

costs, depending on their circumstances. Overall, the Commission expects benefits to accrue to both filers and the public at large in cases where filers choose to file in electronic format, primarily because of the promptness and breadth of dissemination associated with electronic filing.

V. Statutory Basis

The updated Filer Manual and the amendments to Regulation S-T are being adopted under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,³⁵ Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,³⁶ Section 20 of the Public Utility Holding Company Act of 1935,³⁷ Section 319 of the Trust Indenture Act of 1939,³⁸ and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.³⁹

List of Subjects in 17 CFR Part 232

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

Text of the Amendments

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

PART 232—REGULATION S-T—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 232.101 is amended by revising paragraphs (a)(1)(iv) and (b)(2); redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(7) and (b)(8) and adding paragraphs (b)(4), (b)(5) and (b)(6); removing paragraph (c)(7) and redesignating paragraphs (c)(8) through (c)(21) as paragraphs (c)(7) through (c)(20); and revising newly redesignated paragraphs (c)(8) and (c)(13) to read as follows:

§ 232.101 Mandated electronic submissions and exceptions.

- (a) * * *
- (1) * * *
- (iv) Documents filed with the Commission pursuant to Sections 8, 17, 20, and 30 of the Investment Company

Act (15 U.S.C. 80a-8, 80a-17, 80a-20, and 80a-29); *provided, however* that in no event shall any submissions under Section 6(c), 8(f), or 17(g) of the Act (15 U.S.C. 80a-6(c), 80a-8(f), or 80a-17(g)) or documents related to applications for exemptive relief under any section of the Act, be made in electronic format; and

* * * * *

(b) *Permitted electronic submissions.*

- * * *
- (1) * * *
- (2) Notices of exempt solicitation furnished for the information of the Commission pursuant to Rule 14a-6(g) (§ 240.14a-6(g) of this chapter) and notices of exempt preliminary roll-up communications furnished for the information of the Commission pursuant to Rule 14a-6(n) (§ 240.14a-6(n) of this chapter);
- (3) * * *

(4) Forms 3, 4 and 5 (§§ 249.103, 249.104 and 249.105 of this chapter);

(5) Form 144 (§ 239.144 of this chapter), where the issuer of the securities is subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act (15 U.S.C. 78m or 78o(d), respectively);

(6) Periodic reports and reports with respect to issuances of primary obligations filed by the International Bank for Reconstruction and Development pursuant to Section 15(a) of the Bretton Woods Agreements Act [22 U.S.C. 286k-1(a)] and Part 285 of Title 17 of the Code of Federal Regulations;

* * * * *

(c) *Documents to be submitted in paper only.* * * *

(8) Filings related to offerings exempt from registration under the Securities Act of 1933, including filings made pursuant to Regulation A (§§ 230.251-230.264 of this chapter), Regulation B (§§ 230.300-230.346 of this chapter), Regulation D (§§ 230.501-508 of this chapter) Regulation E (§§ 230.601-230.610a of this chapter) and Regulation F (§§ 230.651-230.656 of this chapter), as well as filings on Form 144 (§ 239.144 of this chapter) where the issuer of the securities is not subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act (15 U.S.C. 78m or 78o(d), respectively);

* * * * *

(13) Submissions under Sections 6(c), 8(f), 17(g), and 33 of the Investment Company Act (15 U.S.C. 80a-6(c), 80a-8(f), 80a-17(g), and 80a-32) and documents related to applications for

exemptive relief under any section of the Act;

* * * * *

3. 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 December 1995 edition of the *EDGAR Filer Manual: Guide for Electronic Filing with the U.S. Securities and Exchange Commission (Release 4.40)* 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, NW., Washington, DC 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: November 13, 1995.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-28413 Filed 11-16-95; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 0-17

Title 38 CFR Parts 0 to 17; Republication

CFR Correction

Title 38 CFR parts 0 to 17, revised as of July 1, 1995, is being republished in its entirety. The earlier issuance inadvertently omitted text from §§ 1.554a through 1.602 inclusive. The omitted text should immediately precede § 1.603 on page 44.

