

Home Loan Bank Board. Such regulation was omitted from the recodification of regulations issued on November 30, 1990. Because the rulemaking is not subject to Executive Order 12291, a Regulatory impact analysis is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act do not apply.

List of Subjects in 12 CFR part 503

Privacy.

Accordingly, the Director of the Office of Thrift Supervision hereby amends part 503, subchapter A, chapter V, title 12, Code of Federal Regulations as set forth below:

SUBCHAPTER A—ORGANIZATION AND PROCEDURES

PART 503—PRIVACY ACT

1. The authority citation for 12 CFR part 503 continues to read as follows:

Authority: Sec. 552a, 80 Stat. 383, as amended (5 U.S.C. 552a); sec. 3, as added by sec. 301, 103 Stat. 278 (12 U.S.C. 1462a); sec. 4, as added by sec. 301, 103 Stat. 280 (12 U.S.C. 1463); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464).

2. Section 503.2 is added to read as follows:

§ 503.2 Exemptions of records containing investigatory material compiled for law enforcement purposes.

(a) *Scope.* The Office has established a system of records, entitled the "Confidential Individual Information System." The purpose of this system is to assist the Office in the accomplishment of its statutory and regulatory responsibilities in connection with supervision of savings associations. This system will be exempt from certain provisions of the Privacy Act of 1974 for the reasons set forth in paragraph (c) of this section.

(b) *Exemptions Under 5 U.S.C. 552a(k)(2).* (1) Pursuant to 5 U.S.C. 552a(k)(2), the head of an agency may issue rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system contains investigatory material compiled for law enforcement purposes.

(2) Provisions of the Privacy Act of 1974 from which exemptions will be made under 5 U.S.C. 552a(k)(2) are as follows:

- (i) 5 U.S.C. 552a(c)(3);
- (ii) 5 U.S.C. 552a(d)(1), (d)(2), (d)(3), and (d)(4);
- (iii) 5 U.S.C. 552a(e)(1);

(iv) 5 U.S.C. 552a(e)(4)(G), (e)(4)(H), and (e)(4)(I); and

(v) 5 U.S.C. 552a(f).

(c) *Reasons for exemptions under 5 U.S.C. 552a(k)(2).* (1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. The application of this provision would make known to subjects of an investigation that an investigation is taking place and that they are the subjects of it. Release of such information could result in the alteration or destruction of documentary evidence, improper influencing of witnesses, and reluctance of witnesses to offer information, and could otherwise impede or compromise an investigation.

(2) 5 U.S.C. 552a(d)(1), (d)(2), (d)(3), and (d)(4), (e)(4)(G) and (e)(4)(H), and (f), relate to an individual's right to be notified of the existence of, and the right to examine, records pertaining to such individual. Notifying an individual at the individual's request of the existence of records and allowing the individual to examine an investigative file pertaining to such individual, or granting access to an investigative file, could:

- (i) Interfere with investigations and enforcement proceedings;
- (ii) Constitute an unwarranted invasion of the personal privacy of others;
- (iii) Disclose the identity of confidential sources and reveal confidential information supplied by those sources; or
- (iv) Disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system. Application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality, thus compromising the agency's ability to conduct investigations and to identify, detect, and apprehend violators.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. Limiting the system as described would impede enforcement activities because:

- (i) It is not always possible to determine the relevance or necessity of

specific information in the early stages of an investigation; and

(ii) In any investigation the Office may obtain information concerning violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the Office should retain this information to aid in establishing patterns of criminal activity, and to provide leads for those law enforcement agencies charged with enforcing criminal or civil laws.

(d) *Documents exempted.* Exemptions will be applied only when appropriate under 5 U.S.C. 552a(k).

Dated: June 28, 1990.

By the Office of Thrift Supervision.

Timothy Ryan,

Director.

[FR Doc. 90-18012 Filed 8-1-90; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 803

Notification and Report Form for Certain Mergers and Acquisitions Under the Antitrust Improvements Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This final rule revises 16 CFR part 803 Appendix, the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions (the "Form"). The Form must be completed and submitted by persons required to report mergers or acquisitions pursuant to section 7A of the Clayton Act as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. The revised Form will require that 1987 revenue data, identified by 1987 Bureau of the Census Standard Industrial Classification (SIC) Codes, be provided in response to certain items on the Form that previously called for 1982 data.

