

procedure, Organization and functions (Government agencies).

For the reasons set forth in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, 13 CFR 101.3-2 is amended as set forth below:

**§ 101.3-2 [Amended]**

13 CFR 101.3-2, Part II *Disaster Program* is canceled with the space reserved as follows:

**Part II—[Reserved]**

(Sec. 5(b)(6) of the Small Business Act; 15 U.S.C. 634)

James C. Sanders,  
Administrator.

[FR Doc. 83-11775 Filed 5-2-83; 8:45 am]

BILLING CODE 8025-01-M

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 200**

[Release No. 34-19698]

**Delegation of Authority to Director of the Division of Market Regulation**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule amendment.

**SUMMARY:** The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to grant exemptions from certain provisions of the rule governing the dissemination of quotation information.

**EFFECTIVE DATE:** May 3, 1983.

**FOR FURTHER INFORMATION CONTACT:** William W. Uchimoto, (202) 272-2409, Division of Market Regulation, Securities and Exchange Commission, Room 5193, 450 5th Street, Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation the authority to grant exemptions from Rule 11Ac1-1 ("Rule"), pursuant to paragraph (d) of the Rule.<sup>1</sup> The Commission finds, in

<sup>1</sup> The Director of the Division of Market Regulation currently has delegated authority only to grant exemptions from paragraph (c)(1) of the Rule to responsible brokers or dealers acting in the capacity of third market makers within the meaning of the Rule. See 17 CFR 240.200.30-3(a)(28).

accordance with the Administrative Procedure Act ("APA") [5 U.S.C. 553(b)(3)(B)], that this amendment relates solely to agency organization, procedures, or practice and that notice and procedures pursuant to the APA are therefore not necessary, and that such amendment shall be adopted, effectively immediately.

**List of Subjects in 17 CFR Part 200**

Administrative practice and procedure, Freedom of information, Privacy, Securities.

The Securities and Exchange Commission, pursuant to the Act, and particularly Sections 2, 6, 11A and 23 (15 U.S.C. 78b, 78f, 78k-1 and 78w), thereof, and the Delegation of Functions Act, 15 U.S.C. 78d-1, hereby adopts an amendment to Section 200.30-3(a).

**PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**

The Commission hereby revises paragraph (a)(28) of § 200.30-3, 17 CFR Chapter II to read as follows:

**§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.**

(a) \* \* \*

(28) To grant exemptions from Rule 11Ac1-1 ("Rule") [§ 240.11Ac1-1], pursuant to paragraph (d) of the Rule.

By the Commission.  
April 25, 1983.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-11863 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

**17 CFR Parts 229, 230, 239, 240 and 249**

[Release Nos. 33-6465; 34-19695; File No. S7-961]

**Technical Amendments to Rules, Forms, and Schedules**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rules

**SUMMARY:** The Commission today adopted technical amendments to various rules, forms and schedules under the Securities Act of 1933 and the Securities Exchange Act of 1934. These amendments clarify certain language and correct technical omissions and errata.

**EFFECTIVE DATE:** May 3, 1983.

**FOR FURTHER INFORMATION CONTACT:** V. Gerard Comizio, Office of Disclosure

Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 at (202) 272-2589.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission is publishing for adoption technical amendments relating to various rules, forms and schedules under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq. (1976 and Supp. IV 1980)] and the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq. (1976 and Supp. IV 1980)]. These actions relate primarily to technical omissions and errata in the Integrated Disclosure Release adopted by the Commission on March 3, 1982.<sup>1</sup> The following rules, forms and schedules are affected by these amendments: Items 401, 503 and 601 of Regulation S-K [17 CFR Part 229]; Securities Act Industry Guides 4 and 5 [17 CFR 229.801]; Securities Act Rules 134, 175, 432 and 494 [17 CFR 230]; Securities Act Forms C-2 [17 CFR 239.4], D-1 [17 CFR 239.6], D-1A [17 CFR 239.7], S-1 [17 CFR 239.11], S-2 [17 CFR 239.12], S-3 [17 CFR 239.13], S-8 [17 CFR 239.16], S-14 [17 CFR 139.23] and S-15 [17 CFR 239.29]; Exchange Act Rules 3b-6, 13a-13 and 13e-3 [17 CFR 240]; and Exchange Act Forms 8-K [17 CFR 249.308] and 10-K [17 CFR 249.310].

