3. Canadian concurrence has been received.

4. The Commission has traditionally treated economic issues as more appropriate at the application stage, where the specific proposal can be analyzed. Such treatment is also preferred in this case. As for preclusion, that factor has never been a major consideration in TV assignments and petitioner has not demonstrated that any such communities have an interested party that stands ready to apply for a channel.

5. We believe that the petitioner has adequately demonstrated the need for a seventh television assignment in Spokane and the public interest would be served by assigning UHF commercial Channel 34– to that community.

6. Accordingly, pursuant to the authority contained in § § 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 23, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, is amended, with respect to the following community:

| City | Channel No. |
|---|---|
| Spokane, Washington | 2–, 4–, 6–, *7+22, 28–, and 34– |

7. It is further ordered, That this proceeding is terminated.

8. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

**Roderick K. Porter,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 83-21565 Filed 8-8-83; 8:45 am]

**BILLING CODE 6712-01-M**

## 47 CFR Part 73

**[MM Docket No. 83-118; RM-4232]**

## TV Broadcast Stations in Bellevue, Washington

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein assigns UHF television Channel 33 to Bellevue, Washington, as its first television assignment, in response to a petition filed by Eastside Television Associates.

**DATE:** Effective: September 26, 1983.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

**Report and Order (Proceeding Terminated)**

In the Matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Bellevue, Washington) MM Docket No. 83-118 RM-4232.

Adopted: July 13, 1983.

Released: July 27, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 Fed. Reg. 10892, published March 15, 1983, which invited comments on a proposal to assign UHF Television Channel 33 to Bellevue, Washington, as its first television assignment, in response to a petition filed by Eastside Television Associates ("petitioner"). Petitioner filed comments in support of the *Notice* and reaffirmed its interest in applying for the channel, if assigned. Michelle Conte also filed comments in support of the *Notice* and expressed her interest in applying for the channel, if assigned. No opposing comments were received.

2. We believe that the petitioner has adequately demonstrated the need for a first television assignment to Bellevue, Washington, and that the public interest would be served by assigning UHF Television Channel 33 as a first TV channel to Bellevue.

3. Canadian concurrence has been obtained.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d) (1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 26, 1983, the TV Table of Assignments, Section 73.606(b) of the Rules, is amended, with respect to the following community:

| City | Channel No. |
|---|---|
| Bellevue, Washington | 33+ |

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303

Federal Communications Commission.

**Roderick K. Porter,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 83-21566 Filed 8-8-83; 8:45 am]

**BILLING CODE 6712-01-M**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 32

## Great Dismal Swamp National Wildlife Refuge; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** A final rule was published in the Federal Register on September 30, 1974 (39 FR 35175), with the intent of adding Great Dismal Swamp National Wildlife Refuge to the list in 50 CFR of areas open to the hunting of big game. This refuge was not added to the list because of an administrative error in the final rule. This document corrects that error.

**EFFECTIVE DATE:** August 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. James F. Gillett, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (Telephone 202/343–4311).

**SUPPLEMENTARY INFORMATION:** The list of areas open for the hunting of big game is found in 50 CFR 32.31. The final rule, published on September 30, 1974 (39 FR 35175), opening Great Dismal Swamp National Wildlife Refuge to big game hunting erroneously referred to the list as § 32.32. The result was that the refuge was not listed in § 32.31. It was clearly the intent of the 1974 final rule to open this refuge to big game hunting. The special regulations promulgated for that hunt were published in the same rule. For these reasons, good cause has been found to make this rule effective immediately upon publication. This correction adds Great Dismal Swamp National Wildlife Refuge to 50 CFR 32.31, list of open areas; big game.

**List of Subjects in 50 CFR Part 32**

Hunting, National Wildlife Refuge System, Wildlife, Wildlife refuges.

## PART 32—HUNTING

Accordingly 50 CFR 32.31 is corrected by making the following addition to the Virginia list:

**§ 32.31 List of open areas; big game.**

**Virginia**

* * * * *

Great Dismal Swamp National Wildlife Refuge

* * * * *

Dated: July 27, 1983.

**G. Ray Arnett,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 83-21556 Filed 8-8-83; 8:45 am]

**BILLING CODE 4310-55-M**

# Proposed Rules

Federal Register
Vol. 48, No. 154
Tuesday, August 9, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 1004

[Docket No. AO-160-A61]

### Milk in the Middle Atlantic Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

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

**ACTION:** Proposed rule.

**SUMMARY:** This decision lowers the pooling requirements for reserve processing plants operated by either a cooperative association or a federation of cooperative associations. The proposed amendment, which is based on an industry proposal considered at a public hearing held May 25, 1983, is necessary to reflect current marketing conditions and to assure orderly marketing in the Middle Atlantic marketing area.

Cooperative associations supplying milk for the market will be polled to determine whether producers favor the issurance of the amended order. It must be approved by at least two-thirds of the order's producers in May 1983 to become effective.

**FOR FURTHER INFORMATION CONTACT:** Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-7183.

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The amended order will promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued May 11, 1983; published May 16, 1983 (48 FR 21961).

Recommended Decision: Issued July 6, 1983; published July 11, 1983 (48 FR 31659).

### Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Philadelphia, Pennsylvania, on May 25, 1983. Notice of such hearing was issued on May 1, 1983 (48 FR 21961).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on July 6, 1983, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modification:

The final paragraph of the Findings and Conclusions is revised.

The material issues on the record of the hearing relate to:

1. Performance standards for pool reserve processing plants.

2. Whether emergency marketing conditions exist that warrant the omission of a recommended decision and the opportunity to file written exceptions thereto.

### Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Performance standards for pool reserve processing plants.* The minimum percentage of a cooperative association's total milk supply or a federation of cooperative associations' total milk supply that must be delivered to pool distributing plants in order to pool the cooperative's or federation's reserve processing plant should be reduced from 40 to 30 percent.

Presently, the order provides that a reserve processing plant operated by a cooperative association at which milk is received from dairy farmers shall be a pool plant if the total quantity of fluid milk products (except filled milk) transferred from such plant to, and the milk of member producers physically received at, pool distributing plants is not less than 40 percent of the total milk of member producers during the month. Likewise, a reserve processing plant operated by a federation of cooperative associations at which milk of member producers of the cooperatives is received shall be a pool plant if the total quantity of fluid milk products (except filled milk) transferred from such plant to, and the milk of member producers of the cooperatives physically received at, pool distributing plants is not less than 40 percent of the combined milk of member producers of the cooperatives during the month.

Pennmarva Dairymen's Federation, Inc. (Pennmarva), a federation of six cooperative associations whose member producers are principal suppliers of milk to the market, proposed the change adopted herein. Several members of Pennmarva, individually or through a federation of cooperatives, operate three reserve milk processing plants (milk manufacturing plants) that are pooled under the order. These plants, which are located in Allentown and Mt. Holly Springs, Pennsylvania, and Laurel, Maryland, can handle about 5 million pounds of milk per day. Most of the market's reserve milk supplies are processed into butter, skim milk powder and hard cheese at these three plants.

The spokesman for Pennmarva testified that there have been significant changes in marketing conditions within the market since the present delivery requirement was adopted in 1979 that necessitates the adoption of the proposed modification. The changed conditions since 1979 referred to by the witness include a substantial buildup in producer receipts while Class I sales have declined. The proponent witness stated that this marketing situation, coupled with a number of distributing plant closings, has increased the proportion of producer milk that must be delivered to its members' reserve processing plants. According to the witness, this situation is further aggravated by the need for increasing reserve milk supplies associated with the changing processing practices at distributing plants. As a result of these changes, he claimed, Pennmarva members have been experiencing greater difficulty in pooling the producer milk that has been historically associated with the three pool reserve milk processing plants operated by its members.

There was no opposition to the proposed change.

