney (1) objected to and requested removal of the second sentence of § 1.28(d) because he has to rely on the information provided by the client and does not have the facilities to check the reliability of information the client provides relating to the client's status as a small entity, and (2) raised the question as to how much investigation any attorney or other individual must make in order to avoid being guilty of "gross negligence" under § 1.28(d).

#### Reply

The rules do not authorize an attorney to sign a verified statement establishing status as a small entity on behalf of a client. The client has to sign the verified statement. Paragraph (b) of § 1.27 requires that any verified statement filed on behalf of an independent inventor must be signed by the independent inventor except as provided in §§ 1.42, 1.43, or 1.47. Paragraph (d) or § 1.27 requires that any verified statement filed on behalf of a nonprofit organization must be signed by an official of the nonprofit

organization empowered to act on behalf of the organization. The intent of paragraphs (b) and (d) of § 1.27 is that the verified statement be signed by the person in the best position to know the facts as to whether or not status as a small entity can be properly established. Insofar as the attorney's responsibilities and duty to investigate are concerned, these do not differ from those presently owed the Office under §§ 1.56, 1.346, and 1.555.

#### Comment

One comment suggested that paragraph (d) of § 1.28 be replaced by a provision under which a "stiff fine" would be assessed against "a wrongdoer who has not paid fees in good faith."

#### Reply

The suggestion has not been adopted. Assessing a fine as the only penalty against "a wrongdoer who has not paid fees in good faith" might tend to encourage the payment of incorrect fees on the theory that it is unlikely that such a matter would be brought to the attention of the Office.

#### Comment

Three comments opposed the proposed deletion of Part 3 for the reasons that (1) it is useful to have an up-to-date set of forms and (2) there does not seem to be a pressing need to delete the forms.

#### Reply

The Patent and Trademark Office has prepared a booklet entitled "Patent and Trademark Forms Booklet" which includes full size copies of substantially all of the forms in Part 3. Since the forms currently in Part 3 are not "up-to-date" as was suggested in the comment, no present need is seen to maintain Part 3.

#### Response to Comments on the Trademark Rules

Specific comments were received on the proposed deletion of Part 4. All of the comments included in the written submissions and the oral testimony were considered.

Written comments were received from four individuals. Oral comments restating previously submitted written comments on Part 4 were presented by one individual on behalf of his law firm.

These comments appear below along with replies thereto.

#### Comment

One comment stated that there are rules in Part 4 which are not set forth elsewhere. Such guidelines and information include, among others, the

types of commerce on which an application may be based and a requirement for the use of bond paper for typed drawings.

#### Reply

Part 4 does not really carry the effect of rules because the forms are not mandatory, but are merely illustrative. The information referred to by this individual can be found elsewhere, such as in the Trademark Manual of Examining Procedure. Furthermore, despite the fact that the forms do not carry the force of rules, any correction or modification to them requires the cumbersome and time-consuming processes that are associated with a rules change.

#### Comment

Several comments reflected the opinion that some attorneys, particularly those who do not specialize in trademark matters, may rely on the forms that appear in Part 4. It was believed that these individuals may not have or be aware of the compilation of forms identified as the "Patent and Trademark Office Forms Booklet." In the absence of such forms in Part 4, these individuals may devise their own application formats. Such a practice would result in increased informalities which, in turn, would result in unnecessary correspondence and delayed prosecution. In addition, the commenters believed that the number of written and oral inquiries to the Office of the Director of the Trademark Examining Operation would increase dramatically.

#### Reply

The Office of the Director of the Trademark Examining Operation currently has a general information telephone line to answer inquiries and to accept requests for trademark application forms and related literature. While the Office of the Director indicates the availability of the forms booklet to many callers, copies of the appropriate trademark application form are sent to those individuals who request them. It is more likely that an individual who is unaware of the trademark application format would call the Office of the Director to request an application form than create one for the particular purpose.

#### Comment

One individual, aware of the Office's plans for automation of the trademark program, saw the present deletion of the forms to be inappropriate. This individual felt that the deletion of the

forms at this point would signal to the user community that the Office no longer had any interest in receiving applications in any particular format. To take such a position within a year or two of the introduction of a rigidly standardized application format was, in the opinion of this commenter, unwise. The adoption of a machine-readable application form would require greater, rather than diminished, reliance on a prescribed format.

