

A, and III D of Mooney Service Bulletin No. M20-170.

(c) At each 180-day interval after initial compliance comply with Parts II B, II D, III B, and III D of Mooney Service Bulletin No. M20-170.

(d) At each annual inspection comply with Parts II C, II D, III C, and III D of Mooney Service Bulletin No. M20-170.

If wood or glue joint deterioration is detected repair must be effected in accordance with Mooney Service Bulletin No. M20-170 or FAA approved standard practice prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

Mooney Service Bulletin M20-170-1 Kit (optional) includes all the pertinent parts and instructions for replacement of the wood empennage with an all metal empennage which, if installed, relieves the owner or operator from the inspection requirements of this AD applicable to the wood empennage.

This supersedes Amendment 39-180 (31 F.R. 288) AD 66-2-4 as amended by Amendment 39-244 (31 F.R. 7882).

This amendment becomes effective December 20, 1968.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354a, 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex. on December 10, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-15203; Filed, Dec. 19, 1968; 8:49 a.m.]

[Docket No. 9216, Amdt. No. 39-699]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to Vickers Viscount Models 744, 745D and 810 Series airplanes to require periodic inspection of the engine nacelle cross beam attachment eye end fittings for cracks and the replacement of cracked ones, was published in 33 F.R. 15878.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments have been received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Vickers Viscount Models 744, 745D and 810 Series Airplanes.

Compliance required as indicated.

To prevent fatigue failure of engine nacelle cross beam attachment eye end fittings P/N 70116-383/384 or 80203-1719/1720 or 81003/1415/1416 located on the lower surface of the inner wing station 96 and P/N 70116-385/386 or 80203-1721/1722 or 81003-1417/1418 located on the lower surface of the inner wing at wing station 143, accomplish the following:

(a) For cross beam attachment eye end fittings located at wing station 96 that have accumulated 7,700 or more landings on the

effective date of this AD, inspect in accordance with paragraph (c) within the next 300 landings after the effective date of this AD, unless already accomplished within the last 450 landings, and thereafter at intervals not to exceed 1,000 landings from the last inspection.

(b) For cross beam attachment eye end fittings located at wing station 96 that have accumulated less than 7,700 landings on the effective date of this AD, inspect in accordance with paragraph (c) prior to the accumulation of 8,000 landings, unless already accomplished within the last 450 landings, and thereafter at intervals not to exceed 1,000 landings from the last inspection.

(c) Visually inspect the fittings for cracks or fractures in accordance with British Aircraft Corporation Preliminary Technical Leaflet No. 273, Issue 1 (700 Series) or No. 137, Issue I (800/810 Series) or later ARB approved issues or an FAA approved equivalent.

(d) If cracks are detected during the inspection specified in paragraph (c), within the next 200 landings replace the fittings in accordance with paragraph (f).

(e) If a fracture is found during the inspection specified in paragraph (c), before further flight replace the fittings in accordance with paragraph (f) and visually inspect the eye end fitting at wing station 143 within the next 500 landings and replace any cracked fitting with a fitting of the same part number within the next 100 landings.

(f) Replace eye end fittings and the mating fork end fittings P/N 70116-387 or 80216-259 or 81016-695 with fittings of the same part numbers or replace the eye end fitting with P/N 61003-2643/2644 and the fork end fitting with P/N 81016-1675 in accordance with British Aircraft Corporation Modification Bulletin No. D-3215 dated May 14, 1968, or FG.2091 dated May 14, 1968 or later ARB approved issues or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region.

(g) The repetitive inspections required in this AD may be discontinued following incorporation of the applicable modification in accordance with paragraph (f) of this AD.

(h) For the purpose of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from take-off to landing for the airplane type.

This amendment becomes effective on January 19, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 13, 1968.

EDWARD C. HODSON,
*Acting Director,
Flight Standards Service.*

[F.R. Doc. 68-15204; Filed, Dec. 19, 1968; 8:49 a.m.]

[Airspace Docket No. 68-CE-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Correction

On November 30, 1968, a final rule was published in the FEDERAL REGISTER (33

F.R. 17850), F.R. Doc. 68-14346, which altered the Minneapolis, Minn. control zone. In this rule the effective date of the amendment was incorrectly recited as February 6, 1968. It should have read February 6, 1969. Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the effective date of "February 6, 1968," as set forth in the FEDERAL REGISTER in F.R. Doc. 68-14346, is deleted and "February 6, 1969," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 6, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-15205; Filed Dec. 19, 1968; 8:49 a.m.]

[Airspace Docket No. 68-WE-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Visalia, Calif., control zone.

The effective time of the Visalia, Calif., control zone is currently designated from 0700 to 2100 hours local time daily. These effective hours coincide with the operational hours of United Air Lines personnel who are responsible for weather reporting services at Visalia Airport. The operational hours of United Air Lines personnel are being changed to 0800 to 1900 hours local time daily. Therefore action is taken herein to redesignate the Visalia control zone with effective hours coincident with operational hours of United Air Lines personnel.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.171 (33 F.R. 2132) the Visalia, Calif., control zone is amended by deleting " * * * 0700 to 2100 hours, * * *" and substituting " * * * 0800 to 1900 hours, * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., February 6, 1969.

Issued in Los Angeles, California, on December 9, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-15206; Filed, Dec. 19, 1968; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9293; Amdt. 627]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
OGD VOR	LGU RBN	Direct	11,800	T-dn # %	500-1	500-1	500-1
Cornish Int.	LGU RBN	Direct	9,500	C-dn* #	800-1	800-1½	800-1½
				A-dn	NA	NA	NA

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 7900' within 10 miles.

Minimum altitude over facility on final approach crs, 5900'.

Crs and distance, facility to airport, 136°—2.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing LGU RBN, turn right, climb direct LGU RBN, continue climb to 9500' within 15 miles on bearing 340° from LGU RBN. All maneuvering W of crs.

CAUTION: High terrain all quadrants.

*Use Hill AFB, Utah, altimeter.

#Circling not authorized E of Runways 17-35.

%Takeoffs all runways: Climb visually over airport to 4900' thence direct LGU RBN, continue climb on bearing 340° from LGU RBN within 10 miles to cross LGU RBN at or above: Northbound crs, 340° to Cornish Int, 8000'; southbound direct OGD VOR, 8400'.

MSA within 25 miles of facility: 000°-270°—12,800'; 270°-360°—11,300'.

City, Logan; State, Utah; Airport name, Logan-Cache; Elev., 4453'; Fac. Class., MH W; Ident., LGU; Procedure No. NDB (ADF) Runway 17, Amdt. 1; Eff. date, 2 Jan. 69; Sup. Amdt. No. Orig.; Dated, 16 Dec. 67

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Fall River, Mass.—Fall River Municipal, NDB (ADF) Runway 24, Amdt. 3, 15 Apr. 1967 (established under Subpart C).

Huntington, W. Va.—Tri-State (Walker-Long Field), NDB (ADF) Runway 11, Amdt. 5, 17 June 1967 (established under Subpart C).

Piqua, Ohio—Piqua, VOR 1, Amdt. 4, 1 Jan. 1966 (established under Subpart C).

3. By amending § 97.13 of Subpart B to establish terminal very high frequency omnirange (TerVOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE TERMINAL VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Pinckney Int.	JXN VOR	Direct	2600	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-23#	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 046° outbnd, 226° Inbnd, 2300' within 10 miles.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R 226° within 10 miles. Reverse crs, proceed to JXN VOR.

CAUTION: 1946' tower 11.3 miles NW; 1330' tower 2.2 miles SE; 1310' tower 3 miles NE.

#Reduction not authorized for nonstandard REIL.

MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—2500'; 180°-270°—2600'; 270°-360°—3000'.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Class., L-B VORTAC; Ident., JXN; Procedure No. Ter VOR-23, Amdt. 5; Eff. date, 2 Jan. 69; Sup. Amdt. No. 4; Dated, 17 Dec. 66

4. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Miami, Fla.—Opa Locka, VOR/DME 1, Amdt. 5, 16 Apr. 1966 (established under Subpart C).

5. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		
					65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Wolcottsville Int.	Clarence LOM (final)	Direct	2100	T-dn	300-1	300-1	200-1½
Buffalo VOR	Clarence LOM	Direct	2100	C-dn	400-1	500-1	500-1½
				S-dn-23	200-½	200-½	200-½
				With glide slope inoperative:			
				S-dn-23#	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

Radar available.

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2100' within 10 miles of Clarence LOM.

Minimum altitude at glide slope interception Inbnd, 2100'.

Altitude of glide slope and distance to approach end of runway at OM, 2082'—4 miles; at MM, 950'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LOM, climb to 2500' on SW crs ILS, intercept BUF VOR R 250°, proceed to Crystal Beach Int. Hold W, right turns, 1 minute, 070° Inbnd, or as directed by ATC, climb to 2100' on SW crs ILS within 10 miles. Make left turn, proceed direct to Clarence LOM, hold NE Clarence LOM, right turns, 1 minute, 232° Inbnd.

NOTE: Back crs unusable beyond 15 miles.

CAUTION: 1349' TV tower 5 miles WNW of airport.

#400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets; 400-¼ authorized with operative ALS, except for 4-engine turbojets.

MSA within 25 miles of Clarence LOM: 000°-090°—2200'; 090°-180°—3900'; 180°-270°—3900'; 270°-360°—2600'.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 723'; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS Runway 23, Amdt. 17; Eff. date, 2 Jan. 69; Sup. Amdt. No. LOC Runway 23, Amdt. 16; Dated, 16 May 68

6. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Huntington, W. Va.—Tri-State (Walker-Long Field), LOC Runway 11, Amdt. 7, 17 June 1967 (established under Subpart C).

Huntington, W. Va.—Tri-State (Walker-Long Field) LOC (BC) Runway 29, Amdt. 3, 17 June 1967 (established under Subpart C).

7. By amending § 97.19 of Subpart B to cancel radar procedures as follows:

Oxnard, Calif.—Oxnard AFB, Radar 1, Orig., 22 Jan. 1966 (established under Subpart C).

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3 miles after passing ONT VOR.
				Climbing left turn to 3000' direct to ONT VOR and hold.*
				Supplementary charting information:
				*Hold E ONT VOR, 258° Inbnd, 1 minute, left turns. Final approach to intersection of Runways 3 and 26.

Procedure turn not authorized. One-minute holding pattern, ONT VOR holding fix, E, 258° Inbnd, right turns, 3000'.

FAF, ONT VOR. Final approach crs, 239°. Distance FAF to MAP, 6.3 miles.

Minimum altitude over ONT VOR, 2700'.

MSA: 020°-110°—8900'; 110°-200°—6700'; 200°-290°—6500'; 290°-020°—11,100'.

NOTES: (1) Radar vectoring. (2) Use Ontario altimeter setting.

%IFR departure procedures: (1) Runway 21, climb on runway heading to 1300', left-climbing turn direct ONT VOR. (This departure requires 181'/mile rate of climb to 1300' for Categories A, B, and C; Category D requires 350'/mile rate of climb to 1300'.) (2) Runway 3, right-climbing turn to ONT VOR. Continue climb in 1-minute holding pattern E of ONT VOR, 258° Inbnd, right turns to sufficient altitude to cross ONT VOR at airway MEA for direction of flight.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1340	1	688	1340	1	688	1340	1½	688	NA
A	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%			

City, Chino; State, Calif.; Airport name, Chino; Elev., 652'; Facility, ONT; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 2 Jan. 69

RULES AND REGULATIONS

18985

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.8 miles after passing MIA VORTAC.
				Climb to 1500' on R 108° within 15 miles. Supplementary charting information: Final approach crs intercepts at runway threshold. TDZ elevation, 9'.

Procedure turn not authorized. Approach crs (profile) starts at MIA VORTAC. FAF, MIA VORTAC. Final approach crs, 108°. Distance FAF to MAP, 9.8 miles. Minimum altitude over MIA VORTAC, 1500'; over Alligator Int, 1000'. MSA: 000°-270°-2000'; 270°-360°-1200'.
 Notes: (1) Radar vectoring. (2) Use Miami FSS altimeter setting when control zone not effective.
 *Takeoff not authorized all other runways.
 **Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
E-9L.....	1000	1¼	991	1000	1½	991	1000	1¼	991	1000	2	991
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1000	1¼	991	1000	1½	991	1000	1¼	991	1000	2	991
VOR/DME/NDB Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
E-9L.....	380	1	371	380	1	371	380	1	371	380	1	371
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	500	1	491	500	1	491	500	1½	491	500	2	551
A.....	1000-2,**			T 2-eng. or less—Standard Runways 9L, 27R, 18L.%				T over 2-eng.—Standard Runways 9L, 27R, 18L.%				

City, Miami; State, Fla.; Airport name, Opa Locks; Elev., 9'; Facility, MIA; Procedure No. VOR Runway 9L, Amdt. 6; Eff. date, 2 Jan. 69; Sup. Amdt. No. VOR/DME 1, Amdt. 5; Dated, 16 Apr. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing DAY VOR TAC.
				Climb to 2800' and proceed direct to ROD VORTAC and hold. Supplementary charting information: Hold W, 1 minute, right turns, 089° Inbnd.

Procedure turn W side of crs, 205° Outbnd, 025° Inbnd, 3000' within 10 miles of DAY VORTAC. FAF, DAY VORTAC. Final approach crs, 025°. Distance FAF to MAP, 9.6 miles. Minimum altitude over DAY VORTAC, 3000'; over 6-mile DME Fix R 025°, 1580'. MSA: 000°-090°-2400'; 090°-180°-3100'; 180°-270°-2500'; 270°-360°-2500'.
 Notes: (1) Radar vectoring. (2) Use Dayton FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
O.....	1580	1	579	1580	1	579	NA	NA
	DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C.....	1380	1	379	1460	1	459	NA	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Piqua; State, Ohio; Airport name, Piqua; Elev., 1001'; Facility, DAY; Procedure No. VOR-1, Amdt. 5; Eff. date, 2 Jan. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 1 Jan. 66

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing Pontoon Int.	
SAC VOR.....	Hood Int.....	Direct.....	2000	Climbing right turn to 2000' to SAC VORTAC via R 195°. Supplementary charting information: Final approach crs intercepts midpoint of Runways 7/25. Two (2) transmission towers between Ida Island and Long Island, W of Isleton. Rio Vista Bridge tower 212'. A 250' and a 200' MSL tower 1.6 miles NE of Rio Vista Airport.	
Hood Int.....	Pontoon Int (NOPT).....	Direct.....	1800		

Procedure turn not authorized. Approach crs (profile) starts at Hood Int. FAF, Pontoon Int. Final approach crs, 185°. Distance FAF to MAP, 5.6 miles. Minimum altitude over Hood Int, 2000'; over Pontoon Int, 1800'. MSA: 000°-180°-3000'; 180°-270°-3900'; 270°-360°-4000'. NOTES: (1) Radar vectoring. (2) Use Sacramento altimeter setting. %One mile visibility required Runway 14.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C.....	760	1	719	760	1	719	NA	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard. %	

City, Rio Vista; State, Calif.; Airport name, Rio Vista Municipal; Elev., 41'; Facility, SAC; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 2 Jan. 69

9. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA; Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing HT LOM.	
Hamlin Int.....	HT LOM.....	Direct.....	2700	Climb to 2700' on SE crs of LOC to Shoals BCM or, when directed by ATC, make right-climbing turn to 2600'. Return to HT LOM. Hold NW, 1 minute, right turns, 114° Inbnd.	
Wayne Int.....	HT LOM.....	Direct.....	2600		
Crown City Int.....	HT LOM.....	Direct.....	2600	Supplementary charting information: Hold SE, 1 minute, right turns, 294° Inbnd. Localizer crs intercepts runway centerline at middle marker. 1034' MSL trees 38°23'11" N., 82°39'07" W. TDZ elevation, 828'.	
ECB VOR.....	Naples Int.....	Direct.....	2600		
YRK VOR.....	Naples Int.....	Direct.....	2600		
Naples Int.....	HT LOM (NOPT).....	Direct.....	2200		

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2600' within 10 miles of HT LOM. FAF, HT LOM. Final approach crs, 114°. Distance FAF to MAP, 4.6 miles. Minimum altitude over HT LOM, 2200'. MSA: 000°-090°-3100'; 090°-180°-2700'; 180°-360°-2500'. NOTE: LOC unusable from middle marker Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11.....	1240	½	412	1240	½	412	1240	½	412	1240	¾	412
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1280	1	452	1280	1	452	1320	1½	492	1380	2	552
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828'; Facility, I-HTS; Procedure No. LOC Runway 11, Amdt. 8; Eff. date, 2 Jan. 69; Sup. Amdt. No. 7; Dated, 17 June 67

RULES AND REGULATIONS

18987

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Minimum altitudes (feet)	Missed approach
From—	To—	Via			
HT LOM.....	Shoals (back crs marker).....	Direct.....	2700	MAP: 3.4 miles after passing Shoals BCM.	Climb to 2600' on crs 294° to the HT LOM. Supplementary charting information: Hold NW, 1 minute, right turns, 114° Inbnd. Localizer crs 175° right of runway centerline at 1 mile. TDZ elevation, 828'.
HNN VORTAC.....	Hamlin Int.....	Via HNN, R 204°.....	3000		
Hamlin Int.....	Shoals (back crs marker) (NOPT).....	Direct.....	1800		

Procedure turn N side of crs, 114° Outbnd, 294° Inbnd, 2700' within 10 miles of Shoals BCM. FAF, Shoals BCM. Final approach crs, 294°. Distance FAF to MAP, 3.4 miles. Minimum altitude over Shoals BCM, 1800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-29.....	1220	¾	392	1220	¾	392	1220	¾	392	1220	1	392
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1280	1	452	1280	1	452	1320	1½	492	1380	2	552
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828'; Facility, I-HTS; Procedure No. LOC (BC) Runway 29, Amdt. 4; Eff. date, 2 Jan. 69; Sup. Amdt. No. 3; Dated, 17 June 67

10. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Minimum altitudes (feet)	Missed approach
From—	To—	Via			
					MAP: 5 miles after passing Duval Int.
					Climb to 1600' on LOC crs 250° within 15 miles. Supplementary charting information: ALS Runway 7, HIRL Runways 7/25. TDZ elevation, 28'.