EFFECTIVE DATE: October 1, 1990.

ADDRESSES: All completed Forms, including any documents required to be supplied in response to any item on the Form, must be delivered to: Premerger Notification Office, Bureau of Competition, room 303, Federal Trade Commission, Washington, DC 20580, and Director of Operations, Antitrust Division, room 3218, Department of Justice, Washington, DC 20530, as specified by 16 CFR 803.10(c).

FOR FURTHER INFORMATION CONTACT: Richard Smith, Attorney, Premerger Notification Office, Bureau of Competition, room 303, Federal Trade

Commission, Washington, DC 20580.
Telephone (202) 328-3100.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This change to the Form has been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the existing OMB clearance, Control No. 3084-0005.

Regulatory Flexibility Act

The Federal Trade Commission ("the Commission") has previously certified that the Premerger Notification Rules and Report Form do not significantly affect small businesses. The revision to the Form made by this notice will not change the premerger notification rules in any way that would affect that determination. Therefore, pursuant to 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Public Law 96-354, September 19, 1980, the Federal Trade Commission certifies that the proposed revision will not have a significant economic impact on a substantial number of small entities. Section 604 of the Regulatory Flexibility Act, 5 U.S.C. 604, requiring a final regulatory flexibility analysis of this revision is therefore inapplicable.

Background Information

The Hart-Scott-Rodino Antitrust Improvements Act of 1976 ("the Act") requires all persons contemplating certain mergers or acquisitions to file notification with the Commission and the Antitrust Division of the Department of Justice ("the Department") and to wait a designated period of time before consummating such proposed transaction. Congress empowered the Commission, with the concurrence of the Assistant Attorney General in charge of the Antitrust Division ("the Assistant Attorney General"), to require "that the notification * * * be in such form and contain such documentary material and information * * * as is necessary and appropriate" to enable the agencies "to determine whether such acquisitions may, if consummated, violate the antitrust laws." (15 U.S.C. 18(d) (1988)).

Pursuant to that section, the Commission, with the concurrence of the Assistant Attorney General, developed the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions. The Form is designed to provide the Commission and the Assistant Attorney General with the information and documentary material necessary and appropriate for an initial evaluation of the potential anticompetitive impact of significant mergers, acquisitions and certain similar

transactions. The Form is not intended to elicit all potentially relevant information relating to an acquisition. Completion of the Form by all parties required to file ordinarily will permit both agencies to determine whether the waiting period should be allowed to expire or be terminated upon request, or whether a request for additional information should be made under section 7A(e) of the Act and 16 CFR 803.20.

All acquiring and acquired persons required by the Act to file notification must complete the Form, or a photostatic or other equivalent reproduction, in accordance with the instructions attached to it and the Premerger Notification Rules (the "Rules"), 16 CFR 801-803.

Statement of Basis and Purpose for the Commission's Revision of the Form

The Form was first promulgated on July 31, 1978, 46 FR 33552, and became effective on September 5, 1978. As described below, the Form requires certain data for a "base year," and 1972 was the original base year. The Form was revised to require data for 1977 as the base year in 1980. (45 FR 14205 (March 5, 1980)). Subsequently, it was revised to require data for 1982 as the base year in 1986 (51 FR 10368 (March 26, 1986)). This notice changes the base year to 1987. The most recent version of the Form was published in the Federal Register on March 6, 1987 (52 FR 7066), and became effective on April 10, 1987. The changes to the Form which will result from the revision made by this notice relate to the revenue information and SIC Codes required by item 5 of the Form and the reference materials to be used in completing item 5.

Item 5 of the Form is designed, in part, to elicit revenue data, classified by SIC Codes, with respect to business activities within the U.S. in which the reporting person derived any dollar revenues in a base year (which is 1982 in the present version of the Form and 1987 in this revision) and in the most recent year for which data are available. (Rule 803.2(b) and (c), 16 CFR 803.2(b) and (c), provide for certain limitations on item 5 and other data to be supplied by the reporting person). Such revenue data are required by industry (4-digit SIC code), by product class (5-digit SIC based code), and by product (7-digit SIC based code).