The amendments are being adopted as proposed with only minor modifications.<sup>2</sup> First, the reference to Part I of Form 10-K in Instruction 3 to Paragraph (b) of Item 401, which relates to the options allowed for presenting required information about directors and officers, is not being revised.

Second, the following additional technical changes are being adopted:

(a) Paragraph (e) of Item 11 of Form S-1, Information with Respect to the Registrant, has been amended to correct the cross-reference to Item 15 of Form S-1.

(b) Paragraphs (a)(i)(A) and (B) of Item 12 (Incorporation of Certain Information by Reference) of Form S-15 have been amended to provide a correct reference to Rule 14a-3(b)(6) under the Exchange Act in subparagraph (A), and Rule 14a-3(b)(1) under the Exchange Act in subparagraph (B).

(c) Instruction G(3) of Form 10-K (Information to be Incorporated by Reference) has been amended to provide a correct reference to

<sup>1</sup> Release No. 33-6383 (March 3, 1982) [47 FR 11380, March 16, 1982].

<sup>2</sup> Pursuant to the Commission's request for comment, three letters of comment were submitted. The comment letters are available for public inspection and copying at the Commission's Public Reference Room (See File No. S7-961).

Instruction 3 to Item 401(b) of Regulation S-K.

(d) Item 13(d) of Form 10-K (Exhibits, Financial Statement Schedules and Reports on Form 8-K) has been amended to reflect changes made in Accounting Series Release No. 302 ("ASR 302").<sup>3</sup> ASR 302 generally eliminates the filing of separate financial statements by parent companies in certain instances. Consistent with ASR 302, paragraphs (1) and (3) of Item 13(d) have been deleted and the remaining paragraphs renumbered.

The Commission hereby finds pursuant to Section 553(d) of the Administrative Procedure Act [5 U.S.C. 553(d) (1949)] that publication in the Federal Register 30 days prior to effectiveness is not necessary because the amendments are technical and correcting in nature.

List of Subjects in 17 CFR Parts 229, 230, 239, 240 and 249

Reporting and recordkeeping requirements, Securities.

#### Text of Amendments

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

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

1. By revising Instruction 3 to Paragraph (b) in § 229.401 to read as follows:

#### § 229.401 (Item 401) Directors and executive officers.

*Instructions to Paragraph (b) of Item 401.*

3. The information regarding executive officers called for by this Item need not be furnished in proxy or information statements prepared in accordance with Schedule 14A under the Exchange Act (§ 240.14a-101 of this chapter) by those registrants relying on General Instruction G of Form 10-K under the Exchange Act (§ 249.310 of this chapter), *Provided*, That such information is furnished in a separate item captioned "Executive officers of the registrant" and included in Part I of the registrant's annual report on Form 10-K.

2. By revising paragraphs (d)(3)(i), (3)(v), (4)(i) and the first sentence of

(4)(ii) and adding a new paragraph (d)(3)(vi) to § 229.503 to read as follows:

#### § 229.503 (Item 503) Summary information, risk factors and ratio of earnings to fixed charges.

(d) Ratio of earnings to fixed charges.

(3) \* \* \*

(i) Add to pretax income the amount of fixed charges computed pursuant to paragraph (d)(4) of this section, adjusted to exclude (A) the amount of any interest capitalized during the period and (B) the actual amount of any preferred stock dividend requirements of majority-owned subsidiaries and fifty-percent-owned persons which were included in such fixed charges amount but not deducted in the determination of pretax income.

(v) Registrants other than public utilities may add to earnings the amount of previously capitalized interest amortized during the period.

(vi) A registrant which is a rate-regulated public utility shall not reduce fixed charges (see paragraph (4) below) by any allowance for funds used during construction, but rather, shall include any such allowance in the determination of earnings under this paragraph.

(4)(i) The term "fixed charges" shall mean the total of (A) interest, whether expensed or capitalized; (B) amortization of debt expense and discount or premium relating to any indebtedness, whether expensed or capitalized; (C) such portion of rental expense as can be demonstrated to be representative of the interest factor in the particular case; and (D) preferred stock dividend requirements of majority-owned subsidiaries and fifty-percent-owned persons, excluding in all cases items which would be or are eliminated in consolidation.

