Appendix H (continued)

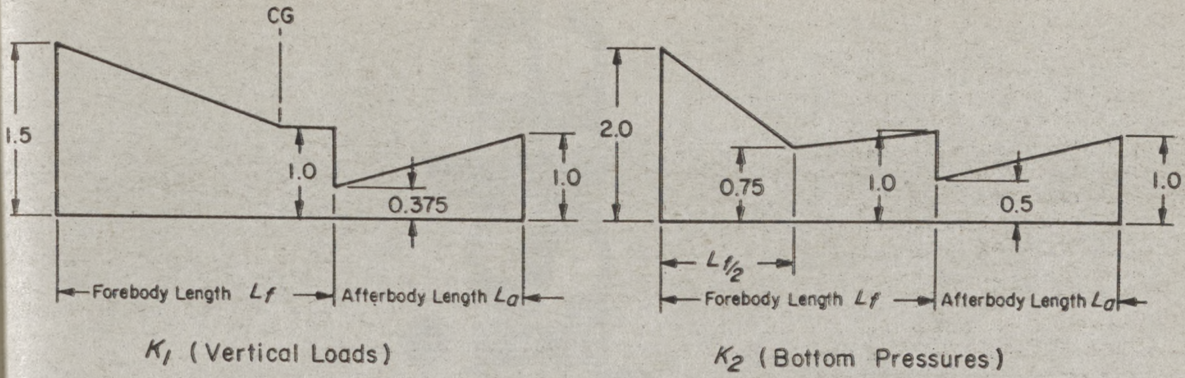

FIGURE 2. Hull station weighing factor.

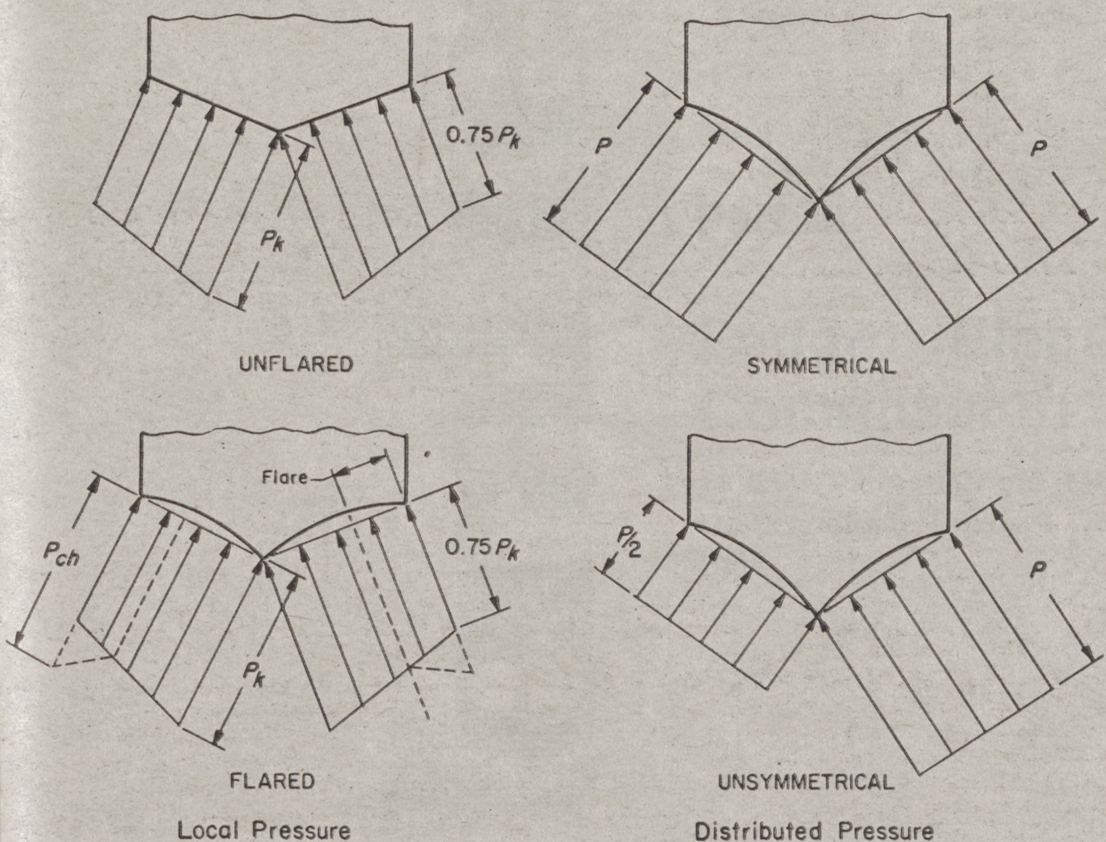

FIGURE 3. Transverse pressure distributions.