The record establishes that the supply-demand relationship for milk associated with the market has changed significantly since 1979 when the present 40 percent delivery requirement for a cooperative operated reserve processing plant was adopted. For example, during the 3-year period from 1979 to 1982, producer milk receipts increased from 5.39 billion pounds in 1979 to 6.04 billion pounds in 1982 (a 12 percent increase). During this same period, the quantity of producer milk classified as Class I milk declined from 2.91 billion pounds in 1979 to 2.79 billion pounds in 1982 (a 4 percent decrease). Consequently, the market's Class I utilization percentage of producer milk has decreased substantially since 1979 (from 54 percent in 1979 to 42 percent in 1982). These data clearly indicate significant changes in the market's supply-demand relationship for milk since the present 40 percent delivery requirement for reserve plants was adopted in 1979.

Another changed marketing condition described on the record supporting a reduction in the delivery requirement of a reserve processing plant concerns the substantial change in the market's fluid milk processing operations. Not only has there been a reduction in the number of pool plants that bottle fluid milk products six or seven days per week but also the relatively few remaining operations have become large specialized distributing plants that operate only four or five days per week. As a result, the day-to-day fluid milk requirements at such specialized plants fluctuate widely. On the heavy bottling days of the week, such plants need significant quantities of milk for their fluid operations while on weekends, the plants are closed and no milk is received. This pattern of fluctuating demand for milk at these specialized distributing plants necessitates the need for larger quantities of reserve milk on a weekly basis than when milk was received at smaller distributing plants that bottled milk six or seven days per week.

At the time of the hearing, the three plants of Pennmarva's members were maintaining their pool plant status through the order's automatic pooling feature that applies to a reserve processing plant. Under this pooling arrangement, a reserve processing plant that is a pool plant during the months of September–February shall have automatic pool plant status during the following months of March through August unles the handler requests nonpool status. In the absence of any amendment, however, Pennmarva expects that, beginning in September when the delivery requirement must be met again, it may be necessary for its members to make inefficient movements of milk to distributing plants solely for the pupose of pooling these three plants and the milk of member producers who have regularly supplied the fluid needs of the market. This would significantly increase milk transportation and hauling costs. Such inefficient marketing practices can be avoided by reducing the order's pooling requirements for reserve processing plants.

In view of the significance of the changed marketing conditions described above, lowering the minimum delivery requirements for pooling reserve processing plants operated by either a cooperative association or a federation of cooperative associations from 40 to 30 percent would allow cooperatives to continue to serve the fluid milk needs of the market in an efficient manner. Likewise, the modification adopted herein will permit cooperatives to perform needed balancing functions without causing inefficient deliveries of milk merely for the purpose of meeting the pooling requirements of the order.

2. *Whether emergency marketing conditions exist that warrant the omission of a recommended decision and the opportunity to file written exceptions thereto.* There was no need to omit the issuance of a recommended decision and opportunity to file exceptions thereto as requested.

The request for emergency action by proponents was based on the view that the Department would not have sufficient time after the hearing to issue both a recommended and final decision and make any action taken effective by September 1, 1983.

Since the Department concluded that it was feasible to issue both a recommended and a final decision in this proceeding and still have an amended order effective by September 1, interested parties were given only a limited time to file written exceptions to the findings and conclusions of the recommended decision. In view of the foregoing, the recommended decision was not omitted.

**Rulings on Proposed Findings and Conclusions**

A brief and proposed findings and conclusion was filed on behalf of propoent federation. This brief, proposed findings and conclusion and the evidence in the record were considered in making the findings and conclusion set forth above. To the extent that the suggested findings and conclusion filed by proponent are inconsistent with the findings and conclusion set forth herein, the requests to make such findings or reach such conclusion are denied for the reasons previously stated in this decision.

**General Findings**

The findings and determinations hereinafter set forth supplement those that were made when the Middle Atlantic order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Rulings on Exceptions**

No exceptions were received.

**Marketing Agreement and Order**

Annexed hereto and made a part hereof are two documents, a Marketing Agreement [1] regulating the handling of

[1] Marketing Agreement filed as part of the original document.

milk, and an ORDER amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

### Determination of Producer Approval and Representative Period

May 1983 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

### List of Subjects in 7 CFR Part 1004

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on August 3, 1983.

**C. W. McMillan,**

*Assistant Secretary, Marketing and Inspection Services.*

*Order*[1] *amending the order, regulating the handling of milk in the Middle Atlantic marketing area.*

### Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Middle Atlantic order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on July 6, 1983, and published in the **Federal Register** on July 11, 1983 (48 FR 31659), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

## PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

In § 1004.7, paragraphs (d)(1) and (d)(2) are revised to read as follows:

### § 1004.7 Pool plant.

* * * * *

(d) * * *

(1) A reserve processing plant operated by a cooperative association at which milk from dairy farmers is received if the total of fluid milk products (except filled milk) transferred from such cooperative association plant(s) to, and the milk of member producers physically received at, pool plants pursuant to § 1004.7(a) is not less than 30 percent of the total milk of member producers during the month.

(2) A reserve processing plant operated by a federation of cooperative associations at which milk of member producers of the cooperatives is received if the total of fluid milk products (except filled milk) transferred from such federation plant(s) to, and the milk of member producers of the cooperatives physically received at, pool plants pursuant to § 1004.7(a) is not less than 30 percent of the combined milk of member producers of the cooperatives during the month.

* * * * *

[FR Doc. 83-21661 Filed 8-8-83; 8:45 am]

BILLING CODE 3410-02-M

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 249

[Release No. 34-20020; File No. S7-986]

### Form BD and Form BDW

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Request for comment on proposed revisions.

**SUMMARY:** The Commission is publishing for comment proposed revisions of Forms BD and BDW. These revisions were designed by the "Special Committee to Revise Form BD" ("Special Committee"), created by the North American Securities Administrators Association, Inc. ("NASAA"). The Special Committee members consisted of representatives from the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Securities Industry Association ("SIA"), the American Stock Exchange, Inc. ("Amex") and the staff of the Commission's Division of Market Regulation and its Office of Applications and Reports Services. The purpose of the proposed revisions is to reduce the regulatory burden upon broker-dealers. The revisions may enable broker-dealers to use a single form to register or withdraw from registration with states and the self-regulatory organizations as well as the Commission. The revised forms will also allow a broker-dealer to file amendments to its Form BD with fewer entities. Finally, the number of questions in the forms have been reduced but some questions would be broader and require greater disclosure from the broker-dealer.

**DATE:** Comments must be received on or before September 9, 1983.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

**ADDRESSES:** Persons wishing to submit written comments should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. S7–986. Copies of the submission and of all written comments will be available for public inspection at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Hugh T. Wilkinson, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549; (202) 272–3115.

**SUPPLEMENTARY INFORMATION:**

## A. Introduction

Form BD is the form which is filed by an applicant to become registered as a broker-dealer under Section 15(b) of the Securities Exchange Act of 1934 (the "Act"). Since at least 1967 the Commission has attempted to design Form BD so that it would be utilized by the various state regulatory agencies and self-regulatory organizations as well as the Commission.[1]

The most recent major revisions of Form BD occurred in 1975.[2] The 1975 revisions were designed to implement certain proposals recommended by the Commission appointed Advisory Committee on Broker-Dealer Reports and Registration Requirements ("Advisory Committee").[3] In part, the Advisory Committee recommended ". . . the adoption of uniform laws, rules and forms to be used by the Commission, the registered national securities exchanges, the registered national securities association and the various states, etc., in the registration of broker-dealers and their agents."[4] The fundamental goal of the Commission in adopting the 1975 revisions was to eliminate unnecessary duplication and to implement a uniform form for the registration of broker-dealers for use by the states, the Commission and the self-regulatory organizations.[5]

Form BD has remained largely unchanged since 1975 and some persons in the securities industry have advocated that the form be revised again in order to make it truly uniform.[6] Currently, broker-dealer applicants still are required to file a number of different application forms or state supplements to the Commission's form in order to become registered with more than one state or self-regulatory agency. In 1981 NASAA appointed a "Special Committee to Revise Form BD" ("Special Committee").[7] The goals of the Special Committee were similar to the goals of the Advisory Committee which the Commission embraced in 1975, namely, to simplify and coordinate the registration procedures for broker-dealers in an effort to reduce costs to industry members. The proposed revisions to the forms were designed to enable a broker-dealer to file copies of the Commission's form with those states or self-regulatory organizations which choose to use it.