More specifically, item 5(a) currently requires that the reporting person provide 1982 revenue data for each 4-digit industry in which that filing person (or any entity acquired by that filing person subsequent to 1982) was engaged. Item 5(b)(i) currently requires

that a reporting person engaged in manufacturing provide 1982 revenue data for each 7-digit product code from which it (or any entity acquired by that filing person subsequent to 1982) derived any revenues. Item 5(b)(ii) currently requires the reporting person to identify each manufactured product that it has added or deleted since 1982. For those products added, the reporting person must provide the total revenue attributable to the added product for the most recent year. (The reporting person may identify the product by a 7-digit product code or in the manner ordinarily used by it.) Item 5(b)(iii) currently requires that the reporting person engaged in manufacturing provide revenue data for the most recent year for each 5-digit product class from which it derived revenues. Item 5(c) currently requires that the reporting person engaged in non-manufacturing industries provide 4-digit revenue data for the most recent year. (Pursuant to Rule 803.2(b), acquired persons are required to limit their responses to item 5 to revenues derived from the assets and/or the issuer whose voting securities are to be acquired).

When originally promulgated, the Form required revenue data for two time periods, *i.e.*, for 1972 and for the most recent year for which the requested information was available. The use of the 1972 "base year" was designed to coincide with the then most recent quinquennial economic census and the Annual Survey of Manufactures. These Bureau of the Census publications (as updated) serve as the most readily available and reliable statistical sources of industry data and product universes to which individual company product revenue data can be compared. When the original Form was promulgated, the Commission and the Department stated their intention to revise Item 5 to require submission of 1977 revenue data as soon as the Bureau of the Census published the 1977 Census of Manufactures (43 FR 33526 (July 31, 1978)). Accordingly, the Commission amended the Form in 1980 (45 FR 14205 (March 5, 1980)) and again in 1986 when the 1982 Census of Manufactures was published (51 FR 10368 (March 26, 1986)).

The Bureau of the Census is currently in the process of publishing its Final Reports for the 1987 Census of Manufactures and it projects that it will complete the publication of all Final Reports by July 1, 1990. Since most companies within the United States submit data to the Bureau of the Census for economic censuses, reporting persons presumably have gathered, compiled and assembled 1987 revenue

data in accordance with the SIC code format for the 1987 Census of Manufactures. In addition, the Bureau of the Census has completed its Numerical List of Manufactured and Mineral Products, 1987 Census of Manufactures and Census of Mineral Industries (MC87-R-1) ("1987 Numerical List"). This publication contains "5-digit" product class and "7-digit" product codes for 1987 and is currently available from the Government Printing Office. Its present availability, and the fact that the 1987 universe data, contained in the Bureau of the Census Final Reports, soon will be available to the Commission and the Department, permit the revision of item 5 to require 1987 data instead of 1982 data.

The previous changes to the base year in 1980 and 1986 were effective immediately but provided for a sixty-day transitional period during which filers were permitted to submit either the old or the new revenue data. In contrast, the present changes will be effective in 60 days with no transitional period. This approach is being used because, in the past, item 5 data submitted during the sixty-day transitional period created certain comparability and analytical problems when filings were received in which one party submitted 1977 data and the other submitted 1982 data. While the Commission and the Department were able to overcome these problems in 1986, since that time the number of filings has increased dramatically and the Bureau of the Census has significantly revised the SIC Code system. As a result, it would be very difficult for the Commission and the Department expeditiously to identify and analyze competitive overlaps between reporting persons submitting revenue data for different base years.

While this revised rule has no transitional period and therefore appears to avoid the comparability and analytical problems discussed in the previous paragraph, a filing made by one person prior to but near the effective date of this rule will still cause the same problems if the second person files on or after the effective date. In order to avoid such a situation, prior to the effective date of this revised rule, reporting persons must submit 1982 base year data and the Form must be completed using the Bureau of the Census reference sources cited in the present Form. For transactions in which the initial filing is received on and after October 1, 1990, reporting persons must submit 1987 base year data and the Form must be completed using the new 1987 Bureau of the Census reference

materials cited in the revised Form. However, for transactions in which only one person has filed prior to the effective date of this rule, the second person also must submit 1982 data using the Census references cited in the present Form regardless of the date on which it submits its filing. Failure to submit the proper data as described above will cause the filing to be deficient under Rule 803.10(c)(2), 16 CFR 803.10(c)(2), and the waiting period will not begin until the correct data are submitted, except for transactions governed by Rule 801.30, 16 CFR 801.30, in which the waiting period begins to run when the acquiring person files.