Procedure turn not authorized. FAF, Duval Int. Final approach crs, 250°. Distance FAF to MAP, 5 miles. Minimum altitude over Duval Int, 1600'. NOTES: (1) Radar required. (2) ASR. *Inoperative table does not apply to HIRL Runway 25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25*.....	460	1	432	460	1	432	460	1	432	460	1	432
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	500	1	471	500	1	471	500	1½	471	580	2	551
A.....	Standard.			T 2-eng. or less—RVR 24, Runway 7; Standard all other runways.			T over 2-eng.—RVR 24, Runway 7; Standard all other runways.					

City, Jacksonville; State, Fla.; Airport name, Jacksonville International; Elev., 29'; Facility, I-JAX; Procedure No. LOC (BC) Runway 25, Amdt. 1; Eff. date, 2 Jan. 69; Sup. Amdt. No. Orig.; Dated, 6 Oct. 68

11. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FLR NDB.
Providence VOR.....	FLR NDB.....	Direct.....	1900	Make right-climbing turn to 1900'. Return to FLR NDB and hold. Supplementary charting information: Hold NE of FLR NDB, 245° Inbnd, 1 minute, right turns.
Whitman VOR.....	FLR NDB.....	Direct.....	1900	

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1900' within 10 miles of FLR NDB.

Final approach crs, 245°.

MSA: 000°-090°-1900'; 090°-180°-1600'; 180°-270°-2100'; 270°-360°-2200'.

NOTES: (1) Radar vectoring. (2) Use Providence altimeter setting. (3) Approach from a holding pattern not authorized. Procedure turn required. (4) Facility must be monitored aurally during approach.

*Night operations Runways 6/24 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-24.....	660	1	468	660	1	468	660	1	468	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C*.....	680	1	488	680	1	488	680	1½	488	NA	
A.....	Not authorized.			T 2-eng. or less—Standard.*			T over 2-eng.—Standard.*				

City, Fall River; State, Mass.; Airport name, Fall River Municipal; Elev., 192'; Facility, FLR; Procedure No. NDB (ADF) Runway 24, Amdt. 4; Eff. date, 2 Jan. 66; Sup. Amdt. No. 3; Dated, 15 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing HT LOM.
Hamlin Int.....	HT LOM.....	Direct.....	2700	Climb to 2700' on SE crs of LOC to Shoals BCM or, when directed by ATC, make right-climbing turn to 2600'. Return to HT LOM. Hold NW, 1 minute, right turns, 114° Inbnd. Supplementary charting information: Hold SE, 1 minute, right turns, 294° Inbnd. TDZ elevation, 828'.
Wayne Int.....	HT LOM.....	Direct.....	2600	
Crown City Int.....	HT LOM.....	Direct.....	2600	
ECB VOR.....	Naples Int.....	Direct.....	2600	
YRK VOR.....	Naples Int.....	Direct.....	2600	
Naples Int.....	HT LOM (NOPT).....	Direct.....	2200	

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2600' within 10 miles of HT LOM.

FAF, HT LOM. Final approach crs, 114°. Distance FAF to MAP, 4.6 miles.

Minimum altitude over HT LOM, 2200'.

MSA: 000°-090°-3100'; 090°-180°-2700'; 180°-360°-2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11.....	1340	¾	512	1340	¾	512	1340	¾	512	1340	1	512
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1340	1	512	1340	1	512	1340	1½	512	1380	2	552
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828'; Facility, HT; Procedure No. NDB (ADF) Runway 11, Amdt. 6; Eff. date, 2 Jan. 66; Sup. Amdt. No. 5; Dated, 17 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MFV NDB.
				Make climbing right turn to 1500' direct to MFV NDB and hold. Supplementary charting information: Hold SW of MFV NDB, 1 minute, right turns, 028° Inbnd.

Procedure turn E side of crs, 208° Outbnd, 028° Inbnd, 1500' within 10 miles of Melfa NDB.
Final approach crs, 028°.
Minimum altitude over Melfa NDB, 640'.
MSA: 000°-090°-1600'; 090°-180°-1400'; 180°-270°-1400'; 270°-360°-1600'.
NOTE: Use NASA Wallops Station altimeter setting.
*When NASA Wallops Station altimeter setting not available, use Salisbury, Md., altimeter setting and increase circling and straight-in MDA's by 100' and increase straight-in visibility minimums by ¼ mile for Category C and Category D aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2*	640	1	592	640	1	592	640	1	592	640	1¼	592
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	640	1	592	640	1	592	640	1½	592	640	2	592
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Melfa; State, Va.; Airport name, Accomack County; Elev., 48'; Facility, MFV; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 2 Jan. 69

12. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)											Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	
000°	260°	0-25	2200	25-40	2400	25-35	2500	35-40	2700		1. Descend aircraft to MDA after FAF. ASR FAF Runways 7, 16, and 34, 5 miles from threshold. Runway 25, 4.7 miles from threshold. 2. Component inoperative table does not apply to REIL Runways 25 and 34. Supplementary charting information: Hold SE Waterville VOR, right turns, 1 minute, 320° Inbnd. Hold SW Toledo LOM, right turns, 1 minute, 060° Inbnd. TDZ elevation Runway 7-681'. TDZ elevation Runway 16-673'. TDZ elevation Runway 25-678'. TDZ elevation Runway 34-665'.
260°	000°	0-7	2200	7-25	2400						

Radar control will provide 1000' vertical clearance within 3-mile radius of the 1629' and 1625' towers 18 miles, and 2049' tower 21 miles NE of airport.

Missed approach:

- Runway 7—Climbing right turn to 2200', proceed to Waterville VOR and hold.
- Runway 16—Climbing left turn to 2200', proceed to Waterville VOR and hold.
- Runway 25—Climb to 2100', proceed to Toledo LOM and hold.
- Runway 34—Climbing left turn to 2100', proceed to Toledo LOM and hold.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued
DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7-----	1120	RVR 24	439	1120	RVR 24	439	1120	RVR 24	439	1120	RVR 50	439
S-25-----	1040	¾	362	1040	¾	362	1040	¾	362	1040	1	362
S-16-----	1020	1	347	1020	1	347	1020	1	347	1020	1	347
S-34-----	1120	1	455	1120	1	455	1120	1	455	1120	1	455
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-----	1180	1	496	1180	1	496	1180	1½	496	1240	2	556
A-----	Standard.			T 2-eng. or less—RVR 24, Runway 7; Standard all other runways.			T over 2-eng.—RVR 24, Runway 7; Standard all other runways.					

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Facility, Toledo Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 2 Jan. 69; Sup. Amdt. No. 6; Dated, 24 Oct. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 27, 1968.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-14589; Filed, Dec. 19, 1968; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Commission Declined To Approve Proposed Three Party Promotional Plan in Food Industry

§ 15.312 Commission declined to approve proposed three party promotional plan in the food industry.

(a) The Commission issued an advisory opinion informing an applicant that his proposed three-party promotional plan in the food industry would violate statutes administered by the Commission.

(b) Under the plan, the promoter proposes to solicit sales of TV advertising time to suppliers of products retailed principally through grocery stores. The rates charged suppliers would be based exclusively on the television time furnished the supplier. In addition, each such supplier would receive the right to have its products promoted in the establishment of participating retailers.

(c) Retail participation in the plan would be solicited by the promoter through invitations published in trade journals of general circulation to the retail trades. Retailers would participate in the plan by providing special in-store displays of products specified by suppliers who purchase advertising time on the promoter's programs and by agreeing with such suppliers to maintain during the period of the promotion a reasonable inventory of the products involved in the in-store promotion. The display obligation of each participating retailer would be geared to the participating retailer's facilities and the product or products to be displayed by that retailer. In return, participating retailers would obtain ad-

vertising on the promoter's television programs in accordance with a formula giving each participating retailer a minimum 10-second advertising spot on a television program during the specified period of promotion. Additional 10-second spots would be allowed on the basis of the retailer's purchases during an immediate prior period of suppliers' products covered by the promotional plan.

(d) On the basis of the information submitted in connection with the application for an advisory opinion, it appeared to the Commission that the proposed arrangements for individual negotiations between suppliers and retailers with respect to display obligations of the retailers would probably violate section 2(d) of the Clayton Act, as amended, and possibly section 5 of the Federal Trade Commission Act. Furthermore, the plan made inadequate provision for informing the retailers of their opportunity to participate.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 19, 1968.

By direction of the Commission.

Commissioner Elman did not concur in the Commission's opinion.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-15171; Filed, Dec. 19, 1968; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Marking of 18 Karat White Gold Ring With Platinum Baguette Prongs

§ 15.313 Marking of 18 karat white gold ring with platinum baguette prongs.

(a) The Commission rendered an advisory opinion in which it advised a ring manufacturer that it would be improper to place the following mark on rings

composed of 18 karat white gold with platinum baguette prongs: "18K-Plat".

(b) In rejecting the proposed mark, the Commission cited the following two reasons: "First, since the prongs of the center stone are made out of white gold which resembles the color of the platinum baguette prongs, prospective purchasers might believe that the center prongs as well as the baguette prongs are also made of platinum. Second, to the uninitiated prospective purchaser, the proposed mark, coupled with the similarity in color of the entire ring, might mean that the ring is made in its entirety out of platinum consisting of 18 karat fineness."

(c) Similarly, the Commission also rejected two other proposed markings ("18K-10% Plat" and "90% 18K-10% Plat.") because they leave the consumer to speculate as to the exact part of the ring which is composed of platinum. Concluding that these two alternative suggestions are unacceptable, the Commission said: "Here, again, because of the similarity in color of the white gold and platinum the consumer might conclude that all of the prongs, including those for the center stone, are of platinum composition. Under these circumstances, it is not enough to merely say that the ring contains 10 percent platinum and 90 percent gold without disclosing the true composition of the various parts of the ring. In short, the Commission believes that the mark should clearly limit the platinum content to the baguette prongs and one possible suggestion would be as follows: '18K-baguette prongs Plat'. Any other language of equal clarity would, of course, be acceptable."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 19, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-15172; Filed, Dec. 19, 1968; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

INCORPORATION BY REFERENCE OF SEC FORMS

In Chapter II of Title 17 of the Code of Federal Regulations, Parts 239, 249, 259, 269, 274, and 279 are revised to read as set forth below.

The purpose of these revisions is to incorporate by reference, pursuant to 5 U.S.C. 552(a) (1) and 1 CFR Part 20, the forms prescribed for use under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. No substantive changes are made in the text of the forms.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

DECEMBER 16, 1968.

Incorporation by reference provisions approved by the Director of the Federal Register December 19, 1968.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Sec.

239.0-1 Incorporation by reference.

Subpart A—Forms for Registration Statements

- 239.4 Form C-2, for certain types of certificates of interest in securities.
- 239.5 Form C-3, for American certificates against foreign issues and for the underlying securities.
- 239.6 Form D-1, for certificates of deposit.
- 239.7 Form D-1A, for certificates of deposit issued by issuer of securities called for deposit.
- 239.11 Form S-1, registration statement under the Securities Act of 1933.
- 239.12 Form S-2, for securities of nonsuccessor corporations having no subsidiaries.
- 239.13 Form S-3, for shares of mining corporations in the promotional stage.
- 239.14 Form S-4, for closed-end management investment companies registered on Form N-8B-1.
- 239.15 Form S-5, for open-end management investment companies registered on Form N-8B-1.
- 239.16 Form S-6, for unit investment trust registered on Form N-8B-2.
- 239.16b Form S-8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.
- 239.17 Form S-10, for oil or gas interests or rights.
- 239.18 Form S-11, for registration under the Securities Act of 1933 of securities of certain real estate companies.

Sec.

- 239.19 Form S-12, for the registration of American Depositary Receipts issued against outstanding foreign securities.
- 239.22 Form S-9, for the registration of certain debt securities.
- 239.23 Form S-14, for simplified registration procedure for securities in certain transactions under Rule 133.
- 239.24 Form N-5, form for registration of small business investment company under the Securities Act of 1933 and the Investment Company Act of 1940.
- 239.25 Form S-13, for registration under the Securities Act of 1933 of voting trust certificates.
- 239.26 Form S-7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

Subpart B—Forms Pertaining to Exemptions

- 239.90 Form 1-A, notification under Regulation A.
- 239.91 Form 2-A, report pursuant to Rule 260 of Regulation A.
- 239.92 Form 3-A, irrevocable appointment by individual of agent for service of process, pleadings, and other papers.
- 239.93 Form 4-A, irrevocable appointment by corporation of agent for service of process, pleadings, and other papers.
- 239.94 Form 5-A, certificate of resolution authorizing irrevocable appointment by corporation of agent for service of process, pleadings, and other papers.
- 239.95 Form 6-A, irrevocable appointment by partnership of agent for service of process, pleadings, and other papers.

- 239.96-239.100 [Reserved]
- 239.101 Schedules and forms for offering sheets pertaining to oil or gas interests offered pursuant to Regulation B.
- 239.102-239.199 [Reserved]

- 239.200 Form 1-E, notification under Regulation E.
- 239.201 Form 2-E, report pursuant to Rule 609 of Regulation E.
- 239.202-239.299 [Reserved]
- 239.300 Form 1-F, notification under Regulation F.

Subpart C—Consents to Service of Process

- 239.507 Form 7-M, consent to service of process by an individual nonresident broker-dealer.
- 239.508 Form 8-M, consent to service of process by a corporation nonresident broker-dealer.
- 239.509 Form 9-M, consent to service of process by a partnership nonresident broker-dealer.
- 239.510 Form 10-M, consent to service of process by a nonresident general partner of broker-dealer firm.
- 239.511-239.513 [Reserved]
- 239.514 Form 4-R, consent to service of process by an individual nonresident investment adviser.
- 239.515 Form 5-R, consent to service of process by a corporation nonresident investment adviser.
- 239.516 Form 6-R, consent to service of process by a partnership nonresident investment adviser.
- 239.517 Form 7-R, consent to service of process by a nonresident general partner of investment adviser.

AUTHORITY: The provisions of this Part 239 issued under secs. 3, 7, 10, 19, 48 Stat. 76, 78,

81, 85, 906, 908; sec. 305, 53 Stat. 1154, 59 Stat. 167; secs. 3, 303, 68 Stat. 685, 687; 15 U.S.C. 77c, 77g, 77j, 77s.