A second, complimentary, goal of the Special Committee was to design Form BD and Form BDW in order to be compatible with the Central Registration Depository program ("CRD").[8] The CRD will provide a computer data bank which will maintain current registration information for every broker-dealer which is a member of the NASD and/or registered with a state which participates in the CRD program ("participating state(s)"). The CRD is designed to reduce the regulatory burden on a broker-dealer by allowing it to file a single form with the CRD system and a copy of that form with the Commission and participating states. In addition, CRD promotes investor protection through its retention of current data on a broker-dealer's registration status among the participating states and the NASD.

Form BDW is the notice which is filed by a registered broker-dealer in order to withdraw from registration. Again, certain revisions are proposed to make Form BDW compatible with the CRD system. Broker-dealers withdrawing their registration from any participating state, the NASD or the Commission may be able to file one form in order to effect such a change.

## B. Overview of Proposed Revisions

The proposed revisions of Form BD, if adopted, would result in a shorter form.[9] The size of the Form would be reduced from 7 pages to 5 pages. In addition, current Schedules D and F, amounting to 3 pages, would be deleted. This reduction in the size of the basic form was achieved by using a more compact format and by eliminating redundancies and condensing the information requested in certain questions. For example, the information requested in items 4, 6 and 8 of the current form are condensed into one item, item 3, on the proposed form.

The schedules to Form BD also are proposed to be shortened and modified. Schedule A, for corporate broker-dealers, would be revised to lessen the regulatory burden on new applicants and registered broker-dealers (who have the duty to amend their schedules periodically as the reported information changes) by limiting the number of persons as to whom information is requested in the Schedule. Schedules B, C and E would remain essentially the same. Schedules D and F, as they are presently structured, would be eliminated.[10]

Proposed Form BD requires more complete information from the broker-dealer as to control relationships. Items 6 and 9 request the broker-dealer to disclose any persons or entities which control it, and any securities businesses which it controls or is under common

[1] *See* Securities Exchange Act Release No. 8125 (July 18, 1967), in which the Commission expressed its desire that Form BD would be a uniform registration form which could be used by the states and self-regulatory organizations.

[2] The current from BD was adopted by the Commission on May 16, 1975, and become effective October 1, 1975. Securities Exchange Act Release No. 11424 (May 16, 1975), 7 SEC Docket 2; Securities Exchange Act Release No. 11530 (July 10, 1975), 7 SEC Docket 343.

[3] In 1974 the Commission announced a program of implementation regarding the Advisory Committee's Report. *See* Securities Exchange Act Release No. 10612 (January 24, 1974), 3 SEC Docket 423.

[4] *See* Securities Exchange Act Release No. 11135 (December 13, 1974), 5 SEC Docket 676.

[5] *Id.*

[6] The revisions of the Form since its adoption in 1975 have been relatively minor. *See, e.g.*, Securities Exchange Act Release No. 11530 (July 10, 1975), 7 SEC Docket 343 (modification of Form to reflect 1975 amendments to Exchange Act); Securities Exchange Act Release No. 11595 (August 14, 1975), 7 SEC Docket 572 (adoption of special instructions to Form); Securities Exchange Act Release No. 11626 (August 29, 1975); 7 SEC Docket 761 (amendments of Form for use by municipal securities broker-dealers); Securities Exchange Act Release No. 12078 (February 6, 1976), 8 SEC Docket 1234 (interpretation of certain terms in Item 10 of Form BD).

[7] The Committee was a joint effort on the part of representatives from industry and various regulatory bodies. The Committee was composed of members of NASAA, the NASD, the NYSE, the SIA, the Amex and staff members from the Commission's Division of Market Regulation and the Office of Applications and Reports Services.

[8] CRD is a computer data bank which is maintained jointly by NASAA and the NASD. At this time 29 states participate in the CRD program ("participating state(s)"). It is estimated that at least 42 states will be CRD participants by September 1, 1983.

[9] The proposed Form BD and Schedules are attached hereto as Appendix A.

[10] The Special Committee considered Schedule F the most onerous feature of the current form. Although it is a schedule to the Commission's form, Schedule F is filed with individual states, not the Commission. The broker-dealer must consult the Special Instruction Sheet in order to determine what information is required by the state(s) in which it will do business. The states vary greatly in the information requested in Schedule F and this lack of uniformity creates a burden on the broker-dealer operating in many states. The Special Committee has attempted to incorporate the essential items from Schedule F into the form itself or other schedules.

control with. In addition, there is a new definition of "control" in the instructions to the form.

A new section has been proposed for Form BDW in which the broker-dealer can merely mark the appropriate box(es) for the entities from which it is withdrawing.[11] This section will make the form compatible with the CRD program and will allow the broker-dealer to indicate on one form the requested withdrawal from more than one state or regulatory entity. Otherwise, Form BDW remains unchanged in substance.

**List of Subjects in 17 CFR Part 249**

Reporting requirements, Securities.

**C. Line-by-Line Summary of Proposed Revisions**

*I. Form BD:*

*Item 1* [Designation of Agency, Jurisdiction or Organization Form is to be filed with] The applicant will no longer be required to state which entities it is filing with. There is space preceding item 1 on the proposed form where the applicant will indicate whether a new application or an amendment is being filed. There is space for the broker-dealer's CRD number in this area. The applicant will indicate in item 2 of the new form its registration status with the states, self-regulatory agencies and Commission. For new applications, the applicant will still be required to file a copy of the form with each state and self-regulatory organization applied to. However, the broker-dealer may be required to file only two copies of any amendment—one for the Commission and one for the CRD (but it would still be required to file an amendment with any non-participating states in which it is registered).

*Item 2(a)* [Name and Address of Broker-Dealer] This item is not changed in any material fashion and appears as item 1 on the proposed form.

*Execution* [Oath that Information given by Applicant is true and accurate] The Execution has been expanded so that the applicant consents to receive service of process or other notice in any jurisdiction in which it indicates an intent to do business.

*Item 2(b) and (c)* [Person to contact for further information and person authorized to receive information for Broker-Dealer [These items have been deleted.

*Item 3* [Designation of filing status with Jurisdictions and Organizations] This item appears as item 2 on the new form in a slightly different format.

[11] Form BDW, as proposed, is attached hereto as Appendix B.

*Item 4* [indication of Broker-Dealer's Corporate/Partnership Status] This item appears as item 3 on the proposed form.

*Item 5(a)* [For Corporate Broker-Dealers—Date and Place of Incorporation] The information requested in this item has been included in item 3 of the proposed form.

*Item 5(b)* [Classes of Broker-Dealer's Equity Securities] This item has been deleted.

*Item 6* [For Sole-Proprietorships—Residence Address and Social Security Number] This item is unchanged and appears as item 4 on the proposed form.

*Item 7* [For Successor Broker-Dealer—Name of Predecessor[ The substance of this item appears as item 5 on the proposed form. The format is changed slightly.

*Item 8* [Instruction as to which Schedule Applicant is to Complete] The instruction in this item is incorporated into item 3 of the proposed form.

*Item 9* [Identification of Persons with a Controlling Influence over Broker-Dealer or who have Financed Broker-Dealer] This item appears as item 6 on the proposed form. Unlike the current form, this item is no longer limited to natural persons with a controlling influence over the broker-dealer. Although there is no definition of "person" in the form, it appears that corporations and other entities as well as natural persons now would be required to report a controlling influence. In addition, a person who controls an organization which has a controlling influence over the broker-dealer still would be required to report such an indirect controlling influence. The proposed form also lacks a definition of "controlling influence." The Commission believes that the definition of "control" in the instruction for new item 9 (see p. 14, *supra*) should also be the definition for "controlling influence."

*Item 10(a)* [Disciplinary Actions Against Broker-Dealer] This item appears as item 7(a). There would no longer be a 10 year limitation period on the information requested. The questions in the proposed form are shorter but would require the applicant to disclose a broader range of information.

Subsection (i) [Findings that Broker-Dealer made False/Misleading Statement Relating to Securities] Has been expanded to require reporting of findings of false/misleading statements or omissions relating to commodities laws and/or to the CFTC as well as the Commission and other jurisdictions.