(ii) If the registrant is a guarantor of debt of a less than fifty-percent-owned person or of an unaffiliated person (such as a supplier), the amount of fixed charges associated with such debt should not be included in the computation of the ratio unless the registrant has been required to satisfy the guarantee or it is probable that the registrant will be required to honor the guarantee and the amount can reasonably be estimated.

3. By revising the first sentence of paragraph (b)(8) and by adding a period after the word "filed" and capitalizing the word "Where" in paragraph (b)(25) in § 229.601 to read as follows:

#### § 229.601 (Item 601) Exhibits.

(b) *Description of exhibits.*

(8) *Opinion re tax matters*—For filings on Form S-11 under the Securities Act (§ 239.18) or those to which Securities Act Industry Guide 5 applies, an opinion of counsel or of an independent public or certified public accountant or, in lieu thereof, a revenue ruling from the Internal Revenue Service, supporting the tax matters and consequences to the shareholders as described in the filing when such tax matters are material to the transaction for which the registration statement is being filed.

(25) *Power of attorney*—If any name is signed to the registration statement or report pursuant to power of attorney, manually signed copies of such power of attorney shall be filed.

#### § 229.801 [Amended]

4. By amending Securities Act Industry Guide 4 in § 229.801 to revise subparagraph 1 of Item 1 and Item 11 to read as follows (Securities Act Industry Guide 4 does not appear in the Code of Federal Regulations):

Guide 4. Prospectus Relating to Interests in Oil and Gas Programs.

1. \* \* \*

(1) *Terms of Offering*: State the title and general nature of the securities being offered; the maximum aggregate amount of the offering; the minimum aggregate amount necessary to initiate the program; the disposition of the funds raised if they are not sufficient for that purpose; the minimum subscription price; the period of the offering; any provisions for additional assessments; and a brief description of the proposed method of distribution, including the amount of any commission to be paid. If funds received from investors are not to be held in trust or in special account pending expenditure in the program, appropriate disclosures should be set forth including when appropriate reference to exposure to claims of creditors of the custodian of the funds.

The tabular presentation specified in item 501(c)(7) of Regulation S-K (§ 229.501(c)(7)) may be omitted:

11. *Management*. Furnish the information required by Items 401 through 403 of Regulation S-K (§§ 229.401 through 403) as to the management and operating companies.

5. By amending Securities Act Industry Guide 5 in § 229.801 to delete

<sup>3</sup> Securities Act Release No. 33-6359 (November 6, 1981) [46 FR 56171, November 19, 1981].

paragraph 18 and to renumber paragraphs 19 through 21 as paragraphs 18 through 20 (Securities Act Industry Guide 5 does not appear in the Code of Federal Regulations).

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

6. By revising paragraph (a)(14)(ii) in § 230.134 to read as follows:

##### **§ 230.134 Communications not deemed a prospectus.**

(a) \* \* \*

(14) \* \* \*

(ii) For the purpose of paragraph (a)(14)(i) of this section, the term "nationally recognized statistical rating organization" shall have the same meaning as used in Rule 15c-3-1(c)(2)(vi)(F) under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1(c)(2)(vi)(F)).

7. By revising paragraph (b)(2) introductory text and paragraph (b)(2)(i) in § 230.175 to read as follows:

##### **§ 230.175 Liability for certain statements by issuers.**

(b) \* \* \*

(2) Information which is disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q (§ 249.308a of this chapter) or in an annual report to shareholders meeting the requirements of Rules 14a-3(b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934 (§§ 240.14a-3 (b) and (c) or 240.14a-3 (a) and (b) of this chapter) and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S-K (§ 229.303 of this chapter) or Item 9 of Form 20-F (§ 249.220f of this chapter) "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S-K (§ 229.302 of this chapter), "Supplementary financial information," or Rule 3-20(c) of Regulation S-X (§ 210.3-20(c) of this chapter), or

8. By revising § 230.432 to read as follows:

##### **§ 230.432 Additional information required to be included in prospectuses relating to tender offers.**

Notwithstanding the provisions \* \* \* not otherwise required to be included therein, required by Rule 14d-6(e)(1) (§ 240.14d-6(e)(1) of this chapter) to be included in all such tender offers,

requests or invitations, published or sent or given to the holders of such securities.

