

**PART 305—[AMENDED]**

1. The authority citation for part 305 continues to read as follows:

**Authority:** 42 U.S.C. 6294.

2. Appendix F to Part 305 is revised to read as follows:

**Appendix F to Part 305—Clothes Washers**

*Range Information*

“Compact” includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

“Standard” includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact:		
Top Loading .....	607	1226
Front Loading .....	(*)	(*)
Standard:		
Top Loading .....	603	1818
Front Loading .....	286	395

\* No data submitted.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95-12856 Filed 5-24-95; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 232**

[Release Nos. 33-7169; 34-35749; 35-26294; 39-2331; IC-21085]

RIN 3235-AG10

**Adoption of Updated EDGAR Filer Manual**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commission is adopting an updated edition of the EDGAR Filer Manual and is providing for its incorporation by reference into the Code of Federal Regulations.

**EFFECTIVE DATES:** The amendment to Regulation S-T will be effective on June 7, 1995. The new edition of the EDGAR Filer Manual (Release 4.30) will be effective on June 7, 1995. The incorporation by reference of the EDGAR Filer Manual is approved by the

Director of the Federal Register as of June 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** In the Office of Information Technology, David T. Copenhafer at (202) 942-8800; in the Division of Corporation Finance, Sylvia J. Reis or Serena C. Swegle at (202) 942-2940; in the Division of Investment Management, Anthony A. Vertuno at (202) 942-0591 or Ruth Armfield Sanders at (202) 942-0633.

**SUPPLEMENTARY INFORMATION:** The Commission today announces the adoption of an updated EDGAR Filer Manual (“Filer Manual”), which sets forth the technical formatting requirements governing the preparation and submission of electronic filings through the Electronic Data Gathering, Analysis, and Retrieval (“EDGAR”) system.<sup>1</sup> Compliance with the provisions of the Filer Manual is required in order to assure the timely acceptance and processing of filings made in electronic format.<sup>2</sup> Filers should consult the Filer Manual in conjunction with the Commission’s rules governing mandated electronic filing when preparing documents for electronic submission.<sup>3</sup> In this update, new form types have been added in order to implement solutions to prospectus delivery issues arising in connection with the change to T+3 securities transaction settlement.<sup>4</sup> The updated manual also contains some minor additional changes to reflect improvements requested by the filer community and SEC staff, such as the extension of the length of time that temporary passwords remain active. Rule 301 of Regulation S-T also is being amended to provide for the incorporation by reference of the Filer Manual into the Code of Federal

<sup>1</sup> The Filer Manual originally was adopted on April 1, 1993, and became effective on April 26, 1993. Release No. 33-6986 (April 1, 1993) [58 FR 18638]. Updates to the Filer Manual were adopted in July and September of 1994, and January of 1995. Release No. 33-7073 (July 8, 1994) [59 FR 36262], Release No. 33-7094 [59 FR 49572] and Release No. 33-7123 [59 FR 68068], respectively.

<sup>2</sup> See Rule 301 of Regulation S-T (17 CFR 232.301).

<sup>3</sup> See Release Nos. 33-6977 (February 23, 1993) [58 FR 14628], IC-19284 (February 23, 1993) [58 FR 14848], 35-25746 (February 23, 1993) [58 FR 14999], and 33-6980 (February 23, 1993) [58 FR 15009] for a comprehensive treatment of the rules adopted by the Commission governing mandated electronic filing. See also Release No. 33-7122 (December 19, 1994), in which the Commission made the EDGAR rules final and applicable to all domestic registrants and adopted minor amendments to the EDGAR rules.

<sup>4</sup> Securities Act Release No. 7168 (May 11, 1995) [60 FR 26604]. Additional programming related to this rulemaking will be completed at a later date. Notice will be provided in the SEC News Digest and the **Federal Register**, and on the EDGAR Bulletin Board.

Regulations, which incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. The revised Filer Manual and the amendment to Rule 301 will be effective on June 7, 1995.

Paper copies of the updated Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1-2, 450 Fifth Street, N.W., Washington D.C. 20549. Electronic format copies will be available on the EDGAR electronic bulletin board. Copies also may be obtained from Disclosure Incorporated, the paper and microfiche contractor for the Commission, at (800) 638-8241.

Since the Filer Manual relates solely to agency procedure or practice, publication for notice and comment is not required under the Administrative Procedure Act.<sup>5</sup> It follows that the requirements of the Regulatory Flexibility Act<sup>6</sup> do not apply.

The changes in the Filer Manual are effective June 7, 1995, in accordance with the Administrative Procedure Act, which allows for effectiveness in less than 30 days after publication, if, *inter alia*, “otherwise provided by the agency for good cause found and published with the rule.” 5 U.S.C 553(d)(3). The Commission finds that there is good cause for the updated Filer Manual to become effective on June 7, 1995 since the changes are designed to allow market participants to comply with the T+3 settlement cycle. The Commission adopted final rules to facilitate prospectus delivery within the T+3 settlement cycle. See Release No. 33-7168 (May 11, 1995). Those rules, as well as overall implementation of T+3 settlement, will become effective on June 7, 1995. The changes made by the updated Filer Manual are designed to permit electronic filing of the appropriate forms consistent with Release No. 33-7168 (May 11, 1995). Therefore, it is appropriate to make the updated Filer Manual effective on the same date as the newly adopted rules. Moreover, effectiveness of the new rules and the new Filer Manual on the same date will ensure that potential market disruption relating to prospectus delivery would be avoided.