In 1986, when the Form was amended to require the submission of 1982 base year revenue data, the Commission and the Department determined that reporting persons would be required to submit revenue data using the codes published by the Bureau of the Census rather than the codes used by Census to collect the information. This determination was based on the Commission's and the Department's need to be able to compare quickly an individual company's submission with published Census universe data.

The same problem exists, although not to the same extent, with the 1987 Census of Manufactures. The Bureau of the Census has published universe data for many codes that are different than those codes used to collect the information. For this reason, the Commission has determined to require reporting persons to submit revenue information based on the codes published in the 1987 Census of Manufactures. Accordingly, reporting persons will be required to convert the 1987 revenue data they submitted to the Bureau of the Census from the collected codes to the codes published by the Bureau of the Census.

The 1987 Numerical List, which is one of the two basic reference publications used to prepare responses to item 5, contains two parallel columns, "Product code published" and "Product code collected," which provide a basis for determining when the codes used to collect information differ from those used to publish the information. When the "Product code published" and the "Product code collected" differ, reporting persons will be able to comply, in most cases, by changing the code they used to submit information to the Bureau of the Census to the code used by the Bureau of the Census to publish the information. In a few instances, the "Product code published" is derived from two or more collected codes. The Bureau of the Census has identified these codes by placing an asterisk in the

"Product code collected" column in the 1987 Numerical List. Reporting persons that have codes in this category may be able to comply by reviewing underlying records compiled in accordance with the 1987 census reports and retabulating such data according to the published codes.

The Commission believes that the notice and comment period ordinarily required by the Administrative Procedure Act ("the APA"), 5 U.S.C. 553(b), is unnecessary here. Section 553(b)(B) exempts from the APA's notice and comment requirements the promulgation of a rule where the agency, for good cause, finds that the standard procedure would be "impracticable, unnecessary, or contrary to the public interest." Promulgation of the proposed revision falls within this exemption for two principal reasons.

First, the public was afforded the opportunity to comment on the original Rules and Form in two notice and comment periods provided pursuant to the rulemaking requirements of the APA. The rulemaking culminated in the promulgation and publication of the Rules and the Form, and was accompanied by a Statement of Basis and Purpose (43 FR 33450 (July 31, 1978)). Since the present amendment does not depart from or alter the substance of the prior rulemakings (i.e., it does not change the type or amount of information (required by the Form), further opportunity for comment is unnecessary. *See generally, Texaco, Inc. v. Federal Energy Administration*, 531 F.2d 1071 (Emer. Ct. App.), *cert. denied*, 426 U.S. 941 (1976); *Durkin v. Edward S. Wagner Co.*, 115 F. Supp. 118 (D. N.Y. 1953), *aff'd*, 217 F.2d 303 (2d Cir.), *cert. denied*, 348 U.S. 964 (1954).

Second, the Commission and the Department gave notice of their intention to revise item 5 in the original promulgation of the Rules and Form in response to numerous comments received during the two comment periods of the original rulemaking. Several comments then opposed the requirement that 1972 revenue data based on SIC Codes be supplied on the grounds that the compilation of the 1972 data would be unduly cumbersome, burdensome and expensive. These positions were rejected by the Commission on the basis that revenue information "reported by SIC-based categories currently provides the only feasible basis for effective preliminary review of reported acquisitions within the time limits imposed by the act." (43 FR at 33527, (July 31, 1978)).

Now, for the third time, the Commission is changing the

requirements of item 5 consistent with its earlier notices. The change will lessen the compliance burden by requiring more recent revenue data, which are generally more easily retrievable by and readily available to reporting persons than 1982 data. The Commission finds that a separate notice and comment period at this time would be unnecessary and not in the public interest and, therefore, that it is not required by APA.

Section 553(d) of the APA requires that a least 30 day's notice be provided to the public before a rule becomes effective. Since the proposed rule will become effective in 60 days, such requirement is hereby met.

The Commission, with the concurrence of the Assistant Attorney General, amends the appendix to 16 CFR part 803.

List of Subjects in 16 CFR Part 803

Antitrust.