9. By revising paragraph (e) in § 230.494 to read as follows:

##### **§ 230.494 Newspaper prospectuses.**

(e) If the registrant or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize the price of any security to facilitate the offering of the registered security, there shall be placed in the newspaper prospectus, in capital letters, the statement required by Item 502(d) of Regulation S-K (§ 229.502(d) of this chapter) to be included in the full prospectus.

#### **PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933**

##### **§ 239.4 [Amended]**

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

##### **§ 239.6 [Amended]**

11. By removing Form D-1, for certificates of deposit, in § 239.6.

##### **§ 239.7 [Amended]**

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

13. By revising paragraph (e) of Item 11 and paragraph (b) of Item 16 of Form S-1 in § 239.11 to read as follows (Form S-1 does not appear in the Code of Federal Regulations):

##### **§ 239.11 Form S-1 [Amended]**

Item 11. Information with respect to the Registrant. Furnish the following information with respect to the Registrant:

(e) Financial statements meeting the requirements of Regulation S-X (17 CFR Part 210) (Schedules required under Regulation S-X shall be filed as "Financial Statement Schedules" pursuant to Item 15, Exhibits and Financial Statement Schedules, of this Form) as well as any Financial information required by Rule 3-05 and Article 11 of Regulation S-X.

Item 16. Exhibits and Financial Statement Schedules.

(b) Furnish the financial statement schedules required by Regulation S-X (17 CFR Part 210) and Item 11(e) of this Form. These schedules shall be lettered

or numbered in the manner described for exhibits in paragraph (a).

14. By amending Item 12 of Form S-2 in § 239.12 by revising the introductory paragraph (a) and paragraphs (a)(3)(i) and (b) to read as follows (Form S-2 does not appear in the Code of Federal Regulations):

##### **§ 239.12 Form S-2 [Amended]**

##### **Item 12. Incorporation of Certain Information by Reference.**

(a) The documents listed (1), (2), and, if applicable, the portions of the documents listed in (3) and (4) below, shall be specifically incorporated by reference into the prospectus, by means of a statement to that effect in the prospectus listing all such documents. In lieu of incorporating portions of the documents listed in (3) and (4) below, the registrant may incorporate by reference its entire annual or quarterly report to security holders.

(3) \* \* \*

(i) description of business furnished in accordance with the provisions of Rule 14a-3(b)(6) under the Exchange Act (§ 240.14a-3(b)(6) of this chapter):

(b) The registrant may also state, if it so chooses, that specifically described portions of its annual or quarterly report to security holders, other than those portions required to be incorporated by reference pursuant to paragraphs (a)(3) and (4) above, are not part of the registration statement. In such case, the description of portions which are not incorporated by reference or which are excluded shall be made with clarity and in reasonable detail.

15. By amending Item 11 of Form S-3 in § 239.13 to revise paragraph (b) to read as follows (Form S-3 does not appear in the Code of Federal Regulation):

##### **§ 239.13 Form S-3 [Amended]**

##### **Item 11. Material changes**

(b) Include in the prospectus, if not incorporated by reference therein from the reports filed under the Exchange Act specified in Item 12(a), a proxy or information statement filed pursuant to Section 14 of the Exchange Act, a prospectus previously filed pursuant to Rule 424 (b) or (c) under the Securities Act (§ 230.424 (b) or (c) of this chapter) or a Form 8-K filed during either of the two preceding fiscal years: (i)

Information required by Rule 3-05 and Article 11 of Regulation S-X (17 CFR Part 210); (ii) restated financial statements prepared in accordance with Regulation S-X if there has been a change in accounting principles or a correction in an error where such change or correction requires a material retroactive restatement of financial statements; (iii) restated financial statements prepared in accordance with Regulation S-X where one or more business combinations accounted for by the pooling of interest method of accounting have been consummated subsequent to the most recent fiscal year and the acquired businesses, considered in the aggregate, are significant pursuant to Rule 11-01(b), or (iv) any financial information required because of a material disposition of assets outside the normal course of business.