§ 239.0-1 Incorporation by reference.

(a) The forms prescribed for use under the Securities Act of 1933, which are identified and described in this part, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a) (1) and 1 CFR Part 20.

(b) Copies of the forms prescribed in this part may be obtained on request addressed to Securities and Exchange Commission, Washington, D.C. 20549. The forms may also be inspected at that address, and at the Commission's regional and branch offices whose addresses appear at § 200.11 of this chapter.

(c) Revisions or amendments of the forms may be issued from time to time by the Securities and Exchange Commission. An historic file of such amendments or revisions is maintained and made available for inspection at the Securities and Exchange Commission, Washington, D.C. 20549.

Subpart A—Forms for Registration Statements

§ 239.4 Form C-2, for certain types of certificates of interest in securities.

This form shall be used for registration under the Securities Act of 1933 of certificates of interest in securities of a single class of a single issuer, if the following conditions exist:

(a) The major part of the certificates are to be sold to the public for cash;

(b) Under the terms of the deposit agreement the depositor (as defined therein) has no rights or duties as depositor, subsequent to the deposit of the securities with the depository;

(c) Under the terms of the deposit agreement the power to vote or give a consent with respect to the deposited securities may be exercised only by, or pursuant to the instructions of, the holders of the certificates of interest, except a power, if any, to vote to effect a split up of deposited stock in such manner as to cause no change in the aggregate capital stock liability of the issuer of the deposited securities;

(d) The securities deposited by the depositor are registered under the Securities Act of 1933 in connection with the sale of the certificates of interest.

§ 239.5 Form C-3, for American certificates against foreign issues and for the underlying securities.

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.

§ 239.6 Form D-1, for certificates of deposit.

(a) This form shall be used for registering certificates of deposit issued in anticipation of or in connection with a plan of reorganization or readjustment. If a plan of reorganization or readjustment is proposed at the time the call for deposits is to be made, parts I and II of Form D-1 should be filed at the same time. If no such plan is proposed at the time the call for deposits is to be made, part I may be filed alone, and part II must then be filed before the plan is submitted to the security holders or deposits are solicited under the plan. Part II is an amendment of part I and as such shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

(b) In the event that a registrant is exempted from the necessity for filing part I, he may nevertheless file part II.

(c) Before the issuance of the securities provided in the plan of readjustment or reorganization, Form S-1 (§ 239.11) is to be filed by the issuer of such securities, unless exempted from the necessity of such filing by the act.

NOTE: Form D-1 was amended at 12 F.R. 4077, June 24, 1947; 31 F.R. 7739, June 1, 1966.

§ 239.7 Form D-1A, for certificates of deposit issued by issuer of securities called for deposit.

This form shall be used only where the issuer of the certificates of deposit is the original issuer of the securities called for deposit, and only if the certificates of deposit are issued in connection with a plan of reorganization or readjustment which involves the issue of new securities to the holders of certificates of deposit.

NOTE: Form D-1A was amended at 12 F.R. 4077, June 24, 1947; 31 F.R. 7739, June 1, 1966.

§ 239.11 Form S-1, registration statement under the Securities Act of 1933.

This form shall be used for registration under the Securities Act of 1933 of securities of all issuers for which no other form is authorized or prescribed, except that this form shall not be used for securities of foreign governments or political subdivisions thereof.

§ 239.12 Form S-2, for shares of certain corporations in the development stage.

This form shall be used for registration of shares of stock of any corporation which are to be sold to the public for cash, if such corporation—

(a) Is not an insurance, investment, or mining company;

(b) Has not had any substantial gross returns from the sale of products or services, or any substantial net income from any source, for any fiscal year ended during the past 5 years;

(c) Has not succeeded and does not intend to succeed to any business which has had any substantial gross returns from the sale of products or services, or

any substantial net income from any source, for any fiscal year ended during the past 5 years; and

(d) Does not have and does not intend to have any subsidiaries other than inactive subsidiaries with no more than nominal assets.

NOTE: Form S-2 was revised, 22 F.R. 6885, Aug. 27, 1957.

§ 239.13 Form S-3, for shares of mining corporation in the development stage.

This form shall be used for registration of shares of stock of any corporation which is engaged or intends to engage primarily in the exploration, development or exploitation of mineral deposits (other than oil or gas), if the shares being registered are to be sold to the public for cash and if the following conditions are met:

(a) The aggregate gross receipts of the registrant from the sale of its products during the past 5 years have not exceeded the aggregate amount of its exploration, development and operating expenses for that period, exclusive of expenditures and liabilities incurred for plants and major equipment;

(b) The registrant has not succeeded and does not intend to succeed to any business the aggregate gross receipts of which from the sale of its products during the past 5 years have exceeded the aggregate amount of its exploration, development and operating expenses for that period, exclusive of expenditures and liabilities incurred for plants or major equipment; and

(c) The registrant does not have and does not intend to have any subsidiaries other than inactive subsidiaries with no more than nominal assets.

NOTE: Form S-3 was revised, 22 F.R. 6886, Aug. 27, 1957.

§ 239.14 Form S-4, for closed-end management investment companies registered on Form N-8B-1.

Form S-4 shall be used for registration under the Securities Act of 1933 of securities of all closed-end management investment companies registered under the Investment Company Act of 1940 on Form N-8B-1 (§ 274.11 of this chapter).

NOTE: Form S-4 was revised, 21 F.R. 3569, Nov. 8, 1956, and subsequently amended at 22 F.R. 8979, Nov. 8, 1957.

§ 239.15 Form S-5, for open-end management investment companies registered on Form N-8B-1.

This form shall be used for registration under the Securities Act of 1933 of securities of any open-end management investment company registered under the Investment Company Act of 1940 on Form N-8B-1 (§ 274.11 of this chapter).

NOTE: Form S-5 was revised, 18 F.R. 8574, Dec. 19, 1953, and subsequently amended at 22 F.R. 8979, Nov. 8, 1957.

§ 239.16 Form S-6, for unit investment trusts registered on Form N-8B-2.

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 (§ 274.12 of this chapter).

NOTE: Form S-6 was amended at 31 F.R. 7739, June 1, 1966.

§ 239.16b Form S-8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

Any issuer which at the time of filing a registration statement on this form is required to file reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of the following securities:

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries, pursuant to a stock purchase, savings or similar plan which meets the following conditions:

(1) Periodic cash payments are made, or periodic payroll deductions are authorized, by participating employees in an amount not to exceed a specified percentage of the employee's compensations or a specified maximum annual amount;

(2) Contributions are made by the employer in cash, securities of the issuer or other substantial benefits, including the offering of securities at a discount from the market value thereof or the payment of expenses of the plan, in accordance with a specified formula or arrangement;

(3) Securities purchased with funds of the plan are acquired in amounts which, at the time of the payment of the purchase price, do not exceed the funds deposited or otherwise available for such payment: *Provided*, That such purchases are made periodically, or from time to time upon a reasonably current basis, and at prices not in excess of the current market price at the time of purchase;

(4) Prior to the time the employee becomes entitled to withdraw all funds or securities allocable to his account, he may withdraw at least that portion of the cash and securities in his account representing his contributions.

(b) Interests in the above plan, if such interests constitute securities and are required to be registered under the Act.

(c) Stock to be offered pursuant to "qualified," or "employee stock purchase plan" stock options as those terms are defined in sections 422 and 423 of the Internal Revenue Code of 1954, as amended, or "restricted stock options" as defined in section 424(b) thereof, provided, however, that for the purposes of this paragraph an option which meets all of the conditions of that section other than the date of issuance shall be deemed to be "restricted stock options."

NOTE: Form S-8 was amended at 29 F.R. 16857 eff. Nov. 20, 1964, for registration of restricted stock options, and was amended at 31 F.R. 7740 eff. May 24, 1966 as to Calculation Table.

§ 239.17 Form S-10, for oil or gas interests or rights.

This form shall be used for registration of landowners' royalty interests, overriding royalty interests, participating in-

terests, working interests, oil or gas payments, oil or gas fee interests, oil or gas leasehold interests, and other producing or nonproducing oil or gas interests or rights.

§ 239.18 Form S-11, for registration under the Securities Act of 1933 of securities of certain real estate companies.

This form shall be used for registration under the Securities Act of 1933 of (a) securities issued by real estate investment trusts, as defined in Section 856 of the Internal Revenue Code, or (b) securities issued by other issuers whose business is primarily that of acquiring and holding for investment real estate or interests in real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment. This form shall not be used, however, by any issuer which is an investment company registered or required to register under the Investment Company Act of 1940.

[29 F.R. 12685, Sept. 9, 1964]

§ 239.19 Form S-12, for the registration of American Depositary Receipts issued against outstanding foreign securities.¹

(a) This form shall be used by an issuer as defined below for registration under the Securities Act of 1933 of American Depositary Receipts issued against securities of foreign issuers deposited or to be deposited with an American depositary (whether physically held by or for the account of such depositary in America or abroad), provided: (1) that the holder of the receipts may withdraw the deposited securities at any time subject only (i) to temporary delays caused by closing of transfer books or the deposit of shares in connection with voting at shareholders' meetings, or the payment of dividends, (ii) to the payment of fees, taxes, and similar charges and (iii) to compliance with any laws or governmental regulations relating to the withdrawal of deposited securities; and (2) that the deposited securities, if sold in the United States or its territories, would not be subject to the registration provisions of the Securities Act of 1933.

(b) Where no person or persons perform the acts and assume the duties of depositary or manager pursuant to the provisions of the trust or other agreement or instrument under which the receipts are to be issued, the entity created by the agreement for the issuance of the American Depositary Receipts (or any corporation or trust organized to act only as a conduit in connection with the deposit of the underlying securities pursuant to such an agreement) shall be deemed to be the issuer of the American Depositary Receipts for all purposes of this form and the Act.

(c) Notwithstanding the fact that the depositary may sign the registration

statement in the name of such issuer, the depositary itself shall not be deemed an issuer, a person signing the registration statement, or a person controlling such issuer.

[20 F.R. 8986, Aug. 27, 1967]

NOTE: Form S-12 was amended at 26 F.R. 1757, Mar. 1, 1961; 31 F.R. 7740, June 1, 1966.

§ 239.22 Form S-9, for the registration of certain debt securities.

This form may be used for registration under the Securities Act of 1933 of nonconvertible, fixed-interest debt securities of an issuer which is required to file reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, if the terms and conditions set forth in the form are met.

[19 F.R. 4630, July 28, 1954]

NOTE: Form S-9 was amended at 19 F.R. 6730, Oct. 20, 1954; 21 F.R. 9643, Dec. 12, 1956; 25 F.R. 6431, July 8, 1960.

§ 239.23 Form S-14, for simplified registration procedure for securities in certain transactions under Rule 133.

Notwithstanding the rule as to the use of any other registration form, Form S-14 may be used for registration under the Securities Act of 1933 of securities issued in a transaction specified in paragraph (a) of Rule 133 and which may be offered to the public by underwriters as defined in paragraphs (b) and (c) of such rule, if the registrant was subject to, and solicited proxies from its stockholders with respect to such transaction in accordance with, the provisions of Regulation 14A under the Securities Exchange Act of 1934. Issuers not meeting the foregoing conditions should use the form otherwise appropriate for registration.

[24 F.R. 5900, July 23, 1959]

§ 239.24 Form N-5, form for registration of small business investment company under the Securities Act of 1933 and the Investment Company Act of 1940.

This form shall 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 which is licensed under the Small Business Investment Company 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. This form may also be used for the registration statement of such company pursuant to section 8(b) of the Investment Company Act of 1940. The initial registration of such 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. (Same as § 274.5 of this chapter.)

[Adopted 23 F.R. 10487, Dec. 30, 1958; restated 30 F.R. 3313, Mar. 11, 1965]

§ 239.25 Form S-13, for registration under the Securities Act of 1933 of voting trust certificates.

(a) This form shall be used for the registration of voting trust certificates under the Securities Act of 1933.

[31 F.R. 4341, Mar. 12, 1966]

§ 239.26 Form S-7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

Any registrant which meets the following conditions may use this form for registration under the Securities Act of 1933 of any securities which are offered for cash by or on behalf of the registrant or any other person, in a rights offering or otherwise:

(a) The registrant meets either of the following conditions:

(1) It has a class of equity securities registered pursuant to section 12(b) of the Securities Exchange Act of 1934; or

(2) It is organized under the laws of the United States or any State or Territory or the District of Columbia, has its principal business operations in the United States or its Territories and has a class of equity securities registered pursuant to section 12(g) of the above Act.

(b) The registrant has been subject to and has complied in all respects, including timeliness, with the requirements of sections 13 and 14 of the Securities Exchange Act of 1934 for a period of at least 5 fiscal years immediately preceding the filing of the registration statement on this form.

(c) The registrant has been engaged in business of substantially the same general character since the beginning of the last 5 fiscal years.

(d) A majority of the existing board of directors of the registrant have been directors of the registrant during each of the last 3 fiscal years.

(e) The registrant and its subsidiaries have not during the past ten years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long term leases.

(f) The registrant and its consolidated subsidiaries had sales or gross revenues of at least \$50 million for the last fiscal year and a net income, after taxes but before extraordinary items net of tax effect, of at least \$2,500,000 for the last fiscal year, and of at least \$1 million for each of the preceding 4 fiscal years.

(g) If the securities to be registered are common stock or securities convertible into common stock, the registrant earned in each of the last 5 fiscal years any dividends paid in each such year on all classes of securities. If the registrant paid a stock dividend in any of such fiscal years, the aggregate amount transferred from surplus to capital in respect of each such dividend was charged only to the earned surplus account and was equal to the aggregate fair

¹ Table for calculation of registration fee, on facing page of Form S-12, amended, eff. May 24, 1966, 31 F.R. 7740.

market value of the stock issued as such dividend.

[32 F.R. 17934, Dec. 15, 1967]

Subpart B—Forms Pertaining to Exemptions

§ 239.90 Form 1-A, notification under Regulation A.

This form shall be used for filing of a notification under § 230.255 of Regulation A (§§ 230.251–230.262 of this chapter).

[21 F.R. 5743, Aug. 1, 1956; amended 22 F.R. 6886, Aug. 27, 1957; 23 F.R. 4455, June 20, 1958]

§ 239.91 Form 2-A, report pursuant to Rule 260 of Regulation A.

This form shall be used for report of sales pursuant to Rule 260 of Regulation A (§ 230.260 of this chapter).

[21 F.R. 5744, Aug. 1, 1956]

§ 239.92 Form 3-A, irrevocable appointment by an individual of agent for service of process, pleadings, and other papers pursuant to Rule 262 of Regulation A.

This form shall be used for irrevocable appointment by an individual of an agent for service of process, pleadings, and other papers, pursuant to Rule 262 of Regulation A (§ 230.262 of this chapter).

[21 F.R. 5745, Aug. 1, 1956]

§ 239.93 Form 4-A, irrevocable appointment by a corporation (or association or other form of organization) of agent for service of process, pleadings, and other papers, pursuant to Rule 262 of Regulation A.

This form shall be used for irrevocable appointment by a corporation (or an association or other form of organization) of an agent for service of process, pleadings, and other papers, pursuant to Rule 262 of Regulation A (§ 230.262 of this chapter).

[21 F.R. 5746, Aug. 1, 1956]

§ 239.94 Form 5-A, certificate of resolution authorizing irrevocable appointment by a corporation (or association or other form of organization) of agent for service of process, pleadings, and other papers, pursuant to Rule 262 of Regulation A.

This form shall be used for the certificate of resolution authorizing the irrevocable appointment by a corporation (or association or other form of organization) of an agent for service of process, pleadings, and other papers, pursuant to Rule 262 of Regulation A (§ 230.262 of this chapter).

[21 F.R. 5746, Aug. 1, 1956]

§ 239.95 Form 6-A, irrevocable appointment by partnership of agent for service of process, pleadings, and other papers, pursuant to Rule 262 of Regulation A.

This form shall be used for irrevocable appointment by a partnership of an agent for service of process, pleadings, and other papers, pursuant to Rule 262

of Regulation A (§ 230.262 of this chapter).

[21 F.R. 5747, Aug. 1, 1956]

§§ 239.96–239.100 [Reserved]

§ 239.101 Schedules and forms for offering sheets pertaining to fractional undivided interests in oil or gas rights offered pursuant to exemption under Regulation B.