#### Reply

Within the next year or two, the Office will begin experimenting with the use of optical character recognition (OCR) equipment to automate the current data capture processes. Trademark application formats that are compatible with this equipment are likely to require special sizing and printing and, as such, are not acceptable for reduced size printing in the Code of Federal Regulations. If the existing forms were to be maintained in Part 4, they would remain available for use by applicants. As a result, the implementation of the new standardized application formats would be made more difficult.

#### Comment

One commenter believed that since the next reprinting of Volume 37 of the Code of Federal Regulations will be in July, 1983, there is no pressing need to eliminate Part 4 at this time. This individual felt that users of the trademark registration system should be given additional opportunity to consider the significance of removing Part 4.

#### Reply

Only four comments have been received on the deletion of Part 4. The elimination of Part 4 at this time will guarantee that the forms do not appear in the 1983 reprinting of the CFR. Of course, they will appear in the 1982 version of the CFR booklet and will be available until the new edition is published. In this matter, future access to these forms will be limited and those requiring help may contact the Office and receive the proper trademark forms.

#### Implementation of §§ 1.9, 1.27, and 1.28

Status as a small entity can be established in any application or patent for which a fee is due on or after October 1, 1982, and in which small entity status is available and desired.

#### Other Considerations to Patent and Trademark Fee Revisions

Environmental, energy, and other considerations: The rule change will not have a significant impact on the quality

of the human environment or the conservation of energy resources.

This rule change is in conformity with the requirements of the Regulatory Flexibility Act (Public Law 96-354), Executive Order 12291, and the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354) for several reasons. The public law resulting from H.R. 6260 has taken into consideration the impact the increase in fees may have on small entities. Under the public law resulting from H.R. 6260 and this rulemaking, small entities will be able to pay reduced fees for filing patent applications and for the issuance and maintenance in force of patents. In general, the rule change will also expedite proceedings before the Patent and Trademark Office, changing existing procedures where they can be simplified.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than \$100 million. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no 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.

This rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no significant additional record keeping or reporting requirements are placed upon the public.

#### List of Subjects in 37 CFR Parts 1, 3 and 4

Administrative practice and procedure, Colleges and universities, Courts, Fraud, Inventions and patents, Nonprofit organizations, Small businesses, Trademarks.

#### Amendment of Regulations

For the reasons indicated above and pursuant to the authority given to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, the public law resulting from H.R. 6260, and under Sections 31 and 41 of the Trademark Act of July 5, 1946, (15 U.S.C. 1113, and 1123), Parts 1, 3 and 4 of Title 37, Code of Federal Regulations, are amended as set forth below.

The table of contents for Part 1 is amended by adding the following entries:

#### PART 1—RULES OF PRACTICE IN PATENT CASES

##### Fees and Payment of Money

\* \* \* \* \*

##### Sec.

- 1.27 Statement of status as small entity.  
1.28 Effect on fees of failure to establish status, or change status, as a small entity.

1. Section 1.9 is amended by adding new paragraphs (c), (e) and (f) and adding and reserving paragraph (d) to read as follows:

#### § 1.9 Definitions.

\* \* \* \* \*

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) [Reserved]

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

(f) A small entity as used in this chapter means an independent inventor, a small business concern or a nonprofit organization.

2. Section 1.27 is added to read as follows:

#### § 1.27 Statement of status as small entity.

(a) Any person seeking to establish status as a small entity (§ 1.9(f) of this part) for purposes of paying fees in an application or a patent must file a verified statement in the application or patent prior to or with the first fee paid

as a small entity. Such a verified statement need only be filed once in an application or patent and remains in effect until changed.

(b) Any verified statement filed pursuant to paragraph (a) of this section on behalf of an independent inventor must be signed by the independent inventor except as provided in §§ 1.42, 1.43, or 1.47 of this part, and must aver that the inventor qualifies as an independent inventor in accordance with § 1.9(c) of this part. Where there are joint inventors in an application, each inventor must file a verified statement establishing status as an independent inventor in order to qualify as a small entity. Where any rights have been assigned, granted, conveyed, or licensed, or there is an obligation to assign, grant, convey, or license, any rights to a small business concern, a nonprofit organization, or any other individual, a verified statement must be filed by the individual, the owner of the small business concern, or an official of the small business concern or nonprofit organization empowered to act on behalf of the small business concern or nonprofit organization averring to their status.