16. By revising Form S-8 in § 239.16 to delete the instruction to Item 5; and to revise subparagraph (1)(a) of General Instruction A; Note 1 to General Instruction C; the introductory paragraph and paragraph (b) of Item 15; and the signature provision; and Instruction 1 to the signature provision to read as follows (Form S-8 does not appear in the Code of Federal Regulations):

#### § 239.16 Form S-8 (Amended)

##### General Instructions

##### A. Rule as to use of Form S-8.

##### (1) \* \* \*

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to any employee benefit plan. (See Rule 405 of Regulation C (§ 230.405 of this chapter) defining "employee benefit plan").

##### C. Unavailability of the Form S-8 Prospectus for Reoffers or Resales.

Notes.—1. Registered securities may be included in a reoffer prospectus if they have been or will be acquired by the selling security holder pursuant to the plan. If after the effective date the issuer wishes to add any person who has acquired or will acquire any registered securities pursuant to the plan to the list of selling shareholders, the issuer may do so by filing a post-effective amendment or by use of a prospectus filed pursuant to Rule 424(c) under the Securities Act (§ 230.424(c) of this chapter).

#### PART I—INFORMATION REQUIRED IN THE PROSPECTUS

##### Item 15. Incorporation of Certain Documents by Reference.

The issuer and, where interests in the plan are being registered, the plan, shall incorporate by reference into the prospectus the documents listed in (a) through (c) below and shall state that all documents subsequently filed by them pursuant to Sections 13(a), 13(c), 14 and 15(d) of the Securities Exchange Act of 1934, prior to the filing of a post effective amendment which indicates that all securities offered have been sold or which deregisters all securities then remaining unsold, shall be deemed to be incorporated by reference in the prospectus and to be a part thereof from the date of filings of such documents. Copies of these documents are not required to be filed with the registration statement.

(b) All other reports filed pursuant to Sections 13(a) or

15(d) of the Securities Exchange Act of 1934 since the end of the fiscal year covered by the annual reports or the prospectus referred to in (a) above.

##### Signatures

*The Plan.* Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ Day of 19\_\_\_\_.

(The Plan)

By \_\_\_\_\_

(Signature and Title)

*Instructions.* 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its controller or principal accounting officer, and by at least a majority of the board of directors or persons performing similar functions. Where interests in the plan are being registered, the registration statement shall be signed by the plan. If the signing person is a foreign person. \* \* \*

17. By amending the heading of Part II of Form S-14 in § 239.23 to read as follows:

#### § 239.23 Form S-14 (Amended)

##### Part II. Information Not Required in Prospectus

18. By amending Item 12 of Form S-15 in § 239.29 to revise paragraphs (a)(i) (A) and (B) and (b) to read as follows (Form S-15 does not appear in the Code of Federal Regulations):

#### § 239.29 Form S-15 (Amended)

(c) \* \* \*

##### Item 12. Incorporation of Certain Information by Reference

(a) \* \* \*

(i) \* \* \*

(A) description of business furnished in accordance with the provisions of Rule 14a-3(b)(6);

(B) certified financial statements furnished in accordance with the provisions of Rule 14a-3(b)(1);

(b) The issuer may also state, if it so chooses, that specifically described portions of its annual or quarterly report to security holders, other than those portions required to be incorporated by reference pursuant to paragraphs (a)(i) and (iv) above, are not part of the registration statement. In such case, the description of portions which are incorporated by reference or which are excluded shall be made with clarity and in reasonable detail.

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

19. By revising the introductory text to paragraph (b)(2) and paragraph (b)(2)(i) in § 240.3b-6 to read as follows:

##### § 240.3b-6 Liability for certain statements by issuers.

(b) \* \* \*

(2) Information which is disclosed in a document filed with the Commission in Part I of a quarterly report on Form 10-Q (§ 249.308a of this chapter) or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934 (§§ 240.14a-3 (b) and (c) or 240.14c-3 (a) and (b) of this chapter) and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S-K (§ 229.303 of this chapter) or Item 9 of Form 20-F (§ 249.220f of this chapter), "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S-K (§ 229.302 of this chapter), "Supplementary financial information," or Rule 3-20(c) of this chapter) or

20. By amending paragraph (c)(1) of § 240.13a-13 to read as follows:

##### § 240.13a-13 Quarterly reports on Form 10-Q (§ 249.308a of this chapter).

(c) \* \* \*

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 20, 1983, if they do not meet the test specified in Item 302(a)(5)(i) of Regulation S-K (§ 229.302 of this chapter) or