Final Rule

Accordingly, the Federal Trade Commission amends title 16 chapter I, part 803 of the Code of Federal Regulations, as follows:

PART 803—TRANSMITTAL RULES

1. The authority citation for part 803 continues to read as follows:

Authority: Section 7A(d) of the Clayton Act, 15 USC 18A(d), as added by section 201

of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94-435, 90 Stat. 1390.

Appendix [Amended]

2. The appendix to part 803 is amended by removing from the current Instructions to the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions ("Instructions") the first page and page IV, and substituting the following new pages I and IV, and by removing pages 6 and 7 of the Notification and Report Form for Certain Mergers and Acquisitions and substituting the following new pages 6 and 7.

BILLING CODE 6750-01-M

**ANTITRUST IMPROVEMENTS ACT
NOTIFICATION AND REPORT FORM
for Certain Mergers and Acquisitions**

INSTRUCTIONS

GENERAL

The Answer Sheets (pp. 1-16) constitute the Notification and Report Form ("the Form") required to be submitted pursuant to § 803.1(a) of the premerger notification rules ("the rules"). Filing persons need not, however, record their responses on the Form.

These Instructions specify the information which must be provided in response to the Items on the Answer Sheets. Only the completed Answer Sheets, together with all documentary attachments are to be filed with the Federal Trade Commission and the Department of Justice.

Persons providing responses on attachment pages rather than on answer sheets must submit a complete set of attachment pages with each copy of the Form.

The term "documentary attachments" refers to materials supplied in responses to Item 2(f)(i), Item 4 and to submissions pursuant to §§ 803.1(b) and 803.11 of the rules.

Information—The central office for information and assistance concerning the rules, 16 CFR Parts 801-803, and the Form is Room 303, Federal Trade Commission, 6th St. & Pa. Avenue, N.W., Washington, D.C. 20580, phone (202) 326-3100.

Definitions—The definitions and other provisions governing this Form are set forth in the rules, 16 CFR Parts 801-803. The governing statute, the rules, and the Statement of Basis and Purpose for the rules are set forth at 43 FR 33450 (July 31, 1978), 44 FR 66781 (November 22, 1979) and 48 FR 34427 (July 29, 1983).

Affidavit—Attach the affidavit required by § 803.5 to page 1 of the Form. Affidavits are not required if the person filing notification is an acquired person in a transaction covered by § 801.30. (See § 801.5(a).)

Responses—Each answer should identify the Item to which it is addressed. Use the reverse side of the corresponding answer sheet or attach separate additional sheets as necessary in answering each Item. Each additional sheet should identify at the top of the page the Item to which it is addressed. Voluntary submissions pursuant to § 803.1(b) should also be so identified.

Enter the name of the person filing notification appearing in Item 1(a) on page 1 of the Form and the date on which the Form is completed at the top of each page of the Form, at the top of any sheets attached to complete the response to any Item, and at the top of the first or cover page of each documentary attachment.

Privacy Act Statement - Section 18a(a) of Title 15 of the U.S. Code authorizes the collection of this information. The primary use of this information is to determine whether the merger or acquisition reported in the Notification and Report Form may violate the antitrust laws. Furnishing

If unable to answer any Item fully, give such information as is available and provide a statement of reasons for non-compliance as required by § 803.3. If exact answers to any Item cannot be given, enter best estimates and indicate the sources or bases of such estimates. Estimated data should be followed by the notation, "est." All information should be rounded to the nearest thousand dollars.

Year—All references to "year" refer to calendar year. If the data are not available on a calendar year basis, supply the requested data for the fiscal year reporting period which most nearly corresponds to the calendar year specified. References to "most recent year" mean the most recent calendar or fiscal year for which the requested information is available.

SIC Data—This Notification and Report Form requests information regarding dollar revenues and lines of commerce at three levels with respect to operations conducted within the United States. (See § 803.2(c)(1).) All persons must submit certain data at the 4-digit (SIC code) industry level. To the extent that dollar revenues are derived from *manufactured operations* (SIC major groups 20-39), data must also be submitted at the 5-digit product class and 7-digit product levels (SIC based codes).

The term "dollar revenues" is defined in § 803.2(d).

References—In reporting information by "4-digit (SIC code) industry" refer to the 1987 edition of the *Standard Industrial Classification Manual* published by the Executive Office of the President, Office of Management and Budget.