[FR Doc. 93-18569 Filed 8-5-93; 8:45 am]

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federal register

Friday
August 6, 1993

Part III

Federal Election Commission

11 CFR Parts 102 and 110

Multicandidate Political Committees; Final Rule

FEDERAL ELECTION COMMISSION

11 CFR Parts 102 and 110

[NOTICE 1993—17]

Multicandidate Political Committees

AGENCY: Federal Election Commission.

ACTION: Final rules; transmittal of regulations to Congress.

SUMMARY: The Federal Election Commission has revised its regulations regarding multicandidate political committees. The revisions require political committees to report to the Commission that they have achieved multicandidate status; provide documentation to the Commission verifying such status at the time this is first reported; and give written notice of this status to candidates and their committees that receive campaign contributions from multicandidate committees. These revisions will help the Commission carry out its statutory responsibility to maintain a current Multicandidate Committee Index, and also help candidates determine what level of contributions they can accept from donor committees.

DATES: Further action, including the announcement of an effective date, will be taken after these regulations have been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d). A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is publishing today the final text of revisions to its regulations at 11 CFR 102.2(a)(1) and (3) and 110.2(a), regarding multicandidate committees.

On March 3, 1993, the Commission issued a Notice of Proposed Rulemaking ["NPRM"] seeking comments on proposed revisions to these regulations. 58 FR 12189. Two written comments were received in response to the Notice.

Section 438(d) of title 2, United States Code, requires that any rule or regulation prescribed by the Commission to carry out the provisions of title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated. These regulations were transmitted to Congress on August 3, 1993.

Explanation and Justification

A political committee may generally contribute a maximum of $1,000 per election to a federal candidate or that candidate's authorized committee. 2 U.S.C. 441a(a)(1)(A), 11 CFR 110.1(b)(1). However, a "multicandidate political committee" may contribute a maximum of $5,000 per candidate, per election. 2 U.S.C. 441a(a)(2)(A), 11 CFR 110.2(b)(1).

A political committee qualifies as a "multicandidate political committee" if it has been registered with the Federal Election Commission for at least six months; received contributions from more than 50 persons; and, except for state party organizations, made contributions to five or more candidates for federal office. 2 U.S.C. 441a(a)(4), 11 CFR 100.5(e)(3). The Commission is required to maintain an index of committees that have qualified as multicandidate committees. 2 U.S.C. 438(a)(6)(C).

Prior to these revisions, a committee informed the Commission that it had qualified as a multicandidate committee by checking the appropriate box on the first regularly-scheduled Report of Receipts and Disbursements [FEC Form 3X] due after this status was achieved. This at times resulted in a significant lapse of time between the date on which the committee qualified and the date on which this information was made known to the Commission, and hence to the general public. For example, if a committee achieved multicandidate status shortly after filing its July 31 semi-annual report in a non-election year, the Commission's Index would not list this committee until after the committee filed the year-end report due on January 31 of the following year. 2 U.S.C. 434(a)(4), 11 CFR 104.5. A candidate or candidate's committee might find it difficult to verify the legality of a contribution over $1,000 received during this period.

Part 102—Registration, Organization, and Recordkeeping by Political Committees

Section 102.2 Statement of Organization: Forms and Committee Identification Number

New paragraph 102.2(a)(3) requires each committee to report that it has qualified as a multicandidate committee before making any contributions to candidates that exceed $1000 per election, and to submit data verifying its multicandidate status, at the time this status is reported. Both the change in status and the verifying information are to be reported on a new form: FEC Form 1M.

The NPRM proposed requiring this information to be reported as an amendment to the Statement of Organization that each committee is required to file. 2 U.S.C. 433(a), 11 CFR 102.1. Any change in information previously submitted in a Statement of Organization must be reported to the Commission no later than 10 days after the date of the change. 2 U.S.C. 433(c), 11 CFR 102.2(a)(2). (Information on multicandidate status could not be reported on an original Statement of Organization, because of the requirement that a committee be registered at least six months before it can qualify as a multicandidate committee.) The Commission has now decided on a more straightforward approach, that is requiring this information to be reported on a new, and separate, FEC Form 1M.

FEC Form 1M requires the committee, after qualifying as a multicandidate committee, to provide the Commission with: (1) The date on which it first registered with the Commission; (2) a listing of five federal candidates it has supported, with the date of the contribution to each; and (3) a certification that it has received contributions from more than 50 persons.