An offeror of fractional undivided interests in oil or gas rights, defined in Rule 300 (§ 230.300 of this chapter) pursuant to the exemption under Regulation B (§§ 230.300–230.356 of this chapter) shall file an offering sheet upon the applicable schedule listed below, and a report of the sale of such interests on the applicable form listed below, as required by Rules 320 and 322 of Regulation B (§§ 230.320, 230.322 of this chapter):

(a) *Schedule A.* For producing landowners' royalty interests.

(b) *Schedule B.* For nonproducing landowners' royalty interests.

(c) *Schedule C.* For producing overriding interests, working interests, or participating interests.

(d) *Schedule D.* For nonproducing overriding interests, working interests, or participating interests.

(e) *Schedule E.* For oil payments, gas payments, or oil and gas payments to be made from tracts represented to be producing at the time of the offering.

(f) *Schedule F.* For oil payments, gas payments, or oil and gas payments to be made from tracts represented to be non-producing at the time of the offering.

(g) *Form 1-G.* For reports pursuant to Rule 320 (§ 230.320 of this chapter) of the sale of an interest in an oil or gas right.

(h) *Form 2-G.* For reports pursuant to Rule 322 (§ 230.322 of this chapter) of the sale of an interest in an oil or gas right.

[Reg. B, 2 F.R. 1076, May 6, 1937, as amended at 4 F.R. 2019, May 13, 1939; 8 F.R. 8527, June 22, 1943]

§§ 239.102–239.199 [Reserved]

§ 239.200 Form 1-E, notification under Regulation E.

This form shall be used for notification pursuant to Rule 604 (230.604 of this chapter) of Regulation E (§§ 230.601–230.610a of this chapter) by a small business investment company described in Rule 602 (§ 230.602 of this chapter).

[24 F.R. 6387, Aug. 8, 1959]

§ 239.201 Form 2-E, report of sales pursuant to Rule 609 of Regulation E.

This form shall be used for report of sales of securities under Regulation E (§§ 230.601–230.610a of this chapter) by a small business investment company described in Rule 602 (§ 230.602 of this chapter) as required by Rule 609 of Regulation E (§ 230.609 of this chapter).

[24 F.R. 6388, Aug. 8, 1959]

§§ 239.202–239.299 [Reserved]

§ 239.300 Form 1-F, notification under Regulation F.

This form shall be used for notification pursuant to Rule 652 (§ 230.652 of this chapter) of Regulation F (§§ 230.651–230.656 of this chapter) in connection with sales of assessable stock.

[24 F.R. 6387, Aug. 8, 1959]

Subpart C—Consents to Service of Process

§ 239.507 Form 7-M, consent to service of process by an individual nonresident broker-dealer.

This form shall be filed pursuant to Rule 172 (§ 230.172 of this chapter) by each individual nonresident broker-dealer registered or applying for registration. (Same as § 249.507 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 239.508 Form 8-M, consent to service of process by a corporation which is a nonresident broker-dealer.

This form shall be filed pursuant to Rule 172 (§ 230.172 of this chapter) by each corporate nonresident broker-dealer registered or applying for registration. (Same as § 249.508 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 239.509 Form 9-M, consent to service of process by a partnership nonresident broker-dealer.

This form shall be filed pursuant to Rule 172 (§ 230.172 of this chapter) by each partnership nonresident broker-dealer registered or applying for registration. (Same as § 249.509 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 239.510 Form 10-M, consent to service of process by a nonresident general partner of a broker-dealer firm.

This form shall be filed pursuant to Rule 172 (§ 230.172 of this chapter) by each nonresident general partner of a broker-dealer firm registered or applying for registration. (Same as § 249.510 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§§ 239.511–239.513 [Reserved]

§ 239.514 Form 4-R, irrevocable appointment of agent for service of process, pleadings and other papers by individual nonresident investment adviser.

This form shall be filed pursuant to Rule 173 (§ 230.173 of this chapter) by

each individual nonresident investment adviser who is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.4 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 239.515 Form 5-R, irrevocable appointment of agent for service of process, pleadings and other papers by corporation nonresident investment adviser.

This form shall be filed pursuant to Rule 173 (§ 230.173 of this chapter) by each corporation nonresident investment adviser, and by each unincorporated nonresident investment adviser not organized as a partnership, which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.5 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 239.516 Form 6-R, irrevocable appointment of agent for service of process, pleadings and other papers by partnership nonresident investment adviser.

This form shall be filed pursuant to Rule 173 (§ 230.173 of this chapter) by each partnership nonresident investment adviser which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.6 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 239.517 Form 7-R, irrevocable appointment of agent for service of process, pleadings and other papers by nonresident general partner of investment adviser.

This form shall be filed pursuant to Rule 173 (§ 230.173 of this chapter) by each nonresident general partner of an investment adviser, and by each nonresident "managing agent" of an unincorporated investment adviser as defined in said Rule 173, which is registered or applying for registration with the Commission as investment adviser. (Same as § 279.7 of this chapter.)

[19 F.R. 4301, July 14, 1954]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

- Sec.
249.0-1 Incorporation by reference.
- Subpart A—Forms for Registration or Exemption of, and Notification of Action Taken by, National Securities Exchanges
- 249.1 Form 1, for application for, or exemption from, registration as a national securities exchange.
- 249.1a Form 1-A, for amendments to Form 1.
- 249.9a Form 9-A [Rescinded]
- 249.25 Form 25, for notification of removal from listing and registration of matured, redeemed or retired securities.
- 249.26 Form 26, for notification of admission to trading of a substituted or additional class of security under Rule 12a-5 (§ 240.12a-5).
- 249.27 Form 27, for notification of changes in securities admitted to unlisted trading privileges.

- Sec.
249.28 Form 28, for notification of the termination or suspension of unlisted trading privileges.

Subpart B—Forms for Reports To Be Filed by Officers, Directors, and Security Holders

- 249.103 Form 3, initial statement of beneficial ownership of securities.
- 249.104 Form 4, statement of changes in beneficial ownership of securities.

Subpart C—Forms for Application for Registration of Securities on National Securities Exchanges and Similar Matters

- 249.208 [Reserved]
- 249.208a Form 8-A, for registration of certain classes of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.
- 249.208b Form 8-B, for registration of securities of certain successor issuers pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.
- 249.208c Form 8-C, for registration of securities on a national securities exchange pursuant to section 12 (b) of the Securities Exchange Act of 1934.
- 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.
- 249.212 Form 12, for issuers which file reports with certain other federal agencies.
- 249.214 Form 14, for certificates of deposit issued by a committee.
- 249.216 Form 16, for registration of voting trust certificates.
- 249.218 Form 18, for foreign governments and political subdivisions thereof.
- 249.219 Form 19, for American certificates against foreign issues and for the underlying securities.
- 249.220 Form 20, for registration of securities of foreign private issuers pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

Subpart D—Forms for Annual and Other Reports of Issuers Required Under Sections 13 and 15(d) of the Act

- 249.306 Form 6-K report of foreign issuer pursuant to Rules 13a-16 (240.13a-16 of this chapter) and 15d-16 (240.15d-16 of this chapter) under the Securities Exchange Act of 1934.
- 249.307 Form 7-K, for quarterly reports of certain real estate companies.
- 249.308 Form 8-K, for current reports.
- 249.309 Form 9-K, for semi-annual reports.
- 249.310 Form 10-K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.
- 249.311 Form 11-K, for annual reports of employee stock purchase, savings and similar plans pursuant to section 15(d) of the Securities Exchange Act of 1934.
- 249.312 Form 12-K, annual report for issuers which file reports with certain other federal agencies.
- 249.314 Form 14-K, annual report for certificates of deposit issued by a committee.
- 249.316 Form 16-K, annual report relating to voting trust certificates.
- 249.318 Form 18-K, annual report for foreign governments and political subdivisions thereof.

- Sec.
249.319 Form 19-K, annual report for issuers of American certificates against foreign issues and the underlying securities.
- 249.320 Form 20-K, for annual reports of foreign private issuers filed pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934.
- 249.330 Form N-1R, annual report of registered management investment company under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.
- 249.331 Form N-1Q, quarterly report of management investment companies registered under the Investment Company Act of 1940.
- 249.332 Form N-5R, for annual reports of small business investment companies.
- 249.402 Form 2-MD, annual report for investment trusts having securities registered on Form C-1.
- 249.404 Form 4-MD, annual report for certificates of deposit.
- 249.441 [Reserved]
- 249.442 Form N-30A-2, annual report for unit investment trusts currently issuing securities.
- 249.443 Form N-30A-3, annual report for unincorporated management investment companies currently issuing periodic payment plan certificates.
- 249.444-249.449 [Reserved]
- 249.450 Form U5S, for annual reports of registered public utility holding companies.

Subpart E—Forms for Amendments to Registration Statements and Reports of Issuers

- 249.460 Form 8, for amendments to applications for registration statements or amendments to annual reports and other reports.

Subpart F—Forms for Registration of Brokers and Dealers Transacting Business on Over-the-Counter Markets

- 249.501 Form BD, for application for registration as a broker and dealer or to amend or supplement such an application.
- 249.501a Form BDW, Notice of withdrawal from registration as broker-dealer pursuant to § 240.15b6-1 of this chapter.
- 249.502 Form SECO-2, Personnel form, to be filed by registered brokers and dealers not members of a registered national securities association, for associated persons of such brokers and dealers.
- 249.502a Form SECO-2F, certification for associated persons engaged in securities activities outside jurisdiction of the United States.
- 249.503 Form SECO-3, Assessment and information form for registered brokers and dealers not members of a registered national securities association.
- 249.504 Form SECO-4, 1966 assessment and information form for registered brokers and dealers not members of a registered national securities association.
- 249.504a Form SECO-4-67, 1967 assessment and information form for investment brokers and dealers not members of a registered national securities association.

Sec.

- 249.504b Form SECO-4-68, 1968 assessment and information form for registered broker-dealers not members of a registered national securities association.
- 249.505 Form SECO-5, initial assessment and information form for registered brokers and dealers not members of a registered national securities association.
- 249.507 Form 7-M, for consent to service of process by an individual non-resident broker or dealer.
- 249.508 Form 8-M, for consent to service of process by a corporation non-resident broker or dealer.
- 249.509 Form 9-M, for consent to service of process by a partnership non-resident broker or dealer.
- 249.510 Form 10-M, for consent to service of process by a nonresident general partner of a broker-dealer firm.
- 249.514 Form 4-R, consent to service of process by individual nonresident investment adviser.
- 249.515 Form 5-R, consent to service of process by corporate nonresident investment adviser.
- 249.516 Form 6-R, consent to service of process by partnership non-resident investment adviser.
- 249.517 Form 7-R, consent to service of process by nonresident general partner of investment adviser.

Subpart G—Forms for Reports To Be Made by Certain Exchange Members, Brokers and Dealers

- 249.617 Form X-17A-5—Information required of certain members, brokers, and dealers pursuant to section 17 of the Securities Exchange Act of 1934 and Rule 17a-5 (§ 240.17a-5 of this chapter).

Subpart H—Forms for Reports as to Stabilization

- 249.717 Form X-17A-1, for reports of stabilizing activities.

Subpart I—Forms for Registration of and Reporting by National Securities Associations and Affiliated Securities Associations

- 249.801 Form X-15AA-1, for application for registration as a national securities association or affiliated securities association.
- 249.802 Form X-15AJ-1, for amendatory and/or supplementary statements to registration statements of a national securities association or affiliated securities association.
- 249.803 Form X-15AJ-2, for annual consolidated supplement of a national securities association or an affiliated securities association.

Subpart J—Forms for Reports To Be Made by Market Makers and Certain Other Registered Broker-Dealers in Securities Traded on National Securities Exchanges

- 249.917(1) Form X-17-9(1), notification by market makers in common stocks traded on national securities exchanges.
- 249.917(2) Form X-17A-9(2), report of transactions by market makers in common stocks traded on New York Stock Exchange.
- 249.917(3) Form X-17A-9(3), report of transactions by broker-dealers who acted as intermediary between public buyers and public sellers.

AUTHORITY: The provisions of this Part 249 issued under secs. 6, 9, 12, 13, 15, 15A,

16, 17, 23, 48 Stat. 885, 889, 892 as amended, 894 as amended, 896 as amended, 897 as amended, 901 as amended, secs. 1, 3, 4, 8, 49 Stat. 1375, 1377, 1379, secs. 1, 2, 5, 52 Stat. 1070, 1075, 1076, sec. 202, 68 Stat. 686, secs. 3, 4, 6, 8, 10, 78 Stat. 565, 569, 570, 580; 15 U.S.C. 78f, 78i, 78j, 78m, 78o, 78o-3, 78p, 78q, 78w.

§ 249.0-1 Incorporation by reference.

(a) The forms prescribed for use under the Securities Exchange Act of 1934, which are identified and described in this part, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a)(1) and 1 CFR Part 20.

(b) Copies of the forms prescribed in this part may be obtained on request addressed to Securities and Exchange Commission, Washington, D.C. 20549. The forms may also be inspected at that address, and at the Commission's regional and branch offices whose addresses appear at § 200.11 of this chapter.

(c) Revisions or amendments of the forms may be issued from time to time by the Securities and Exchange Commission. An historic file of such amendments or revisions is maintained and made available for inspection at the Securities and Exchange Commission, Washington, D.C. 20549.

Subpart A—Forms for Registration or Exemption of, and Notification of Action Taken by, National Securities Exchanges

§ 249.1 Form 1, for application for, or exemption from, registration as a national securities exchange.

This form shall be used for applications for registration or for exemption from registration as a national securities exchange.

NOTE: Form 1 was revised, 14 F.R. 7760, Dec. 29, 1949.

§ 249.1a Form 1-A, for amendments to Form 1.

This form shall be used for amendatory and/or supplementary statements to registration statements of a national securities exchange.

NOTE: Former Form 9 was redesignated as Form 1-A, and § 249.9 was redesignated as § 249.1a, 14 F.R. 7760, Dec. 29, 1949. This form is not related to § 239.90.

§ 249.9a Form 9-A [Rescinded]

§ 249.25 Form 25, for notification of removal from listing and registration of matured, redeemed or retired securities.

This form shall be used by a registered national securities exchange for notification of the removal from listing and registration of matured, redeemed, or retired securities.

[17 F.R. 3623, Apr. 24, 1952]

§ 249.26 Form 26, for notification of the admission to trading of a substituted or additional class of security under Rule 12a-5 [§ 240.12a-5 of this chapter].

This form shall be used by a registered national securities exchange for notification of the admission to trading of a sub-

stituted or additional class of security under Rule 12a-5.

[20 F.R. 2081, Apr. 2, 1955]

§ 249.27 Form 27, for notification of changes in securities admitted to unlisted trading privileges.

This form shall be used by a registered national securities exchange for notification of changes in securities admitted to unlisted trading privileges.

[20 F.R. 6702, Sept. 13, 1955]

§ 249.28 Form 28, for notification of the termination or suspension of unlisted trading privileges.

This form shall be used by a registered national securities exchange for notification of the termination or suspension of unlisted trading privileges.

[20 F.R. 6702, Sept. 13, 1955]

Subpart B—Forms for Reports To Be Filed by Officers, Directors, and Security Holders

§ 249.103 Form 3, initial statement of beneficial ownership of securities.

This form shall be filed pursuant to Rule 16a-1(a) (§ 240.16a-1(a) of this chapter) for initial statements of beneficial ownership of securities required to be filed pursuant to section 16(a) of the Securities Exchange Act of 1934.

[26 F.R. 2466, Mar. 28, 1961]

§ 249.104 Form 4, statement of changes in beneficial ownership of securities.

This form shall be filed pursuant to Rule 16a-1(a) (§ 240.16a-1(a) of this chapter) for statements of changes in beneficial ownership of securities required to be filed pursuant to section 16(a) of the Securities Exchange Act of 1934.