Subsection (ii) [Convictions] This appears as subsection (iii) and has been expanded to require the applicant to report convictions or nolo contendere pleas to *any* felony or misdemeanor, except minor traffic offenses.

Subsection (iii) [Injunction in Securities or Investment Advisory Matters] This appears as subsection (iv) and has been expanded to require the applicant to report any injunction against a party with whom the applicant was associated at the time such injunction was issued.

Subsection (iv) [Findings of Aiding or Abetting or Commission of Securities Violations] This subsection appears as subsection (v) and has been expanded to require reporting of any violations of the rules or regulations of any self-regulatory organization or commodities, banking or insurance agency, clearing agency or any other agency.

Subsections (v, vi and vii) [Denials, Suspensions and Revocations of Right to Engage in Securities or Investment Advisory Activities] These items have been simplified and condensed and appear as subsection (vi) of the proposed form.

Subsection (viii) [Finding as to Causation of Another's Denial, Suspension or Revocation of Right to Engage in Securities or Investment Advisory Activities] This subsection has been simplified and appears as subsection (vii) on the proposed form.

Subsection (ix) [Knowing Association with Securities Violator] This subsection appears as subsection (viii) on the proposed form and would be limited to associations "in any endeavor related directly or indirectly to business or financial Activities. . . ."

Subsection (x) [Willful False/Misleading Statements or Omissions to Self-Regulatory Organization] This subsection would appear as subsection (ii) on the new form. It is no longer limited to securities related activities.

Subsection (xi) [Cease and Desist Orders] This subsection would appear as subsection (ix) and would not be changed in any material respect.

Subsection (xii) [Association with or Control over Bankrupt Broker-Dealer] This subsection appears as subsection (x) and is not changed in any material respect.

Subsection (xiii) [Foreign Judgments, Orders or other Sanctions] This subsection appears as proposed subsection (xi) and is no longer limited to those foreign judgments, orders or decrees "arising out of any securities or investment advisory activities."

*Item 10(b)* [Commodities Related Violations and Disciplinary Actions] The information which is currently requested in this item is proposed to be incorporated into item 7(a) on the new form. Information pertaining to commodities-related violations will no longer be segregated into a separate section.

*Item 10(c)* [Pending Disciplinary Proceeding Against Applicant] This item would not be changed in any material fashion and appears as item 7(b) on the proposed form. In addition, the proposed form would require the applicant to answer several new questions regarding disciplinary action. Proposed item 7(c) inquires whether the applicant has been censured or fined by a self-regulatory organization. Proposed item 7(d) requests information as to any surety bond problems. Proposed item 7(e) requires the applicant to report: (i) Any civil or administrative judgment or order where fraud or deceit was involved which has not been reported previously; (ii) whether the applicant is the subject of any pending criminal complaint, indictment or information; and (iii) whether applicant is the subject of any unsatisfied judgments.

*Item 11* [Instruction to Complete item 3] This item has been deleted as a separate item. The substance of this instruction is incorporated into item 2 on the proposed form.

*Item 12* [Instruction to Complete Schedule D] This item has been deleted.

*Item 13* [Arrangement with others as to Books/Records or to Act as Introducing Broker-Dealer] This item is not changed in any material way and appears as item 8 on the proposed form.

*Item 14(a)* [Control By or Of Others in Securities Business] This item appears as item 9 on the proposed form. The question itself is unchanged; however, the form now refers the applicant to the instructions for a new definition of "control". According to the instructions, "control" means "the power to direct or cause the direction of the management or policies of a company . . . ." The instructions also state that there is a rebuttable presumption of control for any person who, directly or indirectly, "(1) has the right to vote 25 percent or more of the voting securities, (2) is entitled to receive 25 percent of more of the net profits or (3) is a director (or person occupying a similar status or performing similar function) of a company. . . ." The Commission again notes that there is no definition of "person" in the proposed form. The Commission believes that this item requires natural persons as well as partnerships, corporations or other entities to report control. The intent of the Special Committee was to require those persons or organizations in the securities business which have a control relationship with the broker-dealer, either directly or indirectly, to report such relationship.

*Item 14(b)* [Registration as Investment Advisor] This item has been deleted. Similar information is requested in item 15(r) of the current form and in item 10(r) of the proposed form.

*Item 15* [Types of Business Engaged In or to Be Engaged In by Applicant] This item is not changed in any material fashion and appears as item 10 on the proposed form.

*Item 16* [Commodities or Other Non-Securities Business of Applicant]. This item appears as item 11 on the proposed form.

*Schedule A*—This schedule is used by corporate broker-dealers to list officers, directors and owners of a significant number of the firm's equity shares. In the interest of lessening of the regulatory burden on broker-dealers (who must amend this schedule every time the employment position or ownership interest of any listed person changes), the proposed form would reduce the number of individuals that must be listed. Currently, Schedule A requires information regarding:

(a) Each officer, director, and person with similar status or functions, and (b) each other person who is, directly or indirectly, the benefifcial owner of 1% or more of any class of equity security of applicant unless applicant is the issuer of a security registered pursuant to Section 12 of the Securities Exchange Act of 1934 (or the issuer of a security which is exempted pursuant to subsections (g)(2)(B) or (g)(2)(G) thereof) in which case each other person who is, directly or indirectly, the beneficial owner of 5% or more of any such registered class of equity security of applicant.

The proposed revisions of Schedule A would limit the reporting requirements to:

(a) Each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, director, and person with similar status or functions, and (b) each person who is, directly or indirectly, the beneficial owner of 5% or more of any class of equity security of applicant.

Otherwise, this schedule is not changed in any material respect.

*Schedule B*—This Schedule is used by broker-dealers which are partnerships to list their partners' ownership interests. This Schedule is not changed in any material respect.[12]

*Schedule C*—This Schedule is used by broker-dealers which are organized in a form other than a sole-proprietorship, partnership or corporation. This Schedule is not changed in any material respect. Schedule C will still be used by such broker-dealers to identify their directors and managers.

*Schedule D* [Background Information as to Applicant, Control Person, Associates Subject to Disciplinary Actions, etc.] This Schedule, as it is currently structured, is proposed to be deleted. The Special Committee believed that the information requested therein is already available on Form U-4 (Uniform Application for Securities and Commodities Industry Representative and/Or Agent).[13]

*Schedule E* [Continuation Sheet to Supplement Information Provided in Form or Other Schedules] This schedule would appear as new schedule D; it is not changed in any material respect.

*Schedule F* [Supplemental Information provided for the States] This schedule would be deleted. Some of the items therein would be in Form BD itself, while others have been deleted.

*II. Form BDW*

The proposed form is essentially the same as the current form. The broker-dealer would merely check a box for the entity or state from which it wishes to withdraw.

Items 1-3 [Name and Address of Registrant] There are no material changes in these items and they appear as items 1-5 on the proposed form. The broker-dealer will also list his CRD number in new item 4.

*Item 4* [Membership in NASD] This item would be deleted.

*Items 5-10* [Registrant's Debts, Pending Legal Proceedings, Unsatisfied Judgments or Liens, Location of Books/Records and Execution] There is no material change in these items and they would appear as item 7-10.

D. *Statutory Authority*—The proposed revisions to Form BD and Form BDW would be adopted pursuant to Sections 15(b), 17(a) and 23(a) of the Act. The Commission invites public comment from all interested persons. It should be noted that the proposed Forms are presented here for review and comment of the substantive text and the format.

[12] The Commission notes that the proposed Schedule B, as printed, is unclear as how a partnership interest of less than 5% is to be reported. This omission will be corrected.

[13] Although Form U-4s are stored in CRD system, the Commission is not a participant in CRD and does not receive copies of Form U-4. Unless the Commission chooses to participate in the CRD program, brokerdealers may be required to file a supplement to Form BD with the Commission containing the information from this schedule. The Commission welcomes comments as to whether it should participate in the CRD progrm.