Formerly, this information was apparent from the committee's reports filed at the time this status was reported. Under the revised rules, however, the committee is required to provide this information at the time it files Form 1M, since the information may not have been reported by the time this form is filed.

One commenter endorsed the NPRM, but suggested the verification required in the preceding paragraph be replaced by random requests for this information from the Commission's Reports Analysis Division ["RAD"]. However, the Commission believes each committee should be required to provide this information, as proposed in the Notice.

Since the difference in maximum contributions is significant, the Commission feels strongly that each committee must demonstrate that it qualifies for this status. Moreover compliance with this requirement will not be burdensome. Committees are not required to list all of their contributors, for example, but merely to certify that they have received contributions from a sufficient number of persons. Also, the Commission's experience has been that committees may not fully understand the criteria for achieving multicandidate status, and this approach would help ensure that they comply fully. Finally, random requests for information may not be sufficient to ensure full compliance with these requirements.

FEC Form 3X, where this information was formerly reported, has also been amended. Committees formerly checked square 3 only if they had achieved multicandidate status during the period covered by that report. They now indicate in that square if they have qualified as a multicandidate committee in every report filed after qualification, so that candidates and other interested parties may readily determine this information. The new square cross-references FEC Form 1M, which provides the more detailed information.

Part 110—Contributions and Expenditure Limitations and Prohibitions

Section 110.2 Contributions by Multicandidate Political Committees

New paragraph 110.2(a)(2) requires multicandidate committees to notify recipients of this status in writing, at the time a contribution is made. This allows a candidate or authorized committee to easily determine the legality of a committee contribution over $1,000.

The Federal Election Campaign Act prohibits both the making and the receipt of any contribution over $1,000 from a political committee that has not qualified as a multicandidate committee; and the donor is in the better position to know whether multicandidate status has been achieved. While the recipient can check the Commission's Multicandidate Committee Index, there is inevitably some time lag between the date a committee achieves multicandidate status and the date this information becomes publicly available.

The revised rule does not specify the nature of this writing. Multicandidate committees may choose to have this information printed on their checks and/or their letterhead stationery. Prior to the time this is available, they may handwrite or type this information on their checks. Alternatively, they may include this information in the body of an accompanying letter or other communication, or in another manner of their choosing.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]

The attached rules do not have a significant economic impact on a substantial number of small entities. The basis of this certification is that any entities affected are already required to comply with the Act's requirements in this area.

List of Subjects

11 CFR Part 102

Campaign funds, Political candidates, Political committees and parties, Reporting requirements.

11 CFR Part 110

Campaign funds, Political candidates, Political committees and parties.

For the reasons set out in the preamble, Subchapter A, chapter I of Title 11 of the Code of Federal Regulations is amended as follows:

PART 102—REGISTRATION, ORGANIZATION, AND RECORDKEEPING BY POLITICAL COMMITTEES (2 U.S.C. 433)

1. The authority citation for part 102 continues to read as follows:

Authority: 2 U.S.C. 432, 433, 438(a)(8), 441d.

2. In § 102.2, paragraph (a)(3) is added, to read as follows:

§ 102.2 Statement of organization: Forms and committee identification number (2 U.S.C. 433(b), (c)).

(a) * * *

(3) A committee shall certify to the Commission that it has satisfied the criteria for becoming a multicandidate committee set forth at 11 CFR 100.5(e)(3) by filing FEC Form 1M before it makes any contributions to candidates that exceed $1000 per election.

* * * * *

PART 110—CONTRIBUTIONS AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

3. The authority citation for part 110 continues to read as follows:

Authority: 2 U.S.C. 431(8), 431(9), 432(c)(2), 437d(a)(8), 438(a)(8), 441a, 441b, 441d, 441e, 441f, 441g and 441h.

4. In § 110.2, paragraph (a) is redesignated as paragraph (a)(1) and new paragraph (a)(2) is added, to read as follows:

§ 110.2 Contributions by multicandidate political committees (2 U.S.C. 441a(a)(2)).

(a) (1) * * *

(2) *Notice to recipients.* Each multicandidate committee that makes a contribution under this section shall notify the recipient in writing of its status as a multicandidate committee.

* * * * *

Dated: August 3, 1993.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 93-18862 Filed 8-5-93; 8:45 am]

BILLING CODE 6715-01-M

federal register

Friday
August 6, 1993

Part IV

Interstate Commerce Commission

Norfolk Southern Railway Company; Consolidation of Operations—CSX Transportation, Inc.; Notice

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32299]

Norfolk Southern Railway Company; Consolidation of Operations—CSX Transportation, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision accepting application for consideration.