(c) [Reserved]

(d) Any verified statement filed pursuant to paragraph (a) of this section on behalf of a nonprofit organization must (1) be signed by an official of the nonprofit organization empowered to act on behalf of the organization; (2) aver that the organization qualifies as a nonprofit organization as defined in § 1.9(e) of this part specifying under which one of § 1.9(e)(1), (e)(2), (e)(3), or (e)(4) of this part the organization qualifies; and (3) aver that exclusive rights to the invention have been conveyed to and remain with the organization or if the rights are not exclusive, that all other rights belong to small entities as defined in § 1.9 of this part. Where the rights of the nonprofit organization as a small entity are not exclusive, a verified statement must also be filed by the other small entities having rights averring to their status as such.

3. Section 1.28 is added to read as follows:

**§ 1.28 Effect on fees of failure to establish status, or change status, as a small entity.**

(a) The failure to establish status as a small entity (§§ 1.9(f) and 1.27 of this part) in any application or patent prior to paying, or at the time of paying, any fee (1) precludes payment of the fee in the amount established for small entities; and (2) precludes a refund pursuant to § 1.26 of this part of any portions of fees paid prior to establishing status as a small entity. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, or at the time of paying, the fee. Status as a small entity must be specifically established by a verified statement filed in each application or patent in which the status is available and desired, except those applications filed under § 1.60 of this part where the status as a small entity has been established in a parent application and is still proper. Once status as a small entity has been established in an application or patent, the status remains in that application or patent without the filing of a further verified statement pursuant to § 1.27 of this part unless the Office is notified of a change in status. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established, except those filed under § 1.60 of this part. Applications filed under § 1.60 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired.

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to § 1.9 of this part. The notification of change in

status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to § 1.34(a) of this part.

(c) If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error or that through error the Office was not notified of a change in status as required by paragraph (b) of this section, the error will be excused (1) if any deficiency between the amount paid and the amount due is paid within three months after the date the error occurred or (2) if any deficiency between the amount paid and the amount due is paid more than three months after the date the error occurred and the payment is accompanied by a verified statement explaining how the error in good faith occurred and how and when it was discovered.

(d)(1) Any attempt to fraudulently (i) establish status as a small entity or (ii) pay fees as a small entity shall be considered as a fraud practiced or attempted on the Office. (2) Improperly and through gross negligence (i) establishing status as a small entity or (ii) paying fees as a small entity shall be considered as a fraud practiced or attempted on the Office. See §§ 1.56(d) and 1.555 of this part.

**§ 1.451 [Amended]**

4. In § 1.451, paragraph (b) is amended by removing the reference "§ 1.19(a)(4)" and inserting in its place the reference "§ 1.19(a)(3)".

**PART 3—FORMS FOR PATENT CASES [Removed]**

5. Part 3 is removed.

**PART 4—FORMS FOR TRADEMARK CASES [Removed]**

6. Part 4 is removed.

Dated: August 26, 1982.

Gerald J. Mossinghoff,  
Commissioner of Patents and Trademarks.

[FR Doc. 82-24877 Filed 9-9-82; 8:45 am]