E. *Solicitation of Comments*—In order to assist the Commission in determining whether to approve the proposed revisions to Form BD and Form BDW, interested persons are invited to submit written data, views and comment concerning the submission on or before September 9, 1983. In addition, the Commission is interested in receiving views and comments regarding the desirability of Commission participation in the CRD program. Persons wishing to comment should submit three (3) copies thereof with the Secretary of the Commission, 450 5th Street, NW., Washington, D.C 20549. Reference should be made to File No. S7-986.

By the Commission.

**George A. Fitzsimmons,**

*Secretary.*

July 28, 1983.

BILLING CODE 8010-01-M

FORM BD
PAGE 1
(revised )

UNIFORM APPLICATION FOR BROKER DEALER REGISTRATION
"APPENDIX A"

OFFICIAL USE

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of business as a broker-dealer would violate the Federal securities laws and the laws of the jurisdictions and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

☐ APPLICATION ☐ AMENDMENT NASAA/NASD CRD NO. ____________

1. Exact name, principal business address, mailing address, if different, and telephone number of applicant:

Full name of applicant (If sole proprietor, state last, first, and middle name): IRS Empl. Ident. No.:

____________

Name under which business is conducted, if different:

____________

If name of business is hereby amended, state previous name:

____________

Firm main address:

____________ (Number and Street) ____________ (City) ____________ (State) ____________ (Zip Code)

Mailing Address, if different:

____________

Telephone Number:

____________ (Area Code) ____________ (Telephone Number) ____________ WATS LINE (If any)

EXECUTION: For the purpose of complying with the laws of the State(s) I have designated in item 2 relating to either the offer or sale of securities or commodities, I hereby certify that the applicant is in compliance with applicable state surety bonding requirements and irrevocably appoint the administrator of each of those State(s), or such other person designated by law, and the successors in such office, my attorney in said State(s) upon whom may be served any notice, process or pleading in any action or proceeding against me arising out of or in connection with the offer or sale of securities or commodities, or out of the violation or alleged violation of the laws of those State(s) and I do hereby consent that any such action or proceeding against me may be commenced in any court of competent jurisdiction and proper venue within said State(s) by service of process upon said appointee with the same effect as if I were a resident in said State(s) and had lawfully been served with process in said State(s).

The undersigned, being first duly sworn, deposes and says that he has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current, true, and complete.

____________ Date ____________ (Name of Applicant)

By: ____________ (Signature and Title)

Subscribed and sworn before me this ____ day of ____________ 19 ___ by ____________

My commission expires ____________ County of ____________ State of ____________

ALL OF THE ITEMS ON THIS PAGE MUST BE ANSWERED AND COMPLETED IN FULL

DO NOT WRITE BELOW THIS LINE . . . FOR OFFICIAL USE ONLY

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 2 Applicant Name: ____________________ Date: ____________________ OFFICIAL USE

2. To be registered with the following: (designate) "1" Initial Registration, "2" Pending, "3" Already Registered. If any license, registration or membership listed herein is of a restricted nature, explain fully on Schedule D.

☐ SECURITIES & EXCHANGE COMMISSION

| SRO | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ☐ ASE | ☐ BSE | ☐ CBOE | ☐ CSE | ☐ MSE | ☐ NASD | ☐ NYSE | ☐ PHLX | ☐ PSE | ☐ SECO | ☐ OTHER (Specify) |

JURISDICTION

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ☐ AL | ☐ CA | ☐ DC | ☐ ID | ☐ KS | ☐ MD | ☐ MS | ☐ NV | ☐ NY | ☐ OK | ☐ SC | ☐ UT | ☐ WV |
| ☐ AK | ☐ CO | ☐ FL | ☐ IL | ☐ KY | ☐ MA | ☐ MO | ☐ NH | ☐ NC | ☐ OR | ☐ SD | ☐ VT | ☐ WI |
| ☐ AZ | ☐ CT | ☐ GA | ☐ IN | ☐ LA | ☐ MI | ☐ MT | ☐ NJ | ☐ ND | ☐ PA | ☐ TN | ☐ VA | ☐ WY |
| ☐ AR | ☐ DE | ☐ HI | ☐ IA | ☐ ME | ☐ MN | ☐ NE | ☐ NM | ☐ OH | ☐ RI | ☐ TX | ☐ WA | ☐ PR |

3. Date of formation ____________. Place of filing ____________ for:

☐ Corporation - Complete Schedule A ☐ Partnership - Complete Schedule B ☐ Sole Proprietorship

☐ Other (specify) ____________ Complete Schedule C

4. If applicant is a sole proprietor, state full residence address and social security number.

Social Security No.: ____________

(Number and Street) (City) (State) (Zip Code)

5. Is applicant a successor to a registered broker-dealer and taking over all or substantially all of the assets and liabilities and continuing the business of a registered broker-dealer or has applicant merged with or acquired another registered broker-dealer? . . . . . . . . . . . . . . . . . . . . . . . . . . YES ☐ NO ☐

If "yes," state:

(a) Date of Succession, ☐ Merger ☐ or Acquisition ☐ : ____________

(b) Full name, IRS Empl. Ident. No. and SEC File No. of other broker-dealer.

Name: ____________

IRS Empl. Ident. No.: ____________ NASAA/NASD CRD No. ____________

SEC File Number: ____________

6. (a) Does any person not named in Item 1 or Schedules A, B or C, directly or indirectly through agreement or otherwise, exercise or have the power to exercise a controlling influence over the management or policies of applicant? . . . . . . . . . . . . . . . . . . . . . . . . . . . YES ☐ NO ☐

(If "yes," state on Schedule D the exact name of each person (if individual, state last, first, and middle names) and describe the agreement or other basis through which such person exercises or has the power to exercise a controlling influence.)

(b) Is the business of applicant wholly or partially financed, directly or indirectly, by any person not named in Item 1, or Schedules A, B or C, in any manner other than by: (1) a public offering of securities made pursuant to the Securities Act of 1933; (2) credit extended in the ordinary course of business by suppliers, banks and others; or a satisfactory subordination agreement, as defined in Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240. 15c3-1)? . . . . . . YES ☐ NO ☐

(If "yes," state on Schedule D the exact name (last, first, middle) of each person and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 3 Applicant Name: ____ Date: ____ OFFICIAL USE

7. (a) State whether the applicant or any person directly or indirectly controlling, or controlled by, or under common control with applicant, including any employee has ever:

(i) been found by the Securities and Exchange Commission, Commodity Futures Trading Commission or any jurisdiction to have willfully made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading in any material respect or in connection with such statement, omitted to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in any application for registration or report required to be filed under the Federal securities or commodities laws or under the securities or commodities laws of any jurisdiction, or in any proceeding before the Securities and Exchange Commission, Commodity Futures Trading Commission, or any jurisdiction relating to securities or commodities, the conduct of business or registration as a broker, dealer, municipal securities dealer, investment advisor, futures commission merchant, floor broker, commodity trading adviser, commodity pool operator, member of a contract market, member of a national futures association or other securities or commodities entity or associated person thereof? . . . . . YES ☐ NO ☐

(ii) willfully made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading in any material respect or in connection with such statement, omitted to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in any application for membership or participation in, or to become associated with a member of, a self-regulatory organization, in any report required to be filed with a self-regulatory organization, or in any proceeding before a self-regulatory organization? . . . . . YES ☐ NO ☐

(iii) been convicted, or pleaded guilty or nolo contendere to any felony or misdemeanor except minor traffic offenses? . . . . . YES ☐ NO ☐

(iv) had any temporary or permanent injunction or administrative order entered against them or any broker, dealer, investment advisor, municipal securities dealer, bank or commodities firm, futures commission merchant, floor broker, commodity trading advisor, commodity pool operator, member of a contract market or member of a national futures association with which they were associated in any capacity at the time such injunction was entered? . . . . . YES ☐ NO ☐

(v) been found to have violated or to have aided, abetted, counselled, commanded, induced or procured the violation of any law, rule or regulation by any securities, commodities, banking or insurance agency or jurisdiction, any self-regulatory organization, or clearing agency or by any other agency or jurisdiction? . . . . . YES ☐ NO ☐

(vi) had a license, permit, certificate, registration or membership denied, suspended, revoked or restricted? . . . . . YES ☐ NO ☐