In reporting information by "5-digit product class" and "7-digit product" refer to the following reference publication published by the U.S. Bureau of the Census:

Numerical List of Manufactured and Mineral Products, 1987 Census of Manufactures and Census of Mineral Industries (MC87-R-1). Make sure that the Numerical List you use has MC87-R-1 printed on the cover.

NOTE: Submit information using the codes in the columns labeled "Product code published." Do not submit information using the codes in the columns labeled "Product code collected."

Furthermore, when the Numerical List refers to Appendix C for detail collected in a specified Current Industrial Report you should provide revenue information using the 7-digit product codes listed in Appendix C.

the information on this Form is voluntary.

Consummation of an acquisition required to be reported by the statute cited above without having provided this information may, however, render a person liable to civil penalties up to \$10,000 per day.

the case of unincorporated entities, individuals exercising similar functions) for the purpose of evaluating or analyzing the acquisition with respect to market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets, and indicate (if not contained in the document itself) the date of preparation, the name and title of each individual who prepared each such document.

Persons filing notification may provide an optional index of documents called for by Item 4 on page 5 of the Answer Sheets.

NOTE: If the person filing notification withholds any documents called for by Item 4(c) based on a claim of privilege, the person must provide a statement of reasons for such noncompliance as specified in the staff formal interpretation dated September 13, 1979, and § 803.3(d).

ITEMS 5 through 9 and the Appendix

NOTE: For Items 5 through 9 and the Appendix limited or separate responses may be required of the person filing notification. (See § 803.2(b) and (c).)

ITEM 5

ITEMS 5(a) — 5(c): These Items request information regarding dollar revenues and lines of commerce at three levels with respect to operations conducted within the United States. (See § 803.2(c)(1).) All persons must submit certain data at the 4-digit (SIC code) *industry* level. To the extent that dollar revenues are derived from *manufacturing operations* (SIC major groups 20-39), data must also be submitted at the 5-digit *product class* and 7-digit *product levels* (SIC based codes).

NOTE: See the "References" listed in the General Instructions to the Form. Refer to the 1987 edition of the *Standard Industrial Classification Manual* for the 4-digit (SIC code) industry codes. Refer to the Numerical List of Manufactured and Mineral Products, *1987 Census of Manufactures and Census of Mineral Industries* (MC87-R-1) for the 5-digit product class and 7-digit product codes. Report revenues for the 5-digit and 7-digit codes using the codes in the columns labeled "Product code published." Do not report revenues using the columns labeled "Product code collected."

Insurance carriers (2-digit SIC major group 63) should supply the information requested only with respect to industries not within 2-digit major group 63. Credit agencies other than banks; security and commodity brokers, dealers, exchanges, and services; holding and other investment offices, and real estate companies (2-digit SIC major groups 61, 62, 67 and 65) should identify or explain the revenues reported (e.g., dollar sales, receipts).

Persons filing notification should include the total dollar revenues for 1987 derived by all entities included within the person filing notification at the time this Notification and Report Form is prepared (even if such entities have become

included within the person since 1987). For example, if the person filing notification acquired an entity in 1989, it must include that entity's 1987 revenues in Items 5(a) and 5(b)(i).

Item 5(a)—Dollar revenues by industry. Provide aggregate 4-digit (SIC code) *industry* data for 1987.

Item 5(b)(i)—Dollar revenues by manufactured product. Provide the following information on the aggregate operations of the person filing notification for 1987 for each 7-digit product of the person in 2-digit SIC major groups 20-39 (manufacturing industries).

NOTE: When the Numerical List refers to Appendix C for detail collected in a specified Current Industrial Report, you should provide revenue information using 7-digit product codes listed in Appendix C.

Item 5(b)(ii)—Products added or deleted. Within 2-digit SIC major groups 20-39 (manufacturing industries), identify each product of the person filing notification added or deleted subsequent to 1987, indicate the year of addition or deletion, and state total dollar revenues in the most recent year for each product that has been added. Products may be identified either by 7-digit product code or in the manner ordinarily used by the person filing notification.