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Federal Register

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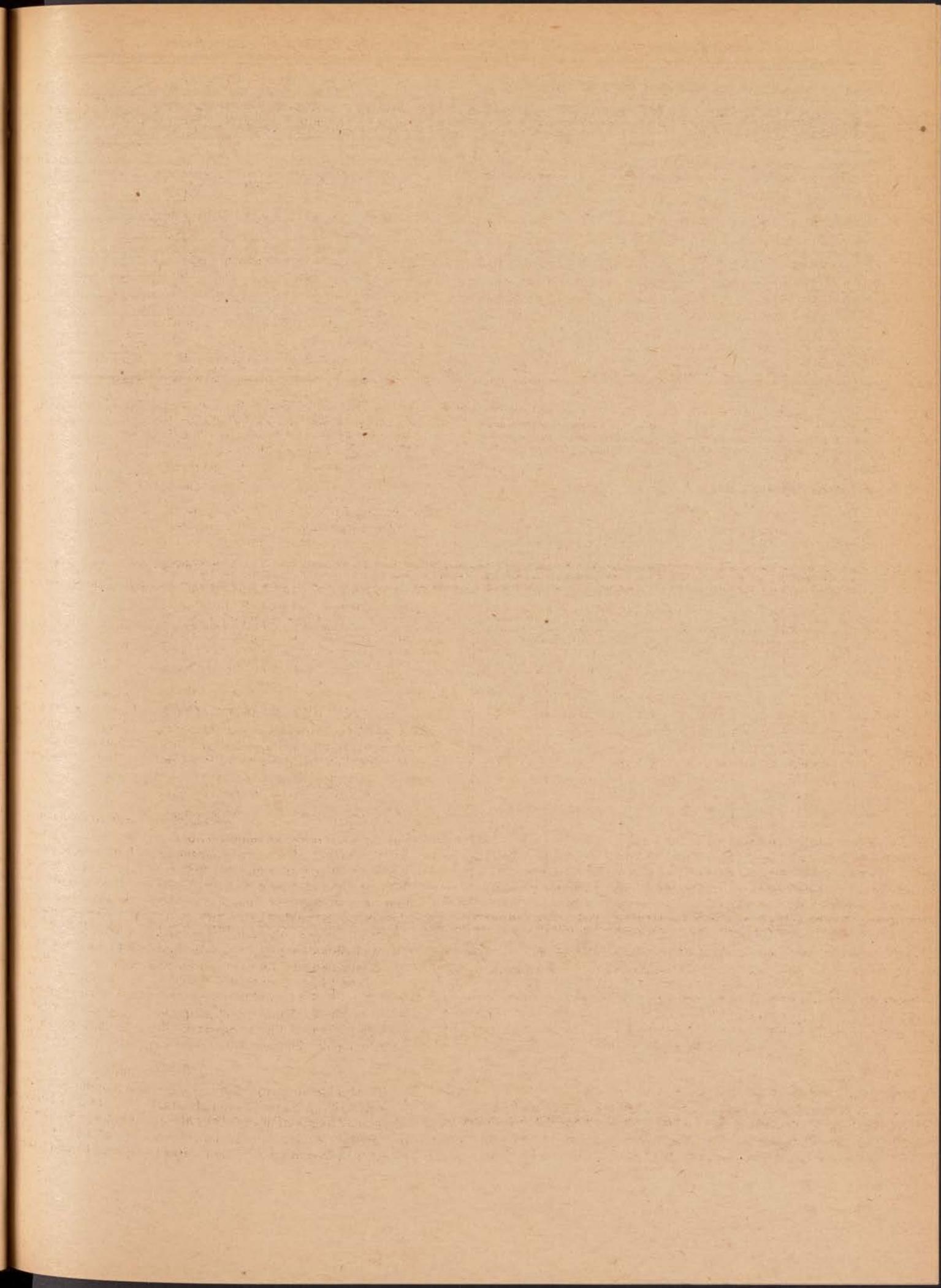