21. By revising Instruction 2(a) to paragraph (e) of § 240.13e-3 to read as follows:

**§ 240.13e-3 Going private transactions by certain issuers or their affiliates.**

**(e) Disclosure of certain information.**

**Instructions.**

**2.**

(a) The following summary financial information for (i) the two most recent fiscal years and (ii) the latest year-to-date interim period and corresponding interim period of the preceding year:

**Income Statement:**

Net sales and operating revenues and other revenues  
Income before extraordinary items  
Net Income  
Balance Sheet (at end of period):  
Working capital  
Total assets  
Total assets less deferred research and development charges and excess of cost of assets acquired over book value.  
Shareholder's equity  
Per Share:<sup>1</sup>  
Income per common share before extraordinary items  
Extraordinary items  
Net income per common share (and common share equivalents, if applicable)  
Net income per share on a fully diluted basis

**PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934**

22. By amending Item 7 of Form 8-K in § 249.308 to redesignate paragraph (a)(3) as paragraph (a)(4); to add a new paragraph (a)(3); and to revise paragraph (b)(2) to read as follows (Form 8-K does not appear in the Code of Federal Regulations):

**§ 249.308 Form 8-K [Amended]**

**Item 7. Financial Statements, Pro Forma Financial Information and Exhibits.**

<sup>1</sup> Average number of shares of common stock outstanding during each period was \_\_\_\_\_ (as adjusted to give effect to stock dividends or stock splits).

(a) \* \* \*

(3) With regard to the acquisition of one or more real estate properties, the financial statements and any additional information specified by Rule 3-14 of Regulation S-X shall be filed

(b) \* \* \*

(2) The provisions of (a)(4) above shall also apply to pro forma financial information relative to the acquired business.

23. By revising the last sentence of General Instruction G of Form 10-K in Section 249.310 to read "See Instruction 3 to Item 401(b) of Regulation S-K (Section 229.401(b) of this Chapter)."

24. By revising General Instruction I of Form 10-K and Item 13(d) in § 249.310 to read as follows (Form 10-K does not appear in the Code of Federal Regulations):

**§ 249.310 Form 10-K [Amended]**

I. Registrants filing on Form S-18.

If the registrant is subject to the reporting requirements of Section 15(d) of the Exchange Act and such obligation arises solely because the registrant has filed a registration statement on Form S-18 (§ 239.28 of this chapter) which has become effective during the last fiscal year, the registrant may comply with the disclosure requirements of Form S-18 Item 16, Description of Business; Item 18, Interest of Management and Others in Certain Transactions; and Item 20, Remuneration of Directors and Officers, in lieu of complying with the disclosure requirements of Item 1, Business; Item 11, Management Remuneration; and Item 13, Certain relationships and related transactions, herein. Item 6 of this Form, Selected Financial Data, may be omitted at the election of such registrant.

Item 13. Exhibits, Financial Statement Schedules and Reports on Form 8-K.

(d) Registrants shall file, as financial statement schedules to this Form, the financial statements required by Regulation S-X (17 CFR Part 210) which are excluded from the annual report to shareholders by Rule 14a-3(b) including (1) separate financial statements of subsidiaries not consolidated and fifty percent or less owned persons; (2) separate financial statements of affiliates whose securities are pledged as collateral and (3) schedules.

**Statutory Authority**

These amendments are being adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933

and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 88 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; Sec. 202, 68 Stat. 688; secs. 3, 4, 5, 6, 78 Stat. 565-568, 569, 570-574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), "1, 2, 3-5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 81 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78n, 78o(d), 78w(a))

By the Commission.

April 22, 1983.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-11804 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Parts 200, 203, 233, 234, and 237**

[Docket No. R-83-1037]

**Mutual Insurance Programs Under the National Housing Act; Direct Endorsement Processing**

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice of announcement of effective date for final rule.

**SUMMARY:** This notice announces the effective date for the final rule published in the Federal Register on March 22, 1983 (48 FR 11928) that implemented a new program involving direct underwriting of insured single family mortgage loans by approved mortgage lenders. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the effectiveness of the rule would be published in the Federal Register.

Thirty calendar days of continuous session of Congress have expired since the rule was published.

**DATE:** The effective date for the final rule published March 22, 1983 (48 FR 11928) is May 3, 1983. Information collection requirements contained in this regulation (sections 200.163 and 200.164)

have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 2502-0274.