Do not include products added since 1987 by reason of mergers or acquisitions occurring since 1987. Dollar revenues derived from such products should be included in response to Item 5(b)(i). However, if an entity acquired since 1987 by the person filing notification (and now included within the person) itself has added any products since 1987, these products and the dollar revenues derived therefrom should be listed here. Products deleted by reason of dispositions of assets or voting securities since 1987 should also be listed here.

Item 5(b)(iii)—Dollar revenues by manufactured product class. Provide the following information about the aggregate operations of the person filing notification for the most recent year for each 5-digit *product class* of the person within SIC major groups 20-39 (manufacturing industries). If such data have not been compiled for the most recent year, estimates of dollar revenues by 5-digit product class may be provided if a statement describing the method of estimation is furnished.

Item 5(c)—Dollar revenues by non-manufacturing industry. Provide the following information concerning the aggregate operations of the person filing notification for the most recent year for each 4-digit (SIC code) industry in SIC major groups other than 20-39 in which the person engaged. If such data have not been compiled for the most recent year, estimates of dollar revenues by 4-digit industry may be provided if a statement describing the method of estimation is furnished. Industries for which the dollar revenues totaled less than one million dollars in the most recent year may be omitted.

NOTE: This million dollar minimum is applicable only to Item 5(c).

NAME OF PERSON FILING NOTIFICATION

DATE

ITEM 5 (See the "References" listed in the General Instructions to the Form. Refer to the 1987 edition of the *Standard Industrial Classification Manual* for the 4-digit (SIC Code) industry codes. Refer to the Numerical List of Manufactured and Mineral Products, 1987 *Census of Manufactures and Census of Mineral Industries (MC87-R-1)* for the 5-digit product class and 7-digit product codes. Report revenues for the 5-digit and 7-digit codes using the codes in the columns labeled "Product code published." Do not report revenues using codes in the columns labeled "Product code collected.")

5(a) DOLLAR REVENUES BY INDUSTRY

4-DIGIT
INDUSTRY CODE
*Product code
published*

DESCRIPTION

1987 TOTAL
DOLLAR REVENUES

NAME OF PERSON FILING NOTIFICATION	DATE	
ITEM 5(b)(1) DOLLAR REVENUES BY MANUFACTURED PRODUCTS		
7-DIGIT PRODUCT CODE <i>Product code published</i>	DESCRIPTION	1987 TOTAL DOLLAR REVENUES

By direction of the Commission.
Donald S. Clark.
Secretary.
 [FR Doc. 90-18075 Filed 8-1-90; 8:45 am]
 BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Maximum Lawful Price and Inflation Adjustments

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order of the Director, OPRR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(c)(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under title I of the Natural Gas Policy Act (NGPA) for the months of August, September, October, 1990. Section 101(b)(6) of the NGPA requires

that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: August 1, 1990.

FOR FURTHER INFORMATION CONTACT: Garry L. Penix, (202) 208-0622.

Order of the Director, OPRR; Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978

Issued July 27, 1990.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(c)(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of August, September, October, 1990, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum

lawful prices for gas subject to NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to August, 1990, are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.
 Kevin P. Madden,
Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

1. The authority citation for part 271 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

§ 271.101 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for August, September, October 1990, in Tables I and II.

TABLE I—NATURAL GAS CEILING PRICES

[Other than NGPA sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			Aug. 1990	Sept. 1990	Oct. 1990
B.....	102.....	New Natural Gas, Certain OCS Gas ¹	\$5.832	\$5.872	\$5.913
C.....	103(b)(1).....	New Onshore Production Wells ²	3.612	3.626	3.640
E.....	105(b)(3).....	Intrastate Existing Contracts.....	5.537	5.571	5.605
F.....	106(b)1(B).....	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ³	2.067	2.075	2.083
G.....	107(c)(5).....	Gas Produced from Tight Formations ⁴	7.224	7.252	7.280
H.....	108.....	Stripper Gas.....	6.246	6.289	6.332
I.....	109.....	Not Otherwise Covered.....	2.989	3.000	3.011

¹ Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) was deregulated. (See part 272 of the Commission's regulations.)

² Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 was deregulated. (See part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.

³ Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas was deregulated. (See part 272 of the Commission's regulations.)

⁴ The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in subpart C of part 271. The incentive ceiling price does not apply to certain gas after May 12, 1990, as a result of Commission Order No. 519-A. (See § 271.703 of the Commission's regulations.)