**Statutory Basis**

The amendment to Regulation S-T is being adopted under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>7</sup>

<sup>5</sup> 5 U.S.C. 553(b).

<sup>6</sup> 5 U.S.C. 601-612.

<sup>7</sup> 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).

Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,<sup>8</sup> Section 20 of the Public Utility Holding Company Act of 1935,<sup>9</sup> Section 319 of the Trust Indenture Act of 1939,<sup>10</sup> and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.<sup>11</sup>

#### List of Subjects in 17 CFR Part 232

Incorporation by reference; Investment companies; Registration requirements; Reporting and recordkeeping requirements; Securities.

#### Text of the Amendment

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

#### PART 232—REGULATION S— GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

2. Section 232.301 is revised to read as follows:

#### § 232.301 EDGAR Filer Manual.

Electronic filings shall be prepared in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The June 1995 edition of the *EDGAR Filer Manual: Guide for Electronic Filing with the U.S. Securities and Exchange Commission (Release 4.30)* is incorporated into the Code of Federal Regulations by reference, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Compliance with the requirements found therein is essential to the timely receipt and acceptance of documents filed with or otherwise submitted to the Commission in electronic format. Paper copies of the EDGAR Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1–2, 450 5th Street, N.W., Washington, D.C. 20549. They also may be obtained from Disclosure Incorporated by calling (800) 638–8241. Electronic format copies are available through the EDGAR electronic bulletin board. Information on becoming an EDGAR E-mail/electronic bulletin

board subscriber is available by contacting CompuServe Inc. at (800) 848–8199.

Dated: May 22, 1995.

By the Commission.

**Jonathan G. Katz,**

Secretary.

[FR Doc. 95–12846 Filed 5–23–95; 10:35 am]

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#### DEPARTMENT OF JUSTICE

#### Bureau of Prisons

#### 28 CFR Part 550

[BOP–1010–F; BOP–1034–I]

RIN 1120–AA16; RIN 1120–AA36

#### Drug Abuse Treatment Programs: Early Release Consideration

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Further issuance of interim rule with request for comments.

**SUMMARY:** In this document, the Bureau of Prisons is amending its rule on Drug Abuse Treatment Programs in order to allow for consideration of early release of eligible inmates who complete a residential drug abuse treatment program. This amendment is necessary to implement provisions of the Violent Crime Control and Law Enforcement Act of 1994. Further changes to the regulations are being made for the sake of clarification.

**DATES:** Effective June 26, 1995; comments are due July 24, 1995.

**ADDRESSES:** Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, N.W., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons is further amending its regulations on Drug Abuse Treatment Programs. A final rule on this subject with interim provisions on eligibility requirements for the residential and nonresidential drug abuse treatment programs was published in the **Federal Register** on October 21, 1994. The Bureau has received no comment on the interim provisions, and the Bureau therefore adopts those interim provisions as final. For organizational reasons, §§ 550.55, 550.56, 550.57, and 550.58 are being redesignated respectively as §§ 550.56, 550.57, 550.55, and 550.59.

The Bureau, in this document, is also issuing interim provisions intended to

implement Section 32001 of the Violent Crime Control and Law Enforcement Act of 1994. This section provides, among other things, that the period a prisoner convicted of a non-violent offense remains in custody after successfully completing a program of residential substance abuse treatment may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve.

New § 550.58 establishes procedures to be used by the Bureau in determining eligibility for early release and for determination of the length of the reduction in sentence. In keeping with the statutory provision that possible reduction in sentence is applicable to an inmate convicted of a nonviolent offense, an inmate whose current offense falls under the definition in 18 U.S.C. 924(c)(3) of a crime of violence is excluded from consideration. Under this section, a crime of violence means an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Information contained in the Presentence Investigation Report ordinarily is sufficient to allow staff to determine if the inmate's committed offense meets this definition of crime of violence. In exercising the Bureau's discretion in reducing a sentence, the Bureau shall also review the criminal history of the inmate contained in the Presentence Investigation Report, and any inmate with a federal and/or state conviction for homicide, forcible rape, robbery, or aggravated assault shall also be excluded from consideration. Because state convictions may show a considerable range in the degree of violence used in the offense, the Bureau has chosen to use the above cited categories of crimes, which are reported under the FBI Violent Crime Index, as the sole determinant of violence in the criminal history. Inmates in Bureau custody who are not serving a sentence for a federal offense (for example, INS detainees, pretrial inmates, or contractual boarders) are not eligible for consideration of early release. An inmate with an INS detainer, however, may be eligible for consideration of early release to the detainer. An inmate eligible for parole is not eligible for consideration for early release by the Bureau; information concerning the successful completion of a residential drug abuse treatment program by a

<sup>8</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78w and 78ll.

<sup>9</sup> 15 U.S.C. 79t.

<sup>10</sup> 15 U.S.C. 77sss.

<sup>11</sup> 15 U.S.C. 80a–8, 80a–29, 80a–30 and 80a–37.