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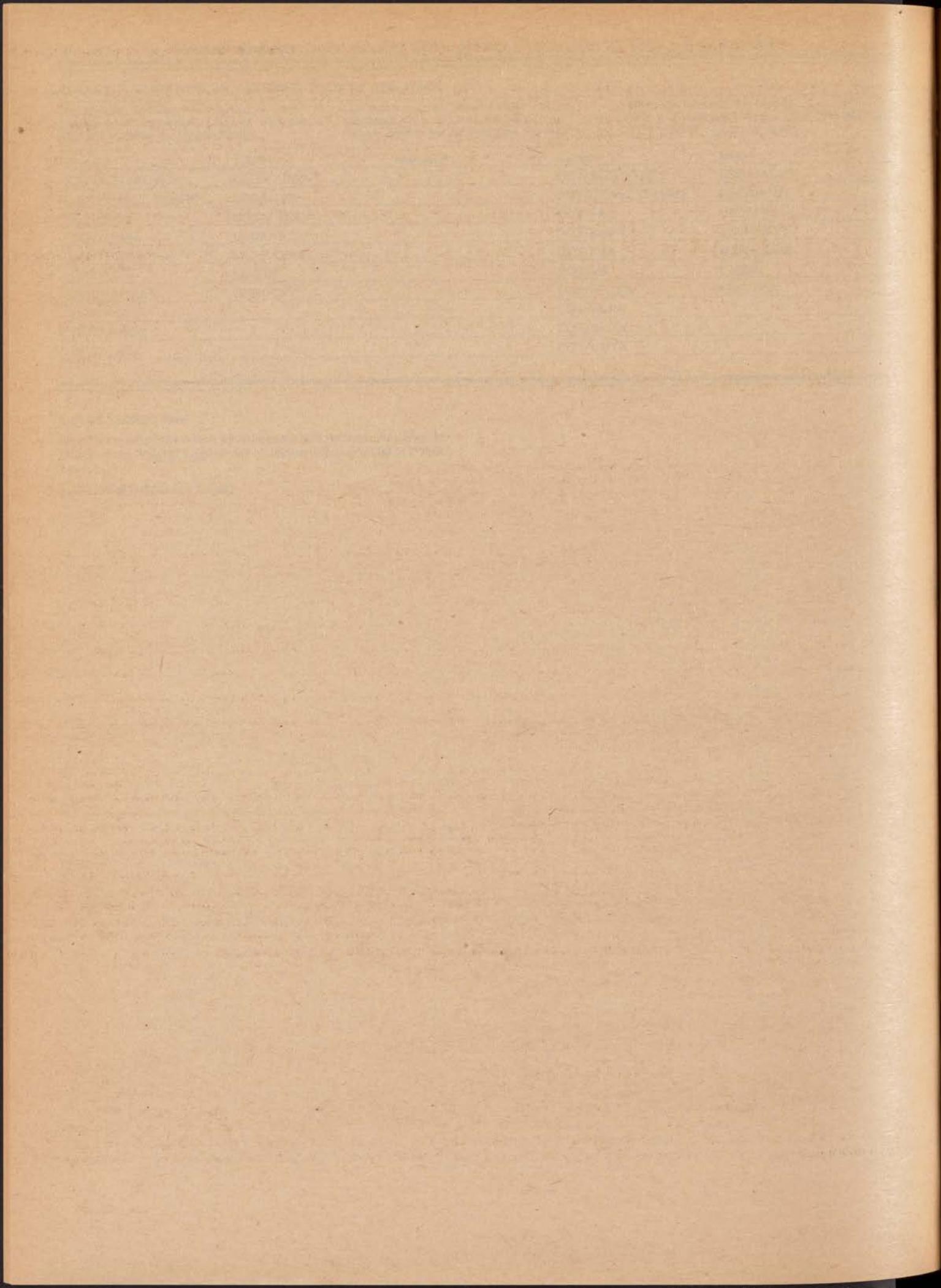
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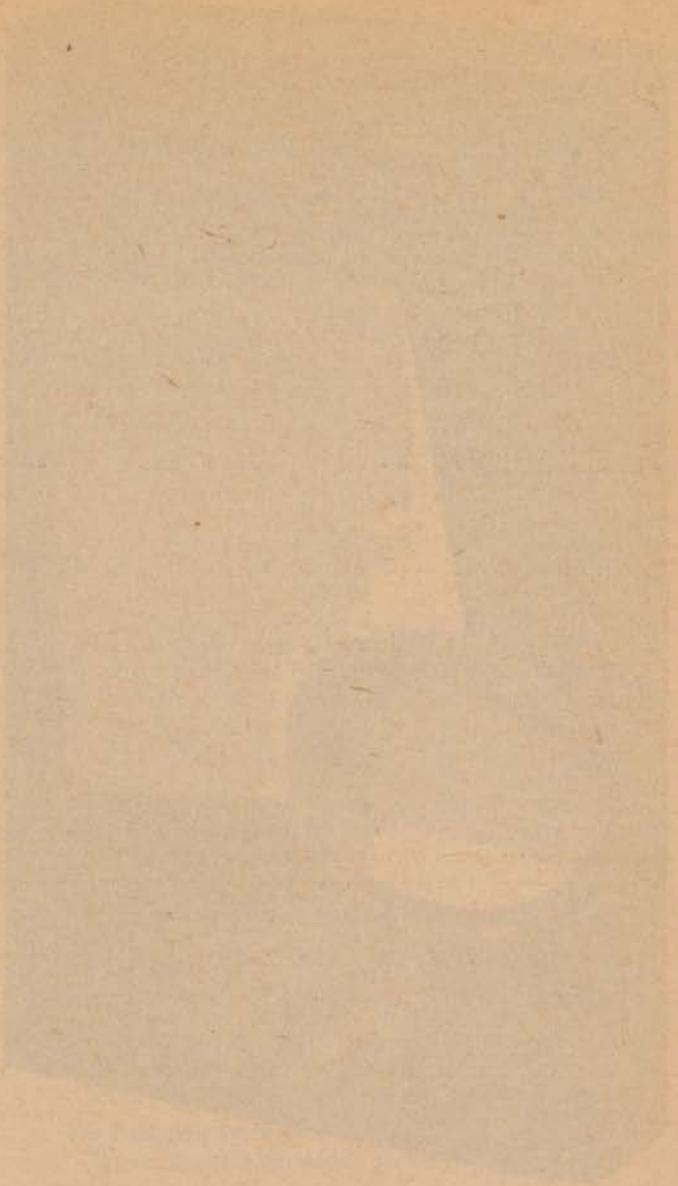