[26 F.R. 2466, Mar. 23, 1961]

Subpart C—Forms for Applications for Registration of Securities on National Securities Exchanges and Similar Matters

§ 249.208 [Reserved]

§ 249.208a Form 8-A, for registration of certain classes of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of an issuer which has one or more other classes of securities so registered on the same securities exchange;

(b) For registration pursuant to section 12(g) of the Act of any class of securities of an issuer which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(c) For registration pursuant to section 12(g) of the Act of any class of securities of an issuer which has filed under the Securities Act of 1933 a regis-

tration statement which has become effective and is not subject to any proceeding under section 8 of that Act or to an order issued pursuant thereto; *Provided:*

(1) The registration statement on this form will become effective within 1 year after the end of the last fiscal year for which certified financial statements were included in the registration statement under the Securities Act of 1933, or in a posteffective amendment thereto which has become effective; or

(2) The registrant is required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934 and has filed or concurrently files, an annual report pursuant to such section for the last fiscal year ending prior to the date of filing the registration statement on this form; or

(3) The registrant would be required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934 but for the first sentence of section 12(f) (6) of that Act and has filed, or concurrently files, an annual report pursuant to section 13 of that Act for the last fiscal year ending prior to the date of filing the registration statement on this form.

(d) For registration pursuant to section 12(g) of the Act of any class of securities of any issuer which (1) has securities listed on an exchange exempted from registration as a national securities exchange, (2) is required by the order exempting such exchange to file with the Commission reports equivalent to those required by section 13 and the rules and regulations thereunder and (3) has filed, or concurrently files, an annual report pursuant to section 13 for the last fiscal year ending prior to the date of filing the registration statement on this form.

[30 F.R. 703, Jan. 22, 1965]

§ 249.208b Form 8-B, for registration of securities of certain successor issuers pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

This form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities of an issuer which has no securities so registered but which has succeeded to an issuer which at the time of the succession had securities so registered, or to such an issuer and one or more other persons, subject to the following conditions: (a) The capital structure and balance sheet of the successor issuer immediately after the succession were substantially the same as those of the single predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors; or (b) proxies were solicited pursuant to Regulation 14A (§ 240.14a-1 et seq. of this chapter) with respect to the succession from the security holders of the predecessor or, if more than one predecessor, from the security holders of at least one such pred-

ecessors and copies of the proxy statement used in such solicitation are filed as an exhibit to the registration statement on this form; or (c) if securities issued in connection with the succession have been registered pursuant to the Securities Act of 1933 and copies of the latest effective prospectus meeting the requirements of section 10 of that Act are filed as an exhibit to the registration statement on this form. *Provided, however,* (1) That this form may be used only if the registration statement is filed within 120 days after the date of the succession; and (2) that this form shall not be used for the registration on a national securities exchange pursuant to section 12(b) of the Act of securities of a successor issuer unless its predecessor or, if more than one predecessor at least one of its predecessors, had securities listed and registered on the same exchange at the time of the succession.

[30 F.R. 7566, June 10, 1965]

§ 249.208c Form 8-C, for registration of securities on a national securities exchange pursuant to section 12(b) of the Securities Exchange Act of 1934.

This form may be used for registration pursuant to section 12(b) of the Securities Exchange Act of 1934 of a class of securities on a national securities exchange on which the registrant has no securities registered if any class of securities of the same issuer is so registered on another such exchange or is registered pursuant to section 12(g) of the Act.

[30 F.R. 7568, June 10, 1965]

§ 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

This form shall be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of classes of securities of issuers for which no other form is prescribed.

[30 F.R. 3423, Mar. 16, 1965, as amended at 31 F.R. 1063, Jan. 27, 1966]

§ 249.212 Form 12, for issuers which file reports with certain other Federal agencies.

This form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities issued by any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last 3 fiscal years contained financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (Part 210 of this chapter), any issuer which files annual reports with the Interstate Commerce Commission pursuant to section 20, 220, or 313 of the Interstate Commerce Act or any issuer which files annual reports with the Federal Communications Com-

mission pursuant to section 219 of the Communications Act of 1934.

[30 F.R. 4057, Mar. 27, 1965, as amended at 31 F.R. 1063, Jan. 27, 1966]

§ 249.214 Form 14, for certificates of deposit issued by a committee.

This form shall be used for applications on or after May 10, 1935, for the permanent registration of certificates of deposit issued by a committee.

§ 249.216 Form 16, for registration of voting trust certificates.

This form shall be used for registration of voting trust certificates pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

[30 F.R. 12773, Oct. 7, 1965]

§ 249.218 Form 18, for foreign governments and political subdivisions thereof.

This form shall be used for applications filed on or after July 1, 1935, for the permanent registration of securities of any foreign government or political subdivision thereof: *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.

NOTE: See note following § 249.220.

§ 249.219 Form 19, for American certificates against foreign issues and for the underlying securities.

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 depositary receipts for foreign shares or American participation certificates in foreign bonds or notes) issued against securities of foreign issuers deposited with an American depositary (whether physically held by such depositary in America or abroad) and of the foreign securities so deposited.

§ 249.220 Form 20, for registration of securities of foreign private issuers pursuant to Section 12 (b) or (g) of the Securities Exchange Act of 1934.

This form shall 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: *Provided,* That it shall not be used for registration of any class of securities of any North American or Cuban issuer if (a) the securities are to be registered pursuant to section 12(b) of the Act, or (b) the issuer has had the same or any other class of securities registered pursuant to section 12 of the Act on Form 10 (§ 249.210 of this chapter), or on Form 8-A, 8-B, or 8-C (§ 240.208a, § 240.208b, or § 240.208c) in lieu of Form 10 on or after May 31, 1967, and within 1 year prior to the date on which the registration statement is filed or required to be filed under section 12(g).

NOTE: Form 21 (formerly § 249.221 of this chapter) has been superseded by Form 20 and the latter may be used in lieu thereof. 32 F.R. 7854, May 30, 1967.

Subpart D—Forms for Annual and Other Reports of Issuers Required Under Sections 13 and 15(d) of the Securities Exchange Act of 1934

§ 249.306 Form 6-K, report of foreign issuer pursuant to Rules 13a-16 (§ 240.13a-16 of this chapter) and 15d-16 (§ 240.15d-16 of this chapter) under the Securities Exchange Act of 1934.

This form shall be used by foreign issuers which are required to furnish reports pursuant to Rule 13a-16 (§ 240.13a-16 of this chapter) or 15d-16 (§ 240.15d-16 of this chapter) under the Securities Exchange Act of 1934.

[32 F.R. 7853, May 30, 1967]

§ 249.307 Form 7-K, for quarterly reports of certain real estate companies.

This form shall be used for the quarterly reports of certain real estate companies required by Rules 13a-15 and 15d-15 of the General Rules and Regulations under the Securities Exchange Act of 1934 (§§ 240.13a-15 and 240.15d-15 of this chapter).

[29 F.R. 3359, Mar. 13, 1964]

§ 249.308 Form 8-K, for current reports.

This form shall be used for the current reports required by Rule 13a-11 or Rule 15d-11 (§ 240.13a-11 or § 240.15d-11 of this chapter).

NOTE: Form 8-K was revised 19 F.R. 732, Feb. 6, 1954, and amended 23 F.R. 5561, July 23, 1958.

§ 249.309 Form 9-K, for semiannual reports.

This form shall be used for semi-annual reports required by Rule 13a-13 or Rule 15d-13 (§ 240.13a-13 or § 240.15d-13 of this chapter).

[20 F.R. 4817, July 7, 1955]

NOTE: Form 9-K was revised, 25 F.R. 3552, Apr. 23, 1960.

§ 249.310 Form 10-K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

This form shall be used for annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 for which no other form is prescribed.

[30 F.R. 3430, Mar. 16, 1965, as amended at 31 F.R. 1063, Jan. 27, 1966]

§ 249.311 Form 11-K, for annual reports of employee stock purchase, savings and similar plans pursuant to section 15(d) of the Securities Exchange Act of 1934.

This form shall be used for annual reports pursuant to section 15(d) of the Securities Exchange Act of 1934 with respect to employee stock purchase, savings and similar plans interests in which constitute securities which have been registered under the Securities Act of 1933. Such a report is required to be filed even though the issuer of the securities offered to employees pursuant to the plan also files annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. However, attention is directed to Rule 15d-21 (§ 240.15d-21 of this chapter) which provides that in certain cases the information required by this form may be furnished with respect to the plan as a part of the annual report of such issuer.

[27 F.R. 7875, Aug. 9, 1962]

§ 249.312 Form 12-K, annual report for issuers which file reports with certain other federal agencies.

This form may be used for annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 by any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last fiscal year contains financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (Part 210 of this chapter), any issuer which files annual reports with the Interstate Commerce Commission pursuant to section 20, 220 or 313 of the Interstate Commerce Act, or any issuer which files annual reports with the Federal Communications Commission pursuant to section 219 of the Communications Act of 1934.

[30 F.R. 4059, Mar. 27, 1965, as amended at 31 F.R. 1063, Jan. 27, 1966]

§ 249.314 Form 14-K, for certificates of deposit issued by a committee.

This form shall be used for the annual reports of issuers of certificates of deposit issued by a committee.

§ 249.316 Form 16-K, annual report relating to voting trust certificates.

This form shall be used for annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 relating to voting trust certificates.

[As revised 30 F.R. 12775, Oct. 7, 1965]

§ 249.318 Form 18-K, for foreign governments and political subdivisions thereof.

This form shall be used for the annual reports of foreign governments or political subdivisions thereof, except any public corporation or other autonomous entity in the nature of a political subdivision, other than a State, province, county, or municipality or similar body politic which, at its option, has registered its securities on Form 21 in lieu of Form 18 (§ 249.218).

NOTE: Form 21 has been superseded by Form 20 and the latter may be used in lieu of the former. See 32 F.R. 7854, May 30, 1967.]

§ 249.319 Form 19-K, for issuers of American certificates against foreign issues and the underlying securities.

This form shall 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 depositary (whether physically held by such depositary in America or abroad) and of the foreign securities so deposited.

§ 249.320 Form 20-K, for annual reports of foreign private issuers filed pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934.

(a) This form shall be used for annual reports of foreign private issuers filed under section 13 or 15(d) of the Securities Exchange Act of 1934 pursuant to Rule 13a-1 (§ 240.13a-1 of this chapter) or 15d-1 (§ 240.15d-1 of this chapter), except that it shall not be used by any North American or Cuban issuer—

(1) Which has any class of securities registered pursuant to section 12 of the Act on Form 10 (§ 249.210), or on Form 8-A, 8-B, or 8-C (§ 249.208a, § 249.208b, or § 249.208c) in lieu of Form 10;

(2) Which is filing the report pursuant to section 15(d) of the Act;

(3) Whose obligation to file reports pursuant to 15(d) of the Act is suspended as a result of the registration of a class of securities pursuant to section 12(g) of the Act; or

(4) Which has registered securities under section 12(g) of the Act as a result of termination of the exemption provided by Rule 12g3-2(d) (§ 240.12g3-2(d) of this chapter).

(b) Reports on this form shall be filed within 6 months after the end of the fiscal year covered by such report.

NOTE: This form has superseded Form 21-K and may be used in lieu thereof; see 32 F.R. 7851, May 30, 1967.

§ 249.330 Form N-1R, Annual Report of Registered Management Investment Company under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.

This form shall be used for annual reports to be filed, pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 and pursuant to section 30 of the Investment Company Act of 1940, by all management investment companies registered under the latter act, except those which issue periodic payment plan certificates and small business investment companies licensed under the Small Business Investment Act of 1958 which file annual reports with the Commission on Form N-5R (described in § 274.105 of this chapter). (Same as § 274.101 of this chapter.)

[Formerly Form N-30A-1, 7 F.R. 4523, June 18, 1942; revised 30 F.R. 2136, Feb. 17, 1965; amended 30 F.R. 3312, Mar. 11, 1965; 33 F.R. 5749, Apr. 13, 1968]

§ 249.331 Form N-1Q, quarterly report of management investment companies registered under the Investment Company Act of 1940.

This form shall be used for quarterly reports of management investment companies registered under the Investment Company Act of 1940, except those which issue periodic payment plan certificates. (Same as § 274.106 of this chapter.)

[Adopted to replace Form N-30B-1, 32 F.R. 17583, Dec. 8, 1967]

§ 249.332 Form N-5R, for annual reports of small business investment companies.

This form shall be used for annual reports made pursuant to section 30 of the Investment Company Act of 1940 and section 13 or 15(d) of the Securities Exchange Act of 1934 by all small business investment companies licensed under the Small Business Investment Act of 1958. (Same as § 274.105 of this chapter.)

[Adopted 25 F.R. 7368, Aug. 5, 1960; redesignated 30 F.R. 3312, Mar. 11, 1965]

§ 249.402 Form 2-MD, for investment trusts having securities registered on Form C-1.¹

This form shall be used for annual reports, pursuant to section 15(d) of the Securities Exchange Act of 1934, relating to securities of unincorporated investment trusts of the fixed or restricted management type, having a depositor or sponsor but not having a board of directors or persons performing similar functions, except that this form shall not be used by any trust for which Form N-1R, N-30A-2, or N-30A-3 (§§ 249.330, 249.442, 249.443 of this chapter) is prescribed.

§ 249.404 Forms 4-MD, for certificates of deposit.

This form shall be used for annual reports, pursuant to section 15(d) of the Securities Exchange Act of 1934, relating to certificates of deposit issued by a Committee.

§ 249.441 [Reserved]

§ 249.442 Form N-30A-2, for unit investment trusts currently issuing securities.

This form shall be used for annual reports pursuant to section 15(d) of the Securities Exchange Act of 1934 of unit investment trusts, registered under the Investment Company Act of 1940, which are currently issuing securities, including unit investment trusts which are issuers of periodic payment plan certificates. (Same as 17 CFR 274.102.)

§ 249.443 Form N-30A-3, for unincorporated management investment companies currently issuing periodic payment plan certificates.

This form shall be used for annual reports pursuant to section 15(d) of the Securities Exchange Act of 1934 for unincorporated management investment companies, registered under the Investment Company Act of 1940, currently issuing periodic payment plan certificates. (Same as § 274.103 of this chapter.)

§§ 249.444-249.449 [Reserved]

§ 249.450 Form U5S for annual reports of holding companies.

This form shall be filed by a registered public utility holding company pursuant to Rule 1 (§ 250.1) of this chapter, on or before May 1st in the year following that in which it filed its registration

statement, and in every succeeding year. (Same as § 259.5s of this chapter.)

[19 F.R. 1819, Apr. 2, 1954, amended 26 F.R. 8669, Sept. 16, 1961]

Subpart E—Forms for Amendments to Registration Statements and Reports of Issuers

§ 249.460 Form 8, for amendments to applications for registration statements, or amendments to annual reports and other reports.

This form shall be used for amendments to applications for registration of securities pursuant to section 12 of the Securities Exchange Act of 1934, or amendments to annual reports and other reports filed pursuant to sections 13 and 15(d) of that act.

[14 F.R. 5428, Sept. 1, 1949]

Subpart F—Forms for Registration of Brokers and Dealers Transacting Business on Over-the-Counter Markets

§ 249.501 Form BD, for application for registration as a broker and dealer or to amend or supplement such an application.

This form shall be used for application for registration as a broker-dealer under the Securities Exchange Act of 1934, or to amend such application.

[29 F.R. 12961, Sept. 16, 1964; 33 F.R. 8540, June 11, 1968]

§ 249.501a Form BDW, notice of withdrawal from registration as broker-dealer pursuant to § 240.15b6-1 of this chapter.

This form shall be used for filing a notice of withdrawal as broker-dealer pursuant to Rule 15b6-1 (§ 240.15b6-1 of this chapter).

[31 F.R. 5444, Apr. 6, 1966]

§ 249.502 Form SECO-2, Personnel form, to be filed by registered brokers and dealers not members of a registered national securities association, for associated persons of such brokers and dealers.

This form shall be filed pursuant to Rule 15b8-1 (§ 240.15b8-1 of this chapter), accompanied by the prescribed fee, by every registered broker-dealer not a member of a registered national securities association, as a personnel form for every associated person of such broker-dealer.

[30 F.R. 11673, Sept. 11, 1965]

§ 249.502a Form SECO-2F, certification for associated persons engaged in securities activities outside the jurisdiction of the United States.

This form shall be filed pursuant to paragraph (c) (2) of Rule 15b9-1 (§ 240.15b9-1(c) (2) of this chapter) by every registered broker-dealer not a member of a registered national securities association, as a certification for every associated person of such broker-dealer who confines his activities to areas outside the jurisdiction of the United

States and who does not deal or act for any U.S. resident or national.