(vii) been found to be the cause of any action cited in 7(a)(vi)? . . . . . YES ☐ NO ☐

(viii) associated in any endeavor related directly or indirectly to business or financial activities with any person who is known, or in the exercise of reasonable care should be known, to be subject to a statutory disqualification? . . . . . YES ☐ NO ☐

(ix) been the subject of any cease and desist, desist and refrain, prohibition, or similar order issued by the United States or any jurisdiction? . . . . . YES ☐ NO ☐

(x) been associated as an officer, a director, a general partner, or an owner of 10 percentum or more of the voting securities in, or a person who, directly or indirectly, through agreement or otherwise, exercised or had power to exercise a controlling influence over the management or policies of a broker, dealer or municipal securities dealer which had been adjudicated bankrupt or for which a trustee has been appointed pursuant to the Securities Investor Protection Act of 1970? . . . . . YES ☐ NO ☐

(xi) been the subject of any order, judgment, decree or other sanction of a foreign court, foreign exchange, or foreign governmental or regulatory agency? . . . . . YES ☐ NO ☐

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 4 Applicant Name: ______ Date: ______ OFFICIAL USE

7. (b) State whether the applicant or any person directly or indirectly controlling, or controlled by, or under common control with applicant, including any employee, is presently the subject of any proceedings in which an adverse decision would result in any of the questions in part (a) being answered "yes". . . . YES ☐ NO ☐

(c) State whether the applicant has been censured or fined by a self-regulatory organization? . . . YES ☐ NO ☐

(d) State whether applicant has ever been refused a bond by a surety company or been the subject of a surety bond payment . . . YES ☐ NO ☐

(e) State whether applicant:

(i) Has ever been the subject of a judgment or order [other than those previously described in 7(a) thru (d)] in any civil or administrative proceeding in which fraud or deceit was an element . . . YES ☐ NO ☐

(ii) Is the subject of any pending criminal complaint, indictment, or information . . . YES ☐ NO ☐

(iii) State whether applicant has any unsatisfied judgments including those against any officer, director, or partner . . . YES ☐ NO ☐

(If the answer to any question of Item 7 is "yes", furnish details on Schedule D.)

8. Does applicant:

(a) Have any arrangement with any other person, firm or organization under which:

(1) Any of the accounts of records of applicant are kept or maintained by such person, firm, or organization? . . . YES ☐ NO ☐

(2) Such other person, firm or organization (other than a bank or satisfactory control location as defined in paragraph (c) of Rule 15c3-3 under the Securities Exchange Act of 1934, 17 CFR 240. 15c3-3) holds or maintains funds or securities of applicant or of any of its customers?. . YES ☐ NO ☐

(b) Have any arrangement with any other broker or dealer under which applicant refers or introduces customers to such other broker or dealer? . . . YES ☐ NO ☐

(If the answer to any question of Item 8 is "yes," furnish as to each such arrangement the full name and principal business address of the other person, firm, or organization, and the summary of each such arrangement on Schedule D.)

9. Does applicant control, is applicant controlled by, or is applicant under common control with, directly or indirectly, any partnership, corporation, or other organization engaged in the securities or investment advisory business? . . . YES ☐ NO ☐

(If "yes," state full name and principal business address of such partnership, corporation, or other organization and describe the nature of control on Schedule D. See instructions for definition of control.)

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 5 Applicant Name: ______ Date: ______ OFFICIAL USE

10. Check types of business engaged in (or to be engaged in, if not yet active) by applicant. Do not check any category which accounts for or is expected to account for less than 10% of annual revenue from the securities or investment advisory business.

(a) Exchange member engaged in exchange commission business . . . . . . ☐

(b) Exchange member engaged in floor activities . . . . . . ☐

(c) Broker or dealer making inter-dealer markets in corporate securities over-the-counter . . . . . . ☐

(d) Broker or dealer retailing corporate securities over-the-counter. . . . . . ☐

(e) Underwriter or selling group participant (corporate securities other than mutual funds) . . . . . ☐

(f) Mutual fund underwriter or sponsor . . . . . . ☐

(g) Mutual fund retailer . . . . . . ☐

(h) U.S. government securities dealer . . . . . . ☐

(i) Municipal securities dealer . . . . . . ☐

(j) Municipal securities broker . . . . . . ☐

(k) Broker or dealer selling variable life insurance or annuities. . . . . . ☐

(l) Solicitor of savings and loan accounts . . . . . . ☐

(m) Real estate syndicator . . . . . . ☐

(n) Broker or dealer selling oil and gas interests . . . . . . ☐

(o) Put and call broker or dealer or option writer . . . . . . ☐

(p) Broker or dealer selling securities of only one issuer or associated issuers (other than mutual funds) . . . . . . ☐

(q) Broker or dealer selling securities of non-profit organizations (e.g., churches, hospitals.) . . . ☐

(r) Investment advisory services . . . . . . ☐

(s) Broker or dealer selling tax shelters or limited partnerships. . . . . . ☐

(t) Other (give details on Schedule D) . . . . . . ☐

11. (a) Does applicant effect transactions in commodity futures, commodities or commodity options as a broker for others or dealer for its own account? . . . . . . YES ☐ NO ☐

(b) Does applicant engage in any other non-securities business? (If "yes," describe each such other business briefly on Schedule D.) . . . . . . YES ☐ NO ☐

OFFICIAL USE

# Schedule A of FORM BD

## FOR CORPORATIONS

Applicant Name: ______________________
Date: ______________________

(Answers in response to ITEM 3 of FORM BD.)

I. Complete and mark appropriate columns for (a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, director, and person with similar status or functions, and (b) each other person who is, directly or indirectly, the beneficial owner of 5% or more of any class of equity security of applicant. Place an asterisk (*) after the names of the persons for whom a change in title, status, or stock ownership is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of ownership as follows: If 5% to less than 10%, enter "A," 10% to less than 25%, enter "B," 25% to less than 50%, enter "C," 50% to less than 75%, enter "D," 75% to 100%, enter "E."

| FULL NAME | | | RELATIONSHIP | | | Official Use Only | Ownership Code | Class of Equity Security | Social Security Number |
|---|---|---|---|---|---|---|---|---|---|
| | | | Beginning Date | | Title or Status | | | | |
| Last | First | Middle | Mo. | Yr. | | | | | |
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II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

| FULL NAME | | | Ending Date | | Social Security Number |
|---|---|---|---|---|---|
| Last | First | Middle | Mo. | Yr. | |
| | | | | | |
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| | | | | | |

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

# Schedule B of FORM BD

OFFICIAL USE

## FOR PARTNERSHIPS

Applicant Name: ______________________

Date: ______________________

(Answers in response to ITEM 3 of FORM BD.)

I. List all general, limited, and special partners. For each partner, complete and mark appropriate columns below. Place an asterisk (*) after the names of persons for whom a change in title, status, or partnership interest is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of capital contribution as follows: If none enter "none," 5% to less than 10%, enter "A," 10% to less than 25%, enter "B," 25% to less than 50%, enter "C," 50% to less than 75%, enter "D," 75% to 100%, enter "E."

| FULL NAME Last | First | Middle | Beginning Date Mo. | Beginning Date Yr. | Type of Partner | Official Use Only | Contribution Code | Social Security Number |
|---|---|---|---|---|---|---|---|---|
| | | | | | | 01 | | |
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| | | | | | | 20 | | |

II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

| FULL NAME Last | First | Middle | Ending Date Mo. | Ending Date Yr. | Social Security Number |
|---|---|---|---|---|---|
| | | | | | |
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| | | | | | |

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

OFFICIAL USE

# Schedule C of FORM BD

FOR APPLICANTS OTHER THAN SOLE PROPRIETORS, PARTNERSHIPS AND CORPORATIONS

Applicant Name: ____________________

Date: ____________________

(Answers in response to ITEM 3 of FORM BD.)