BILLING CODE 1505-01-D

³⁵ 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).
³⁶ 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78w and 78ll.
³⁷ 15 U.S.C. 79t.
³⁸ 15 U.S.C. 77sss.
³⁹ 15 U.S.C. 80a-8, 80a-29, 80a-30 and 80a-37.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285**

[Docket No. 950426116-5264-03; I.D. 102595B]

RIN 0648-AG14

Atlantic Tuna Fisheries; Permit Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS corrects the final regulations governing the Atlantic tuna fisheries by removing Atlantic bonito from the list of species in 50 CFR 285.53(d) for which a private recreational vessel permit is required. When issuing the final regulations it was not the intent of NMFS to extend permit requirements to recreational vessels fishing for bonito and no other Atlantic tunas.

EFFECTIVE DATE: November 16, 1995.

ADDRESSES: Permit applications and reporting forms are available from NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799.

FOR FURTHER INFORMATION CONTACT: Christopher W. Rogers, 301-713-2347; or Kevin B. Foster, 508-281-9260.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 issued under the authority of the Atlantic Tunas Convention Act (ATCA). The ATCA authorizes the Secretary of Commerce (Secretary) to implement regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to implement ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA.

ICCAT requires that contracting parties implement information collection programs to monitor fishing effort and catch in commercial and recreational fisheries. By final rule, NMFS revised and extended the permitting/reporting requirements for the Atlantic tuna fisheries to apply to all Atlantic tunas (60 FR 38505, July 27, 1995). For ICCAT fishery data collection purposes, Atlantic tunas are defined under the regulations to mean: Bluefin tuna, yellowfin tuna, skipjack tuna,

bigeye tuna, albacore tuna, and bonito. Atlantic bonito means the fish species *Sarda chiliensis* or *Sarda sarda*.

It was not the intention of NMFS to extend permit requirements to recreational vessels fishing solely for bonito and no other Atlantic tunas. The final rule inadvertently included Atlantic bonito in the list of species for which a recreational vessel permit is required (50 CFR 285.53(d)). This correcting amendment revises the final regulations by removing Atlantic bonito from that list. Removal will not compromise the collection of fishery information required by ICCAT.

This correction does not affect the requirement for vessel permits for operators engaging in the sale of Atlantic tunas (including bonito) nor the requirement for dealer permits for the purchase of Atlantic tunas. Commercial vessel owners taking Atlantic tunas, including charter/headboat operators, and Atlantic tuna dealers must obtain permits by November 15, 1995. Recreational vessels taking any Atlantic tuna other than bonito must obtain permits by January 1, 1996. Permit applications and reporting forms are available from NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799.

Classification

Because this amendment only corrects an error to make an existing set of regulations for which full prior notice and opportunity for comment have been given consistent with the regulatory intent, under 5 U.S.C. 553(b)(B), it is unnecessary to provide prior notice and opportunity for comment.

This amendment imposes no new requirements on anyone subject to these regulations, and removes or relieves an unintended restriction. Accordingly, under 5 U.S.C. 553(d), the correction is being made effective immediately.

This rule is exempt from review under E.O. 12866.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: November 13, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285 is corrected by making the following correcting amendment:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.53 paragraph (d) is revised to read as follows:

§ 285.53 Vessel permits.

* * * * *

(d) *Recreational vessel permits.* Effective January 1, 1996, owners or operators of private recreational vessels are required to obtain vessel permits in order to fish for, catch, retain, or land Atlantic yellowfin, bigeye, albacore, and skipjack tunas. Anglers aboard private recreational vessels must adhere to applicable daily catch limits. Atlantic tunas taken on board private recreational vessels may not be sold.

* * * * *

[FR Doc. 95-28362 Filed 11-16-95; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 625

[Docket No. 930832-3314; I.D. 110795A]

Summer Flounder Fishery; Commercial Quota Transfer From Maryland to New York

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Commercial quota transfer.

SUMMARY: NMFS announces that the State of Maryland is transferring 50,000 lb (22,680 kg) of commercial summer flounder quota to the State of New York. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508-281-9347.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percentage allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1995 calendar year was set equal to 14,690,407 lb (6,663,456 kg), and the allocations to each state were published February 16, 1995 (60 FR 8958). At that time, Maryland was