[33 F.R. 7075, May 11, 1968]

§ 249.503 Form SECO-3, Assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed pursuant to Rule 15b8-1 (§ 240.15b8-1 of this chapter), accompanied by the assessment fee required under the temporary fee schedule for fiscal year ended June 30, 1965, on or before October 31, 1965, by every registered broker-dealer not a member of a registered national securities association.

[30 F.R. 11673, Sept. 11, 1965]

§ 249.504 Form SECO-4, 1966 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed pursuant to Rule 15b8-2 (§ 240.15b8-2 of this chapter), accompanied by the assessment fee required thereunder for the fiscal year ended June 30, 1966, on or before August 15, 1966 by every registered broker-dealer not a member of a registered national securities association.

[31 F.R. 9104, July 2, 1966]

§ 249.504a Form SECO-4-67, 1967 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed pursuant to Rule 15b9-1 (§ 240.15b9-1 of this chapter), accompanied by the assessment fee required thereunder for the fiscal year ended June 30, 1967, on or before June 30, 1967 by every registered broker-dealer not a member of a registered national securities association.

[32 F.R. 7849, May 30, 1967]

§ 249.504b Form SECO-4-68, 1968 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed pursuant to Rule 15b9-2 (§ 240.15b9-2 of this chapter), accompanied by the annual assessment fee required thereunder for the fiscal year ended June 30, 1968, on or before June 1, 1968 by every registered broker-dealer not a member of a registered national securities association.

[33 F.R. 7075, May 11, 1968]

§ 249.505 Form SECO-5, initial assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed pursuant to Rule 15b9-1 (§ 240.15b9-1 of this chapter) accompanied by the initial assessment fee required thereunder, as the initial assessment and information form, by every registered broker-dealer who does not make a bona fide application

¹ Form C-1 was rescinded on Aug. 19, 1947 as obsolete since it was replaced by later forms for such issuers; 12 F.R. 5725, Aug. 26, 1947.

for membership in a registered national securities association within 45 days after the effective date of his registration with the Commission, or whose membership in a registered national securities association is terminated and who continues to be registered with the Commission for a period of 45 days after such termination of membership.

[31 F.R. 9104, July 2, 1966, as amended 33 F.R. 7075, May 11, 1968]

§ 249.507 Form 7-M, consent to service of process by an individual nonresident broker-dealer.

This form shall be filed pursuant to Rule 15b1-5 (§ 240.15b1-5 of this chapter) by each individual nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Act.

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 249.508 Form 8-M, consent to service of process by a corporation which is a nonresident broker-dealer.

This form shall be filed pursuant to Rule 15b1-5 (§ 240.15b1-5 of this chapter) by each corporate nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Act.

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 249.509 Form 9-M, consent to service of process by a partnership nonresident broker-dealer.

This form shall be filed pursuant to Rule 15b1-5 (§ 240.15b1-5 of this chapter) by each partnership nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Act.

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 249.510 Form 10-M, consent to service of process by a nonresident general partner of a broker-dealer firm.

This form shall be filed pursuant to Rule 15b1-5 (§ 240.15b1-5 of this chapter) by each nonresident general partner of a broker-dealer firm registered or applying for registration pursuant to section 15 of the Act.

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 249.514 Form 4-R, irrevocable appointment of agent for service of process, pleadings and other papers by individual nonresident investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 240.0-7 of this chapter) by each individual nonresident investment adviser who is registered or applying for registration with the Commission as an

investment adviser. (Same as § 279.4 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 249.515 Form 5-R, irrevocable appointment of agent for service of process, pleadings and other papers by corporation nonresident investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 240.0-7 of this chapter) by each corporation nonresident investment adviser, and by each unincorporated nonresident investment adviser not organized as a partnership, which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.5 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 249.516 Form 6-R, irrevocable appointment of agent for service of process, pleadings and other papers by partnership nonresident investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 240.0-7 of this chapter) by each partnership nonresident investment adviser which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.6 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 249.517 Form 7-R, irrevocable appointment of agent for service of process, pleadings and other papers by nonresident general partner of investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 240.0-7 of this chapter) by each nonresident general partner of an investment adviser, and by each nonresident "managing agent" of an unincorporated investment adviser as defined in said Rule 0-7, which is registered or applying for registration with the Commission as investment adviser. (Same as § 279.7 of this chapter.)

[19 F.R. 4301, July 14, 1954]

Subpart G—Forms for Reports To Be Made by Certain Exchange Members, Brokers, and Dealers

§ 249.617 Form X-17A-5—Information required of certain members, brokers, and dealers pursuant to section 17 of the Securities Exchange Act of 1934 and Rule 17a-5 (§ 240.17a-5 of this chapter) thereunder.

This form shall be used by every member, broker or dealer required to file reports under Rule 17a-5(a), (§ 240.17a-5 of this chapter).

[32 F.R. 14018, Oct. 10, 1967]

Subpart H—Forms for Reports as to Stabilization

§ 249.709 [Reserved]

§ 249.717 Form X-17A-1, for reports of stabilizing activities.

This form is to be used in reporting certain stabilizing activities pursuant to

Rules X-17A-2 (17 CFR 240.17a-2 of this chapter).

[Revised, 23 F.R. 976, Feb. 14, 1958.]

Subpart I—Forms for Registration of and Reporting by National Securities Associations and Affiliated Securities Associations

§ 249.801 Form X-15AA-1, for application for registration as a national securities association or affiliated securities association.

This form shall be filed as an application for registration as a national securities association or as an affiliated securities association pursuant to Rule 15Aa-1 (§ 240.15Aa-1 of this chapter).

[7 F.R. 991, Feb. 14, 1942, as amended 14 F.R. 885, Feb. 26, 1949; 18 F.R. 6259, Oct. 1, 1953]

§ 249.802 Form X-15AJ-1, for amendatory and/or supplementary statements to registration statement of a national securities association or an affiliated securities association.

This form shall be filed pursuant to Rule 15AJ-1 (§ 240.15AJ-1 of this chapter) as amendatory and/or supplementary statements to registration statement of a national securities association or an affiliated securities association.

[4 F.R. 3134, July 14, 1939]

§ 249.803 Form X-15AJ-2, for annual consolidated supplement of national securities association or an affiliated securities association.

This form shall be filed pursuant to Rule 15AJ-1 (§ 240.15AJ-1 of this chapter) for the annual consolidated supplement to registration statement of a national securities association or an affiliated securities association.

[4 F.R. 3135, July 14, 1939, as amended 5 F.R. 1030, Mar. 13, 1940; 14 F.R. 885, Feb. 26, 1949; 18 F.R. 6259, Oct. 1, 1953]

Subpart J—Forms for Reports To Be Made by Market Makers and Certain Other Registered Broker-Dealers in Securities Traded on National Securities Exchanges

§ 249.917(1) Form X-17A-9(1) notification by market makers in common stocks traded on national securities exchanges.

This form shall be filed by each registered broker-dealer who is a market maker in any common stock traded on a national securities exchange, for the report pursuant to Rule 17a-9 (§ 240.17a-9 of this chapter), on or before December 10, 1964 and thereafter within 10 days after the commencement or cessation of such activity, showing the name of each exchange common stock in which he is a market maker and the principal exchange on which such stock is traded.

[29 F.R. 16245, Dec. 4, 1964; 32 F.R. 5256, Mar. 29, 1967]

§ 249.917(2) Form X-17A-9(2), report of transactions by market makers in common stocks listed on the New York Stock Exchange.

This form shall be filed by every registered broker-dealer who is a market

maker in any common stock listed on the New York Stock Exchange, for the report pursuant to paragraph (c) of Rule 17a-9 (§ 240.17a-9(c) of this chapter) for each calendar quarter during any part of which he is such a market maker.

[32 F.R. 5256, Mar. 29, 1967]

§ 249.917(3) **Form X-17A-9(3)**, report of transactions by broker-dealers who acted as intermediary between public buyers and public sellers.

This form shall be filed by every registered broker-dealer who, at the time he is not subject to paragraph (c) of Rule 17a-9 (§ 240.17a-9(c) of this chapter), acts (otherwise than as underwriter or member of a selling syndicate or group) as sole broker or dealer intermediary between two public customers to effect, otherwise than on a national securities exchange, a transaction involving \$25,000 or more in a common stock listed on the New York Stock Exchange, for the report pursuant to paragraph (d) of Rule 17a-9.

[32 F.R. 5256, Mar. 29, 1967]

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Sec.
259.0-1 Incorporation by reference.

Subpart A—Forms for Registration and Annual Supplements

- 259.5a Form U5A for notification of registration filed under section 5(a) of the Act.
- 259.5b Form U5B, for registration statement filed pursuant to section 5(b) of the Act.
- 259.5s Form U5S, for annual reports of registered holding companies.

Subpart B—Forms for Applications and Declarations

- 259.101 Form U-1, application or declaration under the Public Utility Holding Company Act of 1935.
- 259.111 Notice, for notice regarding filing subject to Rule 23 (§ 250.23 of this chapter).
- 259.113 Form U-13-1, for application for approval of mutual service companies pursuant to Rule 88 (§ 250.88 of this chapter).

Subpart C—Forms for Statements and Reports

- 259.206 Form U-6B-2, for notification of security issues exempt under section 6(b) of the Act.
- 259.212a Form U-12(I)-A, for statement of activity within scope of section 12(I) of the Act, pursuant to Rule 71(a) (§ 250.71(a) of this chapter).
- 259.212b Form U-12(I)-B, for statement of activity within scope of section 12(I) of the Act, pursuant to Rule 71(b) (§ 250.71(b) of this chapter).
- 259.213 Form U-13E-1, for report by affiliate companies and independent service companies pursuant to Rule 95 (§ 250.95 of this chapter).
- 259.217a Form 3, initial statement of beneficial ownership of securities, under section 17(a) of the Act.

- Sec.
259.217b Form 4, statement of changes in beneficial ownership of securities, under section 17(a) of the Act.
- 259.221 Form U-R-1, for solicitations pursuant to Rule 62 (§ 250.62 of this chapter).

Subpart D—Forms for Periodic Accounting Reports

- 259.313 Form U-13-60, for annual reports pursuant to Rule 94 (§ 250.94 of this chapter) by mutual and subsidiary service companies required by section 13 of the Act.

Subpart E—Forms for Statements and Reports From Nonregistered (Exempt) Companies

- 259.402 Form U-3A-2, for annual reports pursuant to Rule 2 (§ 250.2 of this chapter) for exempt holding companies which are intrastate or predominantly operating companies.
- 259.403 Form U-3A-3-1, for annual reports pursuant to Rule 3 (§ 250.3 of this chapter) for banks which are exempt holding companies.

Subpart F—Forms for Amendments

- 259.501 Form U-A, for amendments pursuant to Rule 20(b) (§ 250.20(b) of this chapter) to any application, declaration, document or report filed under the Act.

AUTHORITY: The provisions of this Part 259 issued under secs. 5, 6, 7, 10, 12, 13, 14, 17(a), 20, 49 Stat. 812, 814, 815, 818, 823, 825, 827, 830, 833; 15 U.S.C. 79e, 79f, 79g, 79j, 79l, 79m, 79n, 79q, 79t.

§ 259.0-1 Incorporation by reference.

(a) The forms prescribed for use under the Public Utility Holding Company Act of 1935, which are identified and described in this part, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a) (1) and 1 CFR Part 20.

(b) Copies of the forms prescribed in this part may be obtained on request addressed to Securities and Exchange Commission, Washington, D.C. 20549. The forms may also be inspected at that address, and at the Commission's regional and branch offices whose addresses appear in § 200.11 of this chapter.

(c) Revisions or amendments of the forms may be issued from time to time by the Securities and Exchange Commission. An historic file of such amendments or revisions is maintained and made available for inspection at the Securities and Exchange Commission, Washington, D.C. 20549.

Subpart A—Forms for Registration and Annual Supplements

- § 259.5a Form U5A, for notification of registration filed under section 5(a) of the Act.

This form shall be filed pursuant to Rule 1(a) (§ 250.1(a) of this chapter) for the notification required under section 5(a) of the Public Utility Holding Company Act of 1935 by every public

utility holding company required to register under the Act.

[As amended 2 F.R. 913, May 27, 1937; 6 F.R. 2015, Apr. 19, 1941; 16 F.R. 2576, Mar. 21, 1951]

- § 259.5b Form U5B, for registration statements filed under section 5(b) of the Act.

This form shall be filed pursuant to Rule 1(b) (§ 250.1(b) of this chapter) for the registration statement required to be filed under section 5(b) of the Act by every public utility holding company required to register under the Act.

[Adopted 2 F.R. 913, May 27, 1937; amended 3 F.R. 977, May 20, 1938; revised 16 F.R. 2576, Mar. 21, 1951]

- § 259.5s Form U5S, for annual reports filed under section 5(c) of the Act.

This form shall be filed pursuant to Rule 1(c) (§ 250.1(c) of this chapter) for the annual report required to be filed under section 14 of the Act by every registered public utility holding company.

[Adopted 3 F.R. 977, May 20, 1938; revised 19 F.R. 1819, Apr. 2, 1954; amended 26 F.R. 8669, Sept. 16, 1961]

Subpart B—Forms for Applications and Declarations

- § 259.101 Form U-1, application or declaration under the Public Utility Holding Company Act of 1935.

This form shall be used pursuant to Rule 20(c) (§ 250.20(c) of this chapter) by any person filing an application or declaration or amendment thereto pursuant to sections 6(b), 7, 9(c) (3), 10, 12 (b), (c), (d), or (f) of the Public Utility Holding Company Act of 1935 or any rules and regulations under such sections, where no other form is authorized or prescribed.

[Adopted 5 F.R. 667, Feb. 2, 1940; revised 28 F.R. 5664, June 11, 1963]

- § 259.111 Notice, for notice regarding filing subject to Rule 23.

This form will be used by the Commission as the form of notice prescribed in Rule 23 (§ 250.23 of this chapter) regarding the filing of certain applications and declarations specified in the rule.

[Adopted 6 F.R. 5950, Nov. 24, 1941]

- § 259.113 Form U-13-1, for applications for approval of mutual service companies pursuant to Rule 88 (§ 250.88 of this chapter).

This form shall be filed pursuant to Rule 88 (§ 250.88 of this chapter) for approval of a company as a mutual service company, by the company or person proposing to organize it under section 13 of the Act.

[1 F.R. 80, Apr. 1, 1936]

Subpart C—Forms for Statements and Reports

- § 259.206 Form U-6B-2, for notification of security issues exempt under section 6(b) of the Act.

This form shall be filed pursuant to section 6(b) of the Act as the certificate of notification of the issue, sale, renewal, or guaranty of securities exempted from

the application of section 6(a) of the Act.

[4 F.R. 1098, Feb. 24, 1939; revised 12 F.R. 2473, Apr. 17, 1947]

§ 259.212a Form U-12(I)-A, for statement of activity within scope of section 12(i) of the Act pursuant to Rule 71(a) (§ 250.71(a) of this chapter).

This form shall be filed pursuant to Rule 71(a) (§ 250.71(a) of this chapter) by any person who engages in any activity within the scope of section 12(i) of the Act.

[7 F.R. 96, Jan. 6, 1942]

§ 259.212b Form U-12(I)-B, for advance statement of activity within scope of section 12(i) of the Act pursuant to Rule 71(b) (§ 250.71(b) of this chapter).

This form may be filed as an advance statement pursuant to Rule 71(b) (§ 250.71(b) of this chapter) by certain persons designated therein covering anticipated activity within the scope of section 12(i) of the Act.

[7 F.R. 96, Jan. 6, 1942]

§ 259.213 Form U-13E-1, for report by affiliate companies and independent service companies pursuant to Rule 95 (§ 250.95 of this chapter).

This form shall be filed pursuant to Rule 95 (§ 250.95 of this chapter) by an affiliate of a registered public utility holding company or subsidiary company thereof in connection with the performance of any service, construction or sale of goods to an affiliate.

[3 F.R. 2568, Oct. 27, 1938]

§ 259.217a Form 3, initial statement of beneficial ownership of securities under section 17(a) of the Act.

This form shall be filed pursuant to Rule 72 (§ 250.72 of this chapter) for the initial statement of beneficial ownership of securities required by section 17(a) of the Act.