I. List below any person, including a trustee, who directs, manages, or participates in directing or managing the affairs of applicant. As to each person listed below, state his title or status and describe the nature of his authority and his beneficial interest in applicant. Place an asterisk (*) beside the names of persons for whom a change in title, status, or interest is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing.

| FULL NAME Last | First | Middle | RELATIONSHIP Beginning Date Mo. | Yr. | Title or Status | Social Security Number | Description of Authority and Beneficial Interest |
|---|---|---|---|---|---|---|---|
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II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

| FULL NAME Last | First | Middle | Ending Date Mo. | Yr. | Social Security Number |
|---|---|---|---|---|---|
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If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

# Schedule D of FORM BD

OFFICIAL USE

Applicant Name: ______________________

Date: ______________________

(Use this Schedule to report details of affirmative responses to questions on Form BD.)

| Item of Form (Identify) | Answer |
|---|---|
| | |

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page. Please circle amended items.

# Schedule E of FORM BD

Applicant Name: ______________________

Date: ______________________

Branch Office Information: Initial filing must include all business locations other than main office address. Amendments must include only those branch offices being added or amended. (See specific instructions.)

| Branch ID No. | Complete Address of Branch Office | Name of Supervisor | Supervisor CRD # | Nature of Change | Effective Date |
|---|---|---|---|---|---|

INSTRUCTIONS FOR PREPARING AND FILING FORM BD

This revision of Form BD is designed for CRD use only. Initial application for broker-dealer registration with an agency, self-regulatory organization, or jurisdiction may require information and/or documents in addition to Form BD; amendments will be limited to the Form BD and its schedules.

GENERAL INSTRUCTIONS

1. All information must be typed.

2. Each page must identify the broker-dealer ("Applicant") and the date.

3. All information required by Form BD and any accompanying Schedule/s must be submitted on the prescribed forms or mechanical reproductions thereof. All applicable questions must be answered.

4. An execution page, containing original manual signatures of the appropriate individuals, must accompany the initial Form BD filing and each amendment to the Form.

5. The information contained on Form BD is of a continuing nature and must be updated or amended at the time of changes in the required information. Amendment pages must be completed in full, with affected question numbers circled.

6. For the purpose of this form: (a) the term "agency" means any regulatory body of the Federal Government; (b) the term "jurisdiction" means a state, territory, the District of Columbia, the Commonwealth of Puerto Rico, a province of the Dominion of Canada, or any subdivision or regulatory body thereof; (c) the terms "self-regulatory organization" or "organization" mean any national securities and/or commodities exchange, any registered national securities and/or commodities association, or any registered clearing agency; (d) the term "applicant" means the broker-dealer applying for or amending a broker-dealer registration.

7. For the purpose of this form, the term "control" includes, but is not limited to,

SPECIFIC INSTRUCTIONS TO FORM BD

1. Execution Page. A current execution page must be included with submission of the initial filing and each amendment. The appropriate signatory certifies the accuracy of all information on Form BD, and attests to the broker-dealer's compliance with bonding requirements and consents to the service of process. (Note: Notary signatures must be affixed on the same date as the appropriate signatory's. See "General Instructions", Item 4 above).

2. Item 7.

If a positive response to any section of Item 7 relates to the applicant broker-dealer, enter details on Schedule D.

If a positive response to any section of Item 7 relates to a natural person who has a Form U-4 currently on file with the CRD, attach the Form U-4 amendment to the Form BD amendment. Both the individual's and the broker-dealer's CRD records will be updated.

If a positive response to any section of Item 7 relates to any person who does not have a Form U-4 on file with the CRD, enter details on Schedule D. ("Person" includes corporations, partnerships and other organizations as well as natural persons.)
Details relating to a positive response to Item 7 must include, when appropriate, the following information:

The subject/s of the reported action: the broker-dealer and/or person/s named in the action.
The title or description of the action.
Name and location of court, agency, jurisdiction, or self-regulatory organization.
Nature and date of disposition of proceeding.

3. Item 9.

(For the purpose of answering this question)

(a) Control means the power to direct or cause the direction of the management or policies of a company whether through ownership of securities, by contract or otherwise, provided, however, that:

(b) Any person who, directly or indirectly, (1) has the right to vote 25 percent or more of the voting securities, (2) is entitled to receive 25 percent or more of the Net Profits or (3) is a director (or person occupying a similar status or performing similar function) of a company shall be presumed to be a person who controls such a company;

(c) Any person not covered by (a) or (b) shall be presumed not to be a person who controls such company; and

(d) Any presumption may be rebutted on an appropriate showing.

PLEASE NOTE: ADDITIONAL INFORMATION MAY BE REQUIRED AFTER A REVIEW OF THE ANSWERS TO THIS QUESTION.

Schedule A, B, & C

For any natural person listed on Schedule A, B, or C who does not currently have Form U-4 on file with the CRD, attach completed for U-4 page 2 only. The applicant broker-dealer name must appear in either Item 24 or 25. Signatures are not required.

Schedule D

Use Schedule D when space provided in the body of Form BD is insufficient for providing details. It is the "attachment" sheet. (Do not use Schedule D as a continuation sheet for any other Schedule; use additional copies of the Schedule.)

Schedule E

The initial filing of Form BD must include Schedule E if the applicant has more than one business location. Do not list the firm's main address on Schedule E, but include all other locations on the initial filing. Amendments to Schedule E must be filed promptly, and should report only branch office changes, such as office opening or closings, changes in management, or relocation of an existing branch office. Complete all information for each office being added or amended, with the exception of the Branch ID No. for new offices. Since Schedule E also serves as a branch office application, the CRD will issue a Branch ID No. for each new office in response to this filing.

UNIFORM FORM BDW

UNIFORM REQUEST FOR WITHDRAWAL FROM REGISTRATION AS A BROKER-DEALER

"APPENDIX B"

SEC Use Only

File No:

READ INSTRUCTION SHEET ON REVERSE SIDE BEFORE PREPARING FORM. PLEASE TYPE.

1) Full Name of Broker-Dealer

2) IRS Emp. Ident. No.

3) Name under which business is conducted, if different from above:

4) NASAA/NASD CRD No.

5) Address of principal place of business: City State Zip Code
No. and Street ______

6) Date firm ceased doing business: ______

To be terminated with the following:

SRO: ☐ ASE ☐ BSE ☐ CBOE ☐ CSE ☐ MSE ☐ NASD ☐ NYSE ☐ PHLX ☐ PSE ☐ SECO ☐ OTHER (Specify) ______

JURISDICTION:

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ☐ AL | ☐ CA | ☐ DC | ☐ ID | ☐ KS | ☐ MD | ☐ MS | ☐ NV | ☐ NY | ☐ OK | ☐ SC | ☐ UT | ☐ WV |
| ☐ AK | ☐ CO | ☐ FL | ☐ IL | ☐ KY | ☐ MA | ☐ MO | ☐ NH | ☐ NC | ☐ OR | ☐ SD | ☐ VT | ☐ WI |
| ☐ AZ | ☐ CT | ☐ GA | ☐ IN | ☐ LA | ☐ MI | ☐ MT | ☐ NJ | ☐ ND | ☐ PA | ☐ TN | ☐ VA | ☐ WY |
| ☐ AR | ☐ DE | ☐ HI | ☐ IA | ☐ ME | ☐ MN | ☐ NE | ☐ NM | ☐ OH | ☐ RI | ☐ TX | ☐ WA | ☐ PR |

7) Does registrant owe any money or securities to any customer, broker, or dealer? Yes ☐ No ☐
If answer is "yes":
a) Amount of money owed ______
b) Market value of securities owed ______
c) Arrangements made for payment ______
d) A statement of financial condition in such detail as will disclose the nature and amount of assets and liabilities and the net worth of the registrant as of a date within 10 days of filing (securities of registrant or in which he has an interest must be listed in a separate schedule and valued at market price).

8) Is Broker-Dealer currently:
a) The subject of any legal action, proceeding or investigation not previously reported on Form BD? If so, furnish complete information on an attached sheet. Yes ☐ No ☐
b) The subject of any unsatisfied judgements or liens not previously reported on Form BD? If so, furnish complete information on an attached sheet. Yes ☐ No ☐

9) Name and address of the person who has or will have custody or possession of books and records. ______

Address where such books and records are or will be located: ______

10) EXECUTION: The undersigned, being first duly sworn, deposes and says that this Form has been executed on behalf of and with the authority of said Broker-Dealer. The undersigned and B/D represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current true and complete.

The undersigned represents that the Broker-Dealer will preserve the books and records as required by federal and state securities jurisdictions and make such records available for inspection.

______ DATE. ______ SIGNATURE

Subscribed and sworn before me this ___ day of ______ 19 ___ by ______

My commission expires ______ County of ______ State of ______

BILLING CODE 8010-01-C

GENERAL INSTRUCTIONS

1. To apply for withdrawal as a broker-dealer under Federal law, a signed original and signed copy of this Form must be filed with the Securities and Exchange Commission, Washington, D.C., 20549. To apply for withdrawal as a broker-dealer in a state jurisdiction participating in the NASAA/NASD Central Registration Depository (CRD) System, a signed copy of this Form must be filed with the CRD, Post Office Box 37441, Washington, D.C., 20013. To apply for withdrawal as a broker-dealer in a state jurisdiction not participating in the CRD System, a signed copy of this Form must be filed with that jurisdiction.

2. Each copy of this Form filed shall be executed with a manual signature by the appropriate individual.

3. A Form BDW which is not properly completed and signed will be returned as not acceptable. Acceptance of this Form does not imply that it has been filed as required or that the information submitted is true, correct or complete.

**Securities and Exchange Commission Regulatory Flexibility Act Certification**

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Form BD and Form BDW, set forth in Securities Exchange Act Release No. *34–20020*, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the revisions to the forms are designed to coordinate the forms which must be filed in order to become registered as a broker-dealer with more than one state, self-regulatory organization or the Commission. Broker-dealers that are now registered will not be required to refile on the new forms and, on balance, the revisions do not impose any new burdens.

Dated: July 29, 1983

John S.R. Shad,

*Chairman.*

[FR Doc. 83-21165 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 133

[Docket No. 83N-0021]

### Extra Hard Grating Cheese; Termination of Consideration of the Codex Standard

**AGENCY:** Food and Drug Administration.

**ACTION:** Advance notice of proposed rulemaking; termination of consideration.

**SUMMARY:** The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard of identity for extra hard grating cheese based on the "Recommended International Standard for Extra Hard Grating Cheese" (Codex Standard No. C.-35) because there is not sufficient need to warrant proposing a U.S. standard for these foods.

**FOR FURTHER INFORMATION CONTACT:** Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of March 1, 1983 (48 FR 8492), FDA published an advance notice of proposed rulemaking which offered interested persons an opportunity to review the Codex standard and to comment on the desirability and need for a U.S. standard of identity for extra hard grating cheese. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. In that notice, the agency commented that a standard of identity would not be proposed if the comments received did not support a standard.

Five comments were received in response to the advance notice of proposed rulemaking. Four comments opposed adoption of the Codex standard because, in their opinion, the existing laws and regulations, including the standards of identity for parmesan and reggiano cheese (21 CFR 133.165), romano cheese (21 CFR 133.183), and hard grating cheese (21 CFR 133.148) adequately govern these styles of cheeses and assure the consumer of a safe, wholesome, and high quality product. One of these comments, and one other that did not address the need for a standard of identity for extra hard grating cheese, offered suggestions for provisions in a standard should FDA decide a standard of identity is warranted.

Having considered the comments received, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard of identity for extra hard grating cheese at this time, under authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard of identity for extra hard grating cheese based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard of identity for extra hard grating cheese upon appropriate justification.

FDA will inform the Technical Secretary for the Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products that imported foods which comply with the requirements of the

Codex standard may move freely in interstate commerce in this country, providing they comply with the applicable U.S. laws and regulations.

Dated: August 1, 1983.

Sanford A. Miller,

*Director, Bureau of Foods.*

[FR Doc. 83-21558 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 353

[Docket No. 78N-0196]

### Oral Mucosal Injury Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

*Correction*

In FR Doc. 83-20088, beginning on page 33984, in the issue of Tuesday, July 26,1983, make the following corrections:

1. On page 33985, in the second column, in the third paragraph, in the last line "F. Ed" should read "F. 2d".

2. On page 33986, in the third column, in the first complete paragraph, in the tenth line "20 milliliters" Should read "30 milliliters".

3. On page 33988, in the second column, in the nineteenth line from the bottom "with light" should read "with slight".

4. On page 33991, in the first column, in the third paragraph, in the eleventh line "final" should read "final and final".

5. On page 33993, in the first column, in § 353.20(a), in the first and second lines "healing agent" should read "cleanser".

6. Also on page 33993, in the first column, in § 353.20(b), in the first line "cleanser" should read "healing agent".

BILLING CODE 1505-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Fair Housing and Equal Opportunity

## 24 CFR Part 115

[Docket No. R-83-1083]

### Recognition of Jurisdictions With Substantially Equivalent Laws

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend 24 CFR Part 115, which sets forth the criteria and procedures by which HUD recognizes State and local fair housing laws that provide rights and remedies that are substantially equivalent to those provided by the Fair Housing Act (Title VIII of the Civil Rights Act of 1968). The proposed revisions are designed to simplify the recognition process and allow for more timely action in granting or withdrawing recognition.

**DATE:** Comments must be received on or before October 11, 1983.

**ADDRESS:** Interested persons are invited to submit comments regarding this proposed rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Steven Sacks, Director, Federal, State and Local Programs Division, Office of Fair Housing & Equal Opportunity, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 426-3500. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On August 16, 1972, the Department published 24 CFR Part 115 as a final rule (37 FR 16540), with an effective date of September 15, 1972. Part 115 sets forth the procedures and criteria the Department uses in determining whether to recognize a State or local fair housing law as providing rights and remedies for discriminatory housing practices that are substantially equivalent to those provided in the Fair Housing Act.

The Department proposes to simplify Part 115, increase the flexibility of the recognition procedures, and revise the Part 115 requirements pertaining to sex discrimination.

The proposed rule would reorganize Part 115 to provide for greater clarity as follows:

| Current | Proposed |
|---|---|
| 115.1 Purpose | 115.1 Purpose. |
| 115.2 Procedure for recognition. | 115.2 Criteria. |
| 115.3 Criteria | 115.3 Performance standards. |
| 115.4 Issuance of recognition. | 115.4 Procedure for recognition. |
| 115.5 Temporary recognition. | 115.5 Issuance of recognition. |
| 115.6 Consequence of recognition. | 115.6 Consequences of recognition. |
| 115.7 Denial of recognition | 115.7 Denial of recognition. |
| 115.8 Performance standards. | 115.8 Withdrawal of recognition. |
| 115.9 Withdrawal of recognition. | 115.9 Conferences. |
| 115.10 Conferences | |
| 115.11 Jurisdictions with substantially equivalent laws. | |

The rule would amend existing §§ 115.1, 115.4, 115.9 and 115.10 to delete language indicating that the issuance or withdrawal of recognition is accomplished by a rulemaking proceeding amending § 115.11, which contains a list of all recognized agencies. It would provide instead for the addition or deletion of jurisdictions recognized as substantially equivalent through publication of a rule-related notice in the **Federal Register.** Section 115.11 would be deleted in its entirety. The new § 115.5 would specify the procedure for issuing recognition and the new § 115.8 would specify the procedure for withdrawing recognition. Publication of a final rule in this proceeding will be accompanied by a consolidated notice of all jurisdictions then recognized as having substantially equivalent laws. The new § 115.5 would require that HUD update and publish at least annually, as a rule-related notice, a consolidated list of recognized jurisdictions.

Actions regarding recognition of jurisdictions with substantially equivalent laws are more properly the subject of a notice procedure rather than a rulemaking, since they involve application of general rules to particular facts rather than the establishment of rules of general applicability. As rule-related notices, a notice of recognition, a notice of withdrawal of recognition or an updated notice of equivalent jurisdiction would appear in the "Rules or Regulations" section of the **Federal Register,** and would be carried in all of the **Federal Register** indexes. This should ensure quick accessibility to the information on an on-going basis.

This change would enable the Department to shorten considerably the amount of time required to respond to requests forsubstantial equivalency