**FOR FURTHER INFORMATION CONTACT:**

Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755-7055. (This is not a toll-free number.)

Dated: April 27, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-11779 Filed 5-2-83; 8:45 am]

BILLING CODE 4210-27-M

**24 CFR Part 426**

[Docket No. R-82-1006]

**Rent Requirements for Section 101 (Rent Supplement) and Section 236 Programs**

*Correction*

In FR Doc. 83-8475 beginning on page 13978 in the issue of Friday, April 1, 1983, make the following correction on page 13982: In the third column, the line designated "16" should read "18. Part 426 is removed."

BILLING CODE 1505-01-M

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 401**

[T.D. 7886]

**Temporary Procedure and Administration Regulations Under the Tax Equity and Fiscal Responsibility Act of 1982; Certain Requirements for Release of Liens**

*Correction*

In FR Doc. 83-10654 beginning on page 17068 in the issue of Thursday, April 21, 1983, make the following correction to § 401.8325-1(e) on page 17069: In the third column, the paragraph designated "(e)", the fourteenth line, the word "director" should appear immediately following the word "district".

BILLING CODE 1505-01-M

**VETERANS ADMINISTRATION**

**38 CFR Part 17**

**Dental Benefits; Eligibility Amendments**

*Correction*

In FR Doc. 83-10327 beginning on page 16680 in the issue of Tuesday, April 19, 1983, make the following correction in the SUMMARY: In line seven, "39 U.S. Code" should read "38 U.S. Code."

BILLING CODE 1505-01-M

**POSTAL RATE COMMISSION**

**39 CFR Part 3002**

[Docket No. RM83-7; Order Nos. 490 and 495]

**Order of the Commission Amending Organizational Rules; Correction**

Issued: April 26, 1983.

**AGENCY:** Postal Rate Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On March 30, 1983 (48 FR 13167), the Postal Rate Commission published a final rule which changed some of its organizational rules. The Commission is issuing a correction to that rule. The correction is necessary to make clear the removal of § 3002.8.

**FOR FURTHER INFORMATION CONTACT:** David F. Stover, General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254-3824).

**SUPPLEMENTARY INFORMATION:**

On March 22, 1983, the Commission issued a Final Rule which changed some of its organizational rules. 48 FR 13167-13168 (March 30, 1983). Among them was the elimination of § 3002.8. We are issuing this correction to make this clearer. Accordingly under "§ 3002.8", at 48 FR at 13168, the first sentence numbered "2." should be corrected to read as follows: "Section 3002.8, Office of Public Information, is removed and § 3002.9 is redesignated § 3002.8."

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 83-11748 Filed 5-2-83; 8:45 am]

BILLING CODE 7715-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[A-9-FRL 2186-1]

**Approval and Promulgation of Implementation Plans; State of Arizona**

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

**ACTION:** Final rulemaking.

**SUMMARY:** On November 12, 1981, EPA proposed action on draft revisions to the State Implementation Plan (SIP) for Arizona. These draft revisions were later adopted and officially submitted by the State on June 3, 1982, to meet the requirements of Part C, Subpart 1, of the Clean Air Act for preconstruction review of new and modified major stationary sources of those air pollutants regulated under the Act. Today's notice takes final action under the Clean Air Act to approve these revisions.

**EFFECTIVE DATE:** This action is effective May 3, 1983.

**FOR FURTHER INFORMATION CONTACT:**

David P. Howekamp, Director, Air Management Division, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Attn.: Julie A. Rose (415) 974-8236, New Source Section.

**ADDRESS:** A copy of today's revision to the Arizona SIP is located at: The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Arizona Department of Health Services (ADHS) drafted regulations for New Source Review (NSR) and Prevention of Significant Deterioration (PSD). These regulations contain the preconstruction review requirements for new and modified major stationary sources. On November 12, 1981 (46 FR 55714) EPA proposed to approve these draft revisions if adopted by the ADHS without substantive changes and submitted by the Governor's designee. On June 3, 1982, the Governor's designee for Arizona submitted these regulations as a revision to the Arizona SIP.

**Public Comments**

During the public comment period, EPA received comments from the Arizona Electric Power Cooperative, Inc., Arizona Public Service Company, and Salt River Project. All comments are specifically identified and responded to