SUMMARY: The Commission is accepting for consideration the application filed July 7, 1993, by Norfolk Southern Railway Company (NS) and CSX Transportation, Inc. (CSXT) for approval and authorization of the consolidation of certain operations and joint use of certain railroad lines of NS and CSXT in South Carolina. Pursuant to 49 CFR part 1180, the Commission finds this to be a minor transaction.

DATES: Written comments must be filed with the Commission no later than September 7, 1993, and concurrently served on applicants' representatives, the United States Secretary of Transportation, and the Attorney General of the United States. Comments from the Secretary of Transportation and Attorney General of the United States must be filed by September 20, 1993. The Commission will issue a service list shortly thereafter. Comments must be served on all parties of record within 10 days of the Commission's issuance of the service list and confirmed by certificate of service filed with the Commission indicating that all designated individuals and organizations on the service list have been properly served. Applicants' reply is due by October 12, 1993.

ADDRESSES: Send an original and 10 copies of all documents to: Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32299, Interstate Commerce Commission, Washington, DC 20423. In addition, concurrently send one copy of all documents to the United States Secretary of Transportation, the Attorney General of the United States, and to applicants' representatives: (1) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, room 8201, 400 Seventh St. SW., Washington, DC 20590; (2) Attorney General of the United States, United States Department of Justice, 10th St. and Constitution Ave. NW., Washington, DC 20530; (3) Robert J. Cooney, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510–2191; (4) Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, room J150, Jacksonville, FL 32202; and (5) Peter J. Shudtz, CSX Corporation, One James Center, 901 East Cary Street, Richmond, VA 23219.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By application filed July 7, 1993, NS and CSXT, collectively "applicants," seek Commission approval under 49 U.S.C. 11343, *et seq.*, for a consolidation of certain of their operations in South Carolina. The proposal involves a series of trackage rights agreements, joint use agreements, and operating agreements under which the applicants propose to operate over certain trackage of each other.

Under the proposal, NS will grant overhead trackage rights to CSXT over its line of railroad between Columbia and Charleston, allowing CSXT to operate over this line with its own trains and its own crews. CSXT will have the right to exit the line at Pregnall and Orangeburg. In connection with these trackage rights, NS has agreed to handle cars in CSXT's accounts in trains operated by NS crews between Columbia and Charleston, including the setting out and picking up of CSXT's traffic at Pregnall and Orangeburg.

CSXT will lease NS's line of railroad between Pregnall and Giant. CSXT and NS have agreed that CSXT will switch traffic between Pregnall and Giant for all CSXT and NS customers, and traffic to or from CSXT or NS customers will remain in the respective railroad's account.

CSXT will grant overhead trackage rights to NS over its line of railroad between Columbia and Newberry, allowing NS to operate over this line with its own trains and its own crews. In connection with these trackage rights, CSXT has agreed to handle cars in NS's accounts in trains operated by CSXT crews between Columbia and Newberry. In addition, CSXT has agreed to handle cars in NS's accounts in trains operated by CSXT crews between Newberry and Spartanburg. NS and CSXT have agreed that NS will switch traffic in the Newberry area for all CSXT and NS customers. Traffic switched to and from CSXT or NS customers will remain in the respective railroad's account.

CSXT is a class I rail carrier that operates a rail system comprising approximately 19,000 miles of trackage located in 19 States, the District of Columbia, and the Province of Ontario, Canada. CSXT is a wholly owned subsidiary of CSX Corporation (CSX), a noncarrier holding company that owns and controls several carriers subject to Commission regulation, including CSXT, American Commercial Barge Line Company (an inland barge carrier), CSX Intermodal, Inc. (a motor carrier), and various other wholly owned carrier affiliates. The proposed consolidation of operations involves only CSXT's rail operations in South Carolina. The carrier operations of CSX's other Commission-regulated affiliates are not affected by the proposed transaction.

NS is a class I rail carrier that operates a rail system comprising approximately 9,000 miles of trackage located in 14 States. NS is a wholly owned subsidiary of Norfolk Southern Corporation, a noncarrier holding company. NS controls Norfolk and Western Railway Company and other carriers.