[26 F.R. 2466, Mar. 23, 1961]

§ 259.217b Form 4, statement of changes in beneficial ownership of securities under section 17(a) of the Act.

This form shall be filed pursuant to Rule 72 (§ 250.72 of this chapter) for statement of changes in beneficial ownership of securities required by section 17(a) of the Act.

[26 F.R. 2466, Mar. 23, 1961]

§ 259.221 Form U-R-1, for solicitations pursuant to Rule 62 (§ 250.62 of this chapter), in connection with reorganizations.

This form shall be filed for the declaration pursuant to Rule 62 (§ 250.62 of this chapter) for solicitations in connection with any reorganization subject to the rule.

[6 F.R. 2042, Apr. 19, 1941]

Subpart D—Forms for Periodic Accounting Reports

§ 259.313 Form U-13-60, for annual reports pursuant to Rule 94 (§ 250.94 of this chapter) by mutual and subsidiary service companies required by section 13 of the Act.

This form shall be filed pursuant to Rule 94 (§ 250.94 of this chapter) by every mutual service company and every subsidiary service company required thereunder to file annual reports under section 13 of the Act. (See uniform system of accounts for mutual and subsidiary service companies, Part 256 of this chapter.)

[5 F.R. 59, Dec. 29, 1939; revised 19 F.R. 134, Jan. 8, 1954]

Subpart E—Forms for Statements and Reports From Nonregistered (Exempt) Companies

§ 259.402 Form U-3A-2, for annual reports pursuant to Rule 2 (§ 250.2 of this chapter) for exempt holding companies which are intrastate or predominantly operating companies.

This form shall be filed as the annual report under Rule 2 (§ 250.2 of this chapter) by every public utility holding company claiming exemption under section 3 of the Act as an intrastate or predominantly operating company.

[4 F.R. 4548, Nov. 19, 1939]

§ 259.403 Form U-3A3-1, for annual reports pursuant to Rule 3 (§ 250.3 of this chapter) for banks which are exempt holding companies.

This form shall be filed pursuant to paragraph (c) of Rule 3 (§ 250.3(c) of this chapter) by any bank claiming exemption from any obligation, duty or liability as a holding company under the Act.

[1 F.R. 38, Mar. 19, 1936; revised 4 F.R. 2286, June 7, 1939; 16 F.R. 253, Jan. 10, 1951]

Subpart F—Forms for Amendments

§ 259.501 Form U-A, for amendments pursuant to Rule 20(b) (§ 250.20(b) of this chapter) to any application, declaration, document or report filed under the Act.

This form shall be used pursuant to Rule 20(b) (§ 250.20(b) of this chapter) for filing amendments to any application, declaration, document or report filed under the Act, except applications or declarations filed on Form U-1 (§ 259.101 of this chapter).

[5 F.R. 2549, July 12, 1940; revised 19 F.R. 5212, Aug. 18, 1954]

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

Sec. 269.0-1 Incorporation by reference.
269.1 Form T-1, for statement of eligibility and qualification for corporate trustees.
269.2 Form T-2, for statement of eligibility and qualification for individual trustees.

Sec. 269.3 Form T-3, for application for qualification of trust indentures.
269.4 Form T-4, for application for exemption pursuant to section 304(c) of the Act.
269.17 Form 7-M, for consent to service of process by an individual nonresident broker-dealer.
269.18 Form 8-M, for consent to service of process by a corporation nonresident broker-dealer.
269.19 Form 9-M, for consent to service of process by a partnership nonresident broker-dealer.
269.20 Form 10-M, for consent to service of process by a nonresident general partner of a broker-dealer firm.
269.24 Form 4-R, for consent to service of process by an individual nonresident investment adviser.
269.25 Form 5-R, for consent to service of process by a corporation nonresident investment adviser.
269.26 Form 6-R, for consent to service of process by a partnership nonresident investment adviser.
269.27 Form 7-R, for consent to service of process by a nonresident general partner of investment adviser.

AUTHORITY: The provisions of this Part 269 issued under secs. 304(c), 305, 307, 308, 309, 310, 319, 53 Stat. 1153, 1154, 1156, 1157, 1173; 15 U.S.C. 77ddd(c), 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77sss.

§ 269.0-1 Incorporation by reference.

(a) The forms prescribed for use under the Trust Indenture Act of 1939, which are identified and described in this part, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a)(1) and 1 CFR Part 20.

(b) Copies of the forms prescribed in this part may be obtained on request addressed to Securities and Exchange Commission, Washington, D.C. 20549. The forms may also be inspected at that address, and at the Commission's regional and branch offices whose addresses appear in § 200.11 of this chapter.

(c) Revisions or amendments of the forms may be issued from time to time by the Securities and Exchange Commission. An historic file of such amendments or revisions is maintained and made available for inspection at the Securities and Exchange Commission, Washington, D.C. 20549.

§ 269.1 Form T-1, for statement of eligibility and qualification for corporate trustees.

This form shall be filed pursuant to Rule 5a-1(a) (§ 260.5a-1(a) of this chapter) for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

[5 F.R. 277, Jan. 24, 1940; revised 30 F.R. 12387, Sept. 29, 1965]

§ 269.2 Form T-2, for statement of eligibility and qualification for individual trustees.

This form shall be filed pursuant to Rule 5a-1(b) (§ 260.5a-1(b) of this chapter) for statements of eligibility and

qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

[5 F.R. 277, Jan. 24, 1940, revised 30 F.R. 12387, Sept. 29, 1965]

§ 269.3 Form T-3, for application for qualification of trust indentures.

This form shall be filed pursuant to Rule 7a-1 (§ 260.7a-1 of this chapter) for applications for qualification of indentures pursuant to section 307(a) of the Trust Indenture Act of 1939, but only when securities to be issued thereunder are not required to be registered under the Securities Act of 1933 (15 U.S.C. 77a et seq.).

[5 F.R. 277, Jan. 24, 1940; amended 16 F.R. 499, Jan. 19, 1951, 27 F.R. 4553, May 12, 1962]

§ 269.4 Form T-4, for application for exemption pursuant to section 304 (c) of the Act.

This form shall be filed pursuant to Rule 4c-1 (§ 260.4c-1 of this chapter) for applications for exemption filed pursuant to section 304(c) of the Trust Indenture Act of 1939.

[6 F.R. 981, Feb. 15, 1941; 11 F.R. 177-738, Sept. 11, 1946]

§ 269.17 Form 7-M, consent to service of process by an individual nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-9 (§ 260.0-9 of this chapter) by each individual nonresident broker-dealer registered or applying for registration. (Same as § 249.507 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 269.18 Form 8-M, consent to service of process by a corporation which is a nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-9 (§ 260.0-9 of this chapter) by each corporate nonresident broker-dealer registered or applying for registration. (Same as § 249.508 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 269.19 Form 9-M, consent to service of process by a partnership nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-9 (§ 260.0-9 of this chapter) by each partnership nonresident broker-dealer registered or applying for registration. (Same as § 249.509 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 269.20 Form 10-M, consent to service of process by a nonresident general partner of a broker-dealer firm.

This form shall be filed pursuant to Rule 0-9 (§ 260.0-9 of this chapter) by each nonresident general partner of a broker-dealer firm registered or applying for registration. (Same as § 249.510 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 269.24 Form 4-R, irrevocable appointment of agent for service of process, pleadings and other papers by individual nonresident investment adviser.

This form shall be filed pursuant to Rule 0-10 (§ 260.0-10 of this chapter) by each individual nonresident investment adviser who is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.4 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 269.25 Form 5-R, irrevocable appointment of agent for service of process, pleadings and other papers by corporation nonresident investment adviser.

This form shall be filed pursuant to Rule 0-10 (§ 260.0-10 of this chapter) by each corporation nonresident investment adviser, and by each unincorporated nonresident investment adviser not organized as a partnership, which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.5 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 269.26 Form 6-R, irrevocable appointment of agent for service of process, pleadings and other papers by partnership nonresident investment adviser.

This form shall be filed pursuant to Rule 0-10 (§ 260.0-10 of this chapter) by each partnership nonresident investment adviser which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.6 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 269.27 Form 7-R, irrevocable appointment of agent for service of process, pleadings and other papers by nonresident general partner of investment adviser.

This form shall be filed pursuant to Rule 0-10 (§ 260.0-10 of this chapter) by each nonresident general partner of an investment adviser, and by each nonresident "managing agent" of an unincorporated investment adviser as defined in said Rule 0-10, which is registered or applying for registration with the Commission as investment adviser. (Same as § 279.7 of this chapter.)

[19 F.R. 4301, July 14, 1954]

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Sec.

274.0-1 Incorporation by reference.

Subpart A—Registration Statements

274.5 Form N-5, registration statement of small business investment company under the Securities Act of 1933 and the Investment Company Act of 1940.

274.10 Form N-8A, for notification of registration.

274.11 Form N-8B-1, registration statement of management investment companies.

Sec.

274.12

Form N-8B-2, registration statement of unit investment trusts which are currently issuing securities.

274.13

Form N-8B-3, registration statement of unincorporated management investment companies currently issuing periodic payment plan certificates.

274.14

Form N-8B-4, registration statements of face-amount certificate companies.

Subpart B—Forms for Reports

274.101

Form N-1R, annual report of registered management investment company under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.

274.101a-1

EDP attachment for Form N-1R of registered open-end management investment company.

274.101a-2

EDP attachment for Form N-1R of registered closed-end management investment company.

274.102

Form N-30A-2, annual report of unit investment trusts which are currently issuing securities.

274.103

Form N-30A-3, annual report of unincorporated management investment companies currently issuing periodic payment plan certificates.

274.105

Form N-5R, for annual reports of small business investment companies pursuant to section 30 of the Investment Company Act of 1940 and section 13 or 15(d) of the Securities Exchange Act of 1934.

274.106

Form N-1Q, for quarterly report of registered management investment company.

274.200

Form N-17D-1, report filed by small business investment company (SBIC) registered under the Investment Company Act of 1940 and an affiliated bank, with respect to investments by the SBIC and the bank, submitted pursuant to paragraph (d) (3) of § 270.17d-1 of this chapter.

Subpart C—Forms for Other Statements

274.201

Form N-23C-1, statement by registered closed-end investment company with respect to purchases of its own securities pursuant to Rule N-23C-1 during the last calendar month.

274.202

Form 3, initial statement of beneficial ownership of securities.

274.203

Form 4, statement of changes in beneficial ownership of securities.

274.207

Form 7-M, for consent to service of process by an individual nonresident broker-dealer.

274.208

Form 8-M, for consent to service of process by a corporation nonresident broker-dealer.

274.209

Form 9-M, for consent to service of process by a partnership nonresident broker-dealer.

274.210

Form 10-M, for consent to service of process by a nonresident general partner of a broker-dealer firm.

274.214

Form 4-R, irrevocable appointment of agent for service of process, pleadings and other papers by individual nonresident investment adviser.

Sec.

- 274.215 Form 5-R, irrevocable appointment of agent for service of process, pleadings and other papers by corporation non-resident investment adviser.
- 274.216 Form 6-R, irrevocable appointment of agent for service of process, pleadings and other papers by partnership non-resident investment adviser.
- 274.217 Form 7-R, irrevocable appointment of agent for service of process, pleadings and other papers by nonresident general partner of investment adviser.

AUTHORITY: The provisions of this Part 274 issued under secs. 8, 23(c), 30, 38, 54 Stat. 803, 825, 836, 841; 15 U.S.C. 80a-8, 80a-23c, 80a-29, 80a-37.

§ 274.0-1 Incorporation by reference.

(a) The forms prescribed for use under the Investment Company Act of 1940, which are identified and described in this part, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a) (1) and 1 CFR Part 20.

(b) Copies of the forms prescribed in this part may be obtained on request addressed to Securities and Exchange Commission, Washington, D.C. 20549. The forms may also be inspected at that address, and at the Commission's regional and branch offices whose addresses appear in § 200.11 of this chapter.

(c) Revisions or amendments of the forms may be issued from time to time by the Securities and Exchange Commission. An historic file of such amendments or revisions is maintained and made available for inspection at the Securities and Exchange Commission, Washington, D.C. 20549.

Subpart A—Registration Statements

§ 274.5 Form N-5, for registration statement of small business investment company under the Securities Act of 1933 and the Investment Company Act of 1940.

This form shall be used for the registration statement under both sections 6 and 7 of the Securities Act of 1933 (15 U.S.C. 77f, 77g) and section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-8(b)), by a small business investment company which is licensed as such under the Small Business Investment Act of 1958 or which has received preliminary approval of the Small Business Administration and has been notified by that Administration that it may submit a license application.

[Adopted 23 F.R. 10487, Dec. 30, 1958; re-stated 30 F.R. 3312, Mar. 11, 1965]

§ 274.10 Form N-8A, for notification of registration.

This form shall be used as the notification of registration filed with the Commission pursuant to section 8(a) of the Investment Company Act of 1940.

[Adopted 5 F.R. 4203, Oct. 24, 1940]

§ 274.11 Form N-8B-1, registration statement of management investment companies.

(a) This form shall be used as the registration statement to be filed, pursuant to section 8(b) of the Investment

Company Act of 1940, by management investment companies other than companies which issued periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates.

[Form N-8B-1 was adopted 6 F.R. 2573, May 27, 1941; revised, 18 F.R. 8577, Dec. 19, 1953, and subsequently amended at 21 F.R. 8569, Nov. 8, 1956; 22 F.R. 8979, Nov. 8, 1957.]

§ 274.12 Form N-8B-2, registration statement of unit investment trusts which are currently issuing securities.

(a) This form shall be used as the registration statement 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.

[7 F.R. 4528, June 18, 1942]

§ 274.13 Form N-8B-3, registration statement of unincorporated management investment companies currently issuing periodic payment plan certificates.

(a) This form shall be used 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.

[7 F.R. 4639, June 23, 1942]

§ 274.14 Form N-8B-4, registration statements of face-amount certificate companies.

This form shall be used for registration statements of face-amount certificate companies registered under the Investment Company Act of 1940.

[16 F.R. 281, Jan. 11, 1951]

Subpart B—Forms for Reports

§ 274.101 Form N-1R, annual report of registered management investment company under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.

This form shall be used pursuant to Rule 30a-2 (§ 270.30a-2 of this chapter) for annual reports to be filed, pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 and pursuant to section 30 of the Investment Company Act of 1940, by all management investment companies registered under the latter act, except those which issued periodic payment plan certificates, and except small business investment companies licensed as such under the Small Business Investment Act of 1958 which file annual reports with the Commission on Form N-5R (described in § 274.105 of this chapter).

[Formerly Form N-30A-1, 7 F.R. 4528, June 16, 1942] [Redesignated and Revised 30 F.R. 2136, Feb. 17, 1965, as amended at 30 F.R. 3312, Mar. 11, 1965; 33 F.R. 5749, Apr. 13, 1968]

§ 274.101a-1 EDP attachment for Form N-1R of registered open-end management investment company.

This form shall be used as an exhibit to annual reports filed pursuant to sec-

tion 30 of the Investment Company Act of 1940 on Form N-1R by registered open-end management investment companies.

[33 F.R. 5749, 5764, Apr. 13, 1968]

§ 274.101a-2 EDP attachment for Form N-1R of registered closed-end management investment company.

This form shall be used as an exhibit to annual reports filed pursuant to section 30 of the Investment Company Act of 1940 on Form N-1R by registered closed-end management investment companies.

[33 F.R. 5749, 5764, Apr. 13, 1968]

§ 274.102 Form N-30A-2, annual report of unit investment trusts which are currently issuing securities.

This form shall be used for annual reports to be filed pursuant to Rule 30a-2 (§ 270.30a-2 of this chapter), which are required 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 payment plan certificates. (Same as § 249.442 of this chapter.)

[8 F.R. 6079, May 12, 1943]

§ 274.103 Form N-30A-3, annual report of unincorporated management investment companies currently issuing periodic payment plan certificates.

This form shall be used for annual reports to be filed pursuant to Rule 30a-2 (§ 270.30a-2 of this chapter) which are required 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. (Same as § 249.443 of this chapter.)

[8 F.R. 6079, May 12, 1943]

§ 274.105 Form N-5R, for annual reports of small business investment companies pursuant to section 30 of the Investment Company Act of 1940 and section 13 or 15(d) of the Securities Exchange Act of 1934.

