

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 6, 1992.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Edgemark Financial Corporation*, Chicago, Illinois; to engage *de novo* through its subsidiary, EdgeMark Financial Services, Inc., Countryside, Illinois, in providing securities brokerage services in connection with investment advisory services pursuant to §§ 225.25(b)(4)(iii) and (b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 9, 1992.

William W. Wiles,  
*Secretary of the Board.*

[FR Doc. 92-25106 Filed 10-15-92; 8:45 am]

BILLING CODE 6210-01-F

**The Farmers and Merchants Bancshares, Incorporated; Notice of Application to Engage de novo in Permissible Nonbanking Activities; Correction**

This notice corrects a previous Federal Register notice (FR Doc. 92-23686) published at page 45059 of the issue for Wednesday, September 30, 1992.

Under the Federal Reserve Bank of St. Louis, the entry for The Farmers and Merchants Bancshares, Incorporated is revised to read as follows:

**Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *The Farmers and Merchants Bankshares, Incorporated*, Stuttgart, Arkansas; to engage *de novo* in residential, commercial, and agricultural real estate appraisal services pursuant to § 225.25(b)(13) of the Board's Regulation Y. These activities will be conducted throughout the State of Arkansas.

Comments on this application must be received by October 26, 1992.

Board of Governors of the Federal Reserve System, October 9, 1992.

William W. Wiles,  
*Secretary of the Board.*

[FR Doc. 92-25107 Filed 10-15-92; 8:45 am]

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**Tower Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 6, 1992.

**A. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Tower Bancshares, Inc.*, Cloquet, Minnesota; to become a bank holding company by acquiring 94.5 percent of

the voting shares of Tower-Soudan Agency, Inc., Tower, Minnesota, and thereby indirectly acquire State Bank of Tower, Tower, Minnesota.

In connection with this application, Applicant also proposes to engage through Tower-Soudan Agency, Inc. in general insurance agency activities pursuant to §§ 225.25(b)(8)(iii) and (vi) of the Board's Regulation Y. These activities will be conducted in Tower, Minnesota.

Board of Governors of the Federal Reserve System, October 9, 1992.

William W. Wiles,  
*Secretary of the Board.*

[FR Doc. 92-25108 Filed 10-15-92; 8:45 am]

BILLING CODE 6210-01-F

**FEDERAL TRADE COMMISSION**

**Hart-Scott-Rodino Antitrust Improvements Act of 1976 and Regulations Thereunder; Amended Statement Concerning Filing Fees**

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice.

**SUMMARY:** On October 6, 1992, the President signed legislation into law mandating that a fee of \$25,000 must be paid by each person acquiring voting securities or assets who is required to file a premerger notification by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and the regulations promulgated thereunder. The newly enacted law, Public Law 102-395, amends section 605 of title VI of Public Law 101-162, which originally mandated the collection of a \$20,000 filing fee beginning November 28, 1989.

The new provision mandating the \$25,000 filing fee became effective October 7, 1992, the first business day after the President signed the legislation. Amended section 605 of title VI also specifies that no premerger notification shall be considered filed until the required fee has been paid. The Commission has issued this amended statement in order to advise the public about the increase in the filing fee.

**EFFECTIVE DATE:** The increased filing fee requirement became effective on October 7, 1992. Premerger Notification and report forms received after 5 p.m. eastern time on October 6, 1992, will be deemed effective on October 7, 1992.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Smith, Attorney, Premerger Notification Office, Bureau of Competition (Sixth Street and Pennsylvania Avenue NW., room 301),

Federal Trade Commission,  
Washington, DC 20580, 202-326-3100.

**SUPPLEMENTARY INFORMATION:**

**Amended Statement of the Federal Trade Commission on Hart-Scott-Rodino Filing Fees**

The United States Congress, in an Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies,<sup>1</sup> has mandated that a fee of \$25,000 must be paid by "persons acquiring voting