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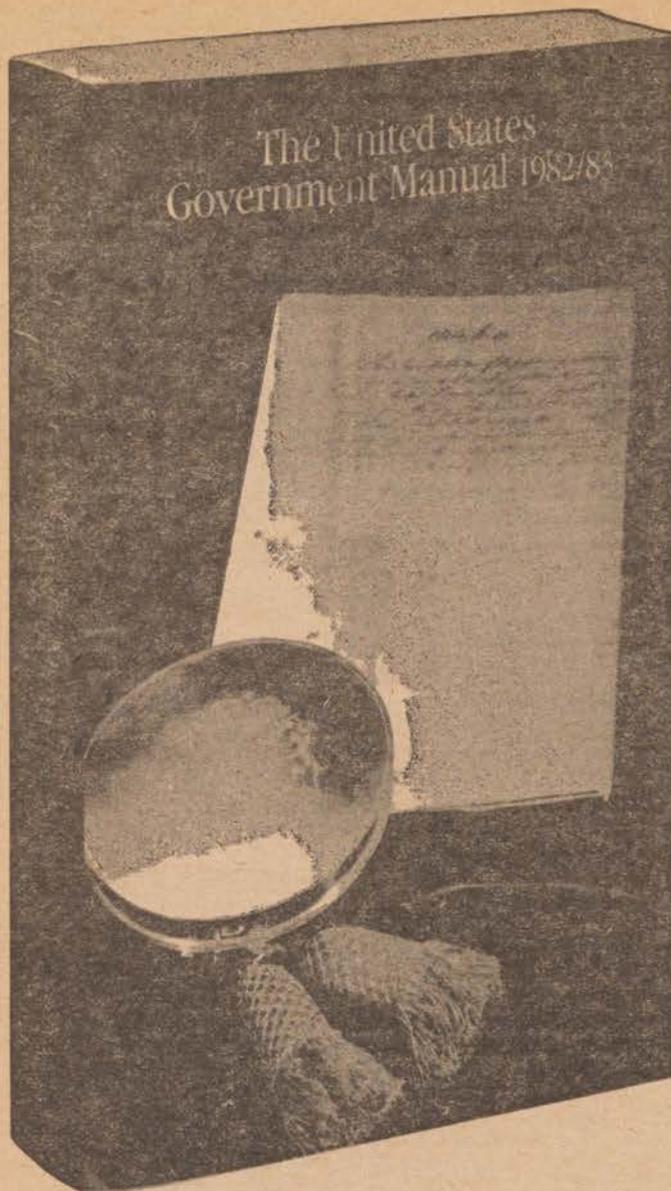


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