This form shall be used pursuant to Rule 30a-2 (§ 270.30a-2 of this chapter) for annual reports required to be filed pursuant to Section 30 of the Investment Company Act of 1940 and Section 13 or 15(d) of the Securities Exchange Act of 1934 by all small business investment companies licensed under the Small Business Investment Act of 1958 which are subject to such reporting requirements.

[Adopted 25 F.R. 7368, Aug. 5, 1960; redesignated 30 F.R. 3312, Mar. 11, 1965]

§ 274.106 Form N-1Q, for quarterly report of registered management investment company.

This form shall be used pursuant to Rule 30b1-1 (§ 270.30b1-1 of this chapter) for quarterly reports required to be filed 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 calendar quarter of any one or more of the events specified in the items of this form.

[Adopted as Form N-30B-1 7 F.R. 4528, June 16, 1942; Revised and redesignated as Form N-1Q 32 F.R. 17583, Dec. 8, 1967]

§ 274.200 Form N-17D-1, report filed by small business investment company (SBIC) registered under the Investment Company Act of 1940 and an affiliated bank, with respect to investments by the SBIC and the bank, submitted pursuant to paragraph (d) (3) of § 270.17d-1.

This form shall be filed pursuant to Rule 17d-2 (§ 270.17d-2 of this chapter) as the report required, under subparagraph (d) (3) of Rule 17d-1 (§ 270.17d-1(d) (3) of this chapter), to be filed, either jointly or separately, by a small business investment company (SBIC) licensed as such under the Small Business Investment Act of 1958, and by a bank which is an affiliated person of either the SBIC or of an affiliated person of the SBIC, with respect to investments in a small business concern by the SBIC and the bank.

[26 F.R. 11240, Nov. 29, 1961]

Subpart C—Forms for Other Statements

§ 274.201 Form N-23C-1, statement by registered closed-end investment company with respect to purchases of its own securities pursuant to Rule 23c-1 during the last calendar month.

This form shall be filed, pursuant to subparagraph (a) (11) of Rule 23c-1 (§ 270.23c-1(a) (11) of this chapter) and section 23(c) of the Investment Company Act of 1940, by a registered closed-end investment company for reporting monthly purchases of securities of which it is the issuer, on or before the tenth day of the calendar month following the month in which the purchase occurs; but no report need be filed for any month in which there have been no such purchases.

[6 F.R. 1286, Mar. 5, 1941; 7 F.R. 10424, Dec. 15, 1942]

§ 274.202 Form 3, initial statement of beneficial ownership of securities.

This form shall be filed pursuant to Rule 30f-1 (§ 270.30f-1 of this chapter) for initial statements of beneficial ownership of securities required to be filed pursuant to section 30(f) of the Investment Company Act of 1940. (Same as § 249.103 of this chapter.)

[26 F.R. 2466, Mar. 23, 1961]

§ 274.203 Form 4, statement of changes in beneficial ownership of securities.

This form shall be filed pursuant to Rule 30f-1 (§ 270.30f-1 of this chapter) for statements of changes in beneficial ownership of securities required to be filed pursuant to section 30(f) of the in-

vestment Company Act of 1940. (Same as § 249.104 of this chapter.)

[26 F.R. 2466, Mar. 23, 1961]

§§ 274.204–274.206 [Reserved]

§ 274.207 Form 7-M, for consent to service of process by an individual nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-6 (§ 270.0-6 of this chapter) by each individual nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.507 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 274.208 Form 8-M, for consent to service of process by a corporation nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-6 (§ 270.0-6 of this chapter) by each corporation which is a nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.508 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 274.209 Form 9-M, for consent to service of process by a partnership nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-6 (§ 270.0-6 of this chapter) by each partnership nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.509 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 274.210 Form 10-M, for consent to service of process by a nonresident general partner of a broker-dealer firm.

This form shall be filed pursuant to Rule 0-6 (§ 270.0-6 of this chapter) by each nonresident general partner of a broker-dealer firm registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.510 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§§ 274.211–274.213 [Reserved]

§ 274.214 Form 4-R, irrevocable appointment of agent for service of process, pleadings and other papers by individual nonresident investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 270.0-7 of this chapter) by

each individual nonresident investment adviser who is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.4 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 274.215 Form 5-R, irrevocable appointment of agent for service of process, pleadings and other papers by corporation nonresident investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 270.0-7 of this chapter) by each corporation nonresident investment adviser, and by each unincorporated nonresident investment adviser not organized as a partnership, which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.5 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 274.216 Form 6-R, irrevocable appointment of agent for service of process, pleadings and other papers by partnership nonresident investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 270.0-7 of this chapter) by each partnership nonresident investment adviser which is registered or applying for registration with the Commission as an investment adviser. (Same as § 279.6 of this chapter.)

[19 F.R. 4301, July 14, 1954]

§ 274.217 Form 7-R, irrevocable appointment of agent for service of process, pleadings and other papers by nonresident general partner of investment adviser.

This form shall be filed pursuant to Rule 0-7 (§ 270.0-7 of this chapter) by each nonresident general partner of an investment adviser, and by each nonresident "managing agent" of an unincorporated investment adviser as defined in said Rule 0-7, which is registered or applying for registration with the Commission as investment adviser. (Same as § 279.7 of this chapter.)

[19 F.R. 4301, July 14, 1954]

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

- | | |
|---------|--|
| Sec. | |
| 279.0-1 | Incorporation by reference. |
| 279.1 | Form ADV, for application for registration as investment adviser, and for amendments to such registration statement. |
| 279.2 | Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser. |
| 279.3 | [Reserved] |
| 279.4 | Form 4-R; irrevocable appointment of agent for service of process, pleadings and other papers by individual nonresident investment adviser. |
| 279.5 | Form 5-R; irrevocable appointment of agent for service of process, pleadings and other papers by corporation nonresident investment adviser. |

- Sec.
279.6 Form 6-R; irrevocable appointment of agent for service of process, pleadings and other papers by partnership nonresident investment adviser.
- 279.7 Form 7-R; irrevocable appointment of agent for service of process, pleadings and other papers by nonresident general partner of an investment adviser.
- 279.8-279.16 [Reserved]
- 279.17 Form 7-M, for consent to service of process by an individual nonresident broker-dealer.
- 279.18 Form 8-M, for consent to service of process by a corporation nonresident broker-dealer.
- 279.19 Form 9-M, for consent to service of process by a partnership nonresident broker-dealer.
- 279.20 Form 10-M, for consent to service of process by a nonresident general partner of a broker-dealer firm.

AUTHORITY: The provisions of this Part 279 issued under sec. 211, 54 Stat. 855; 15 U.S.C. 80b-11.

§ 279.0-1 Incorporation by reference.

(a) The forms prescribed for use under the Investment Advisers Act of 1940, which are identified and described in this part, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a) (1) and 1 CFR Part 20.

(b) Copies of the forms prescribed in this part may be obtained on request addressed to Securities and Exchange Commission, Washington, D.C. 20549. The forms may also be inspected at that address, and at the Commission's regional and branch offices whose addresses appear in § 200.11 of this chapter.

(c) Revisions or amendments of the forms may be issued from time to time by the Securities and Exchange Commission. An historic file of such amendments or revisions is maintained and made available for inspection at the Securities and Exchange Commission, Washington, D.C. 20549.

§ 279.1 Form ADV, for application for registration of investment adviser, and for amendments to such registration statement.

This form shall be filed pursuant to Rule 203-1 and 204-1 (§§ 275.203-1, 275.204-1 of this chapter) as an application for registration of an investment adviser pursuant to sections 203(c) or 203(f) of the Investment Advisers Act of 1940, and also as amendment to said registration pursuant to Rule 204-1 (§ 275.204-1 of this chapter).

[Formerly Form 1-R adopted 5 F.R. 3791, Sept. 25, 1940; revised 19 F.R. 4079, July 3, 1954; amended 26 F.R. 1212, Feb. 11, 1961, 26 F.R. 6024, July 6, 1961, 33 F.R. 8541, June 11, 1968]

§ 279.2 Form ADV-W, notice of withdrawal from registration as investment adviser.

This form shall be filed pursuant to Rule 203-2 (§ 275.203-2 of this chapter) by a registered investment adviser as a notice of withdrawal from registration as such under the Investment Advisers Act of 1940.

[32 F.R. 16151, Nov. 25, 1967]

§ 279.3 [Reserved]

§ 279.4 Form 4-R, irrevocable appointment of agent for service of process, pleadings and other papers by individual nonresident investment adviser.

This form shall be filed pursuant to Rule 0-2 (§ 275.0-2 of this chapter) by each individual nonresident investment adviser who is registered or applying for registration with the Commission as an investment adviser.

[19 F.R. 4301, July 14, 1954]

§ 279.5 Form 5-R, irrevocable appointment of agent for service of process, pleadings and other papers by corporation nonresident investment adviser.

This form shall be filed pursuant to Rule 0-2 (§ 275.0-2 of this chapter) by each corporation nonresident investment adviser, and by each unincorporated nonresident investment adviser not organized as a partnership, which is registered or applying for registration with the Commission as an investment adviser.

[19 F.R. 4301, July 14, 1954]

§ 279.6 Form 6-R, irrevocable appointment of agent for service of process, pleadings and other papers by partnership nonresident investment adviser.

This form shall be filed pursuant to Rule 0-2 (§ 275.0-2 of this chapter) by each partnership nonresident investment adviser which is registered or applying for registration with the Commission as an investment adviser.

[19 F.R. 4301, July 14, 1954]

§ 279.7 Form 7-R, irrevocable appointment of agent for service of process, pleadings and other papers by nonresident general partner of investment adviser.

This form shall be filed pursuant to Rule 0-2 (§ 275.0-2 of this chapter) by each nonresident general partner of an investment adviser, and by each nonresident "managing agent" of an unincorporated investment adviser as defined in said Rule 0-2, which is registered or applying for registration with the Commission as investment adviser.

[19 F.R. 4301, July 14, 1954]

§§ 279.8-279.16 [Reserved]

§ 279.17 Form 7-M, for consent to service of process by an individual nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-1 (§ 275.0-1 of this chapter) by each individual nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.507 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 279.18 Form 8-M, for consent to service of process by a corporation nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-1 (§ 275.0-1 of this chapter) by each corporation which is a nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.508 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 279.19 Form 9-M, for consent to service of process by a partnership nonresident broker-dealer.

This form shall be filed pursuant to Rule 0-1 (§ 275.0-1 of this chapter) by each partnership nonresident broker-dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.509 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

§ 279.20 Form 10-M, for consent to service of process by a nonresident general partner of a broker-dealer firm.

This form shall be filed pursuant to Rule 0-1 (§ 275.0-1 of this chapter) by each nonresident general partner of a broker-dealer firm registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). (Same as § 249.510 of this chapter.)

[18 F.R. 2576, May 2, 1953, as amended at 23 F.R. 9691, Dec. 16, 1958; 29 F.R. 16982, Dec. 11, 1964; redesignated 30 F.R. 11851, Sept. 16, 1965]

[F.R. Doc. 68-15176; Filed, Dec. 19, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Margarine From Certain Labeling Requirements

In the matter exempting margarine from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of May 25, 1968

(33 F.R. 7726), based on a petition submitted by the National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C. 20004.

In response to the proposal, five comments were received as follows:

1. Two State agencies agree with the petitioner's grounds and support the proposal.

2. One State agency, while agreeing that packages of margarine are standardized as to size, opposes the exemption because "approval will weaken the Law."

3. A national association opposes the exemption because it believes that "if the history of packaging repeats itself, tubs of margarine will begin to vary in size, shape, and weight."

4. A consumer opposes the exemption without stating her reasons.

Based on consideration given the petition, the comments received, and other relevant information, the Commissioner of Food and Drugs concludes that:

A. Because liquid margarine (21 CFR 45.2), soft margarine, and whipped margarine are often packaged in containers not readily recognized as 1-pound units (for example, tubs, bottles, or rectangular packages of more than four sticks), the exemption should apply only to margarine packaged in solid 1-pound units or in rectangular packages of four ¼-pound sticks.

B. Since there was no opportunity for margarine manufacturers to make label changes during the pendency of the exemption proposal, any margarine label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969.

C. The proposed amendment should be adopted as set forth below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner (21 CFR 2.120): It is ordered, That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemptions from required label statements.

* * * *

(a) Foods. * * *

(1) Margarine as defined in § 45.1 of this chapter and imitations thereof in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages that contain more than four sticks, are exempt from the requirement of § 1.8b(f) that the declaration of the net quantity of contents appear within the bottom 30 percent of the principal display panel and from the requirement of § 1.8b(j) (1) that such declaration be expressed both in ounces and in pounds to permit declaration of "1 pound" or "one pound," provided an accurate statement of net weight appears conspicuously on the principal display panel of the package.

* * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: December 11, 1968.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 68-15183; Filed, Dec. 19, 1968; 8:47 a.m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Labeling for Food Fish of the Species *Reinhardtius Hippoglossoides*

In the FEDERAL REGISTER of August 21, 1968 (33 F.R. 11813), the Commissioner of Food and Drugs published a statement of policy, § 3.70, concerning the common name for food fish of the species *Reinhardtius hippoglossoides*. Objections to calling this fish "flounder" or "northern flounder" were filed and a hearing was requested by Canadian producers, American distributors of this fish and of the species commonly labeled "flounder," Canadian government officials, and union representatives.

Although the Federal Food, Drug, and Cosmetic Act does not provide for hearings on such statements of policy, an opportunity was afforded on October 2, 1968, for interested persons to present their views.

Many persons attending the hearing recommended that, if the name "Greenland halibut" could not longer be used, the products of *Reinhardtius hippoglossoides* be labeled "Greenland turbot."

Later three American distributors of the true turbot (*Rhombus maximus* or *Psetta maxima*) protested this proposal. One requested a hearing and was afforded an opportunity to present data to support his contention that the proposed name "Greenland turbot" would

be misleading and would have an adverse impact on importation and sales of turbot. Similar views were expressed in writing by four British exporters of turbot and in aides-memoire filed with the State Department by the British and Danish Embassies.

Several American firms and the Minister of the Government of Newfoundland and Labrador wrote letters supporting the proposal to label this fish "Greenland turbot."

Persons interested in the marketing of turbot suggested the designation "Greenland sole" for *Reinhardtius hippoglossoides*. This name is subject to all the criticisms aimed at the name "flounder" or "northern flounder." Members of both the Bureau of Commercial Fisheries in the U.S. Department of Interior and of the Bureau of Science in the Food and Drug Administration claim such name is indefensible, scientifically, on the basis of past usage or otherwise.

After considering all information provided in the petition filed in behalf of the Halibut Association of North America and others, the information submitted at the informal hearing, and that subsequently presented by those advocating and those opposing the proposed name "Greenland turbot," the Commissioner of Food and Drugs concludes that policy statement in this matter should be revised to read as set forth below.

Therefore, pursuant to the authority contained in the Federal Food, Drug, and Cosmetic Act (secs. 403(b), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343(b), 371(a)) and delegated to the Commissioner (21 CFR 2.120), § 3.70 is revised to read as follows:

§ 3.70 Labeling for food fish of the species *Reinhardtius hippoglossoides*.

(a) (1) *Reinhardtius hippoglossoides* is a species of *Pleuronectidae* right-eye flounders. Although smaller in size it resembles the Atlantic halibut (*Hippoglossus hippoglossus*) and Pacific halibut (*Hippoglossus stenolepis*) more closely than it does any of the other species of the *Pleuronectidae* which are commonly designated by names which include the word "flounder," "sole," or "turbot." Its resemblance to halibut is reflected in its scientific name (*hippoglossoides* means "halibut like") and in the common names by which it is known. In Canada and England it is called "Greenland halibut." In Norway, West Germany, Russia, France, and Spain it is known by names which in translation mean "black halibut." It is also known as "lesser halibut," "blue halibut," or "mock halibut."

(2) The difference in morphological characteristics between *Reinhardtius hippoglossoides* and the true halibut or the species commonly sold as flounder or sole are of less concern to American consumers than the differences in characteristics and food values of the flesh. The flesh of *Reinhardtius hippoglossoides* contains significantly less protein than that of halibut or turbot, but about the same as flounder or sole. It contains much more fat and provides significantly