According to applicants, the proposed transaction will not substantially lessen intermodal or intramodal competition. Applicants point out that the proposed consolidation of operations relates to train operations only. They emphasize that, following the consolidation, the current customers of CSXT will continue to be CSXT customers and the current NS customers will continue to be NS customers. There will be no change in the status of those customers that are jointly served by CSXT and NS, and no prospective customers will be denied service from either CSXT or NS as a result of the consolidation. Applicants assert that the only effect the proposed consolidation will have on customer service is that CSXT cars will be handled in some instances in NS trains and by NS crews, and NS cars will be handled in other instances in CSXT trains and by CSXT crews. In short, applicants contend, there will be no lessening of competition because there will be no change in the competitive balance between NS and CSXT in South Carolina as a result of the proposed consolidation of operations.

Both CSXT and NS anticipate operating economies as a result of the proposed transaction. CSXT's traffic between Columbia and Charleston can be handled more efficiently by using NS trains between those two points. Adding the CSXT traffic to the existing NS traffic will increase the size of NS trains, provide economies of scale, and reduce the transportation costs per carload of both carriers. CSXT's use of NS trains between Columbia and Charleston will allow CSXT to eliminate two road switchers and the costs that accompany those operations. In addition, having NS switch the CSXT traffic at Newberry will allow CSXT to eliminate one road switcher at that point. By using CSXT trains to handle its traffic between Columbia and Newberry and between

Newberry and Spartanburg, and to switch its traffic between Pregnall and Giant, NS will realize certain operating efficiencies. In addition, the NS trackage between Prosperity and Alston will be surplus because NS will have trackage rights over CSXT trackage to Prosperity, and no shippers are located between Prosperity and Alston. There is no financial consideration involved in the proposed consolidation of operations other than the reimbursement by CSXT and NS for the cost of their respective use of each other's facilities in South Carolina. Applicants do not intend for the proposed consolidation of operations to result in any changes in the traffic levels of either party or any increases or decreases in revenue. Neither do they expect the proposed consolidation to involve any increase in fixed charges.

Applicants anticipate a positive impact on the adequacy of transportation service to the public. By using each other's facilities for the handling of traffic in South Carolina, NS and CSXT will both be able to streamline their respective operations and rationalize their systems. The economic gains that applicants anticipate will strengthen both NS and CSXT and allow them to provide high quality transportation service to the shippers and receivers on their respective systems.

The proposed consolidation of operations will result in the elimination of three CSXT trains. Accordingly, the train crews of CSXT who normally work on those trains will be affected by the proposed consolidation. No NS trains are to be eliminated. CSXT and NS acknowledge that, pursuant to 49 U.S.C. 11347, the Commission is required to impose labor protective provisions as a condition to its approval of the proposed consolidation of operations under 49 U.S.C. 11343. At this time, applicants have not reached agreements with the employees to be affected.

Under 49 CFR 1180.4(b)(2)(iv), we must determine whether a proposed transaction is major, significant, minor, or exempt. The proposal here does not involve the control or merger of two or more class I railroads. Further, the proposed transaction has no regional or national significance and does not involve a major market extension as defined under our rules for rail consolidations. NS and CSXT are not combining to enlarge their market shares between major city pairs or regions. They are individually paring down expenses to operate more efficiently in markets they are already serving. This may make the carriers more effective in meeting geographic or intermodal competition, but not to the extent that it would qualify as a major market extension. Accordingly, we find the proposal is a minor transaction as defined in 49 CFR 1180.2(c). Because the application complies with our regulations governing minor transactions, we are accepting it for consideration.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, copies may be obtained upon request from applicants' representatives named above.

Any interested persons, including government entities, may participate in the proceeding by submitting written comments. Any person who submits, in timely-filed, written comments, a request to participate in this proceeding as a party of record will be accorded that status, and need not file a petition for leave to intervene.

Consistent with 49 CFR 1180.4(d)(1)(iii), written comments must contain:

(a) The docket number and title of the proceeding,

(b) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

(c) The commenting party's position, *i.e.*, whether it supports or opposes the proposed transaction;

(d) A statement of whether the commenting party intends to participate formally in the proceeding or merely comment upon the proposal;

(e) If desired, a request for an oral hearing with reasons supporting this request; the request must indicate the disputed material facts that can only be resolved at a hearing; and

(f) A list of all information sought to be discovered from applicant carriers.

Because we have determined that the proposal in this proceeding constitutes a minor transaction, no responsive applications will be permitted. The time limits for processing a minor transaction are set forth at 49 U.S.C. 11345(d).

Discovery may begin immediately. We admonish the parties to resolve all discovery matters expeditiously and amicably.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This application is accepted for consideration as a minor transaction under 49 CFR 1180.2(c).

2. The parties shall comply with all provisions stated above.

Decided: August 2, 1993.

By the Commission, Chairman McDonald Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-19081 Filed 8-5-93; 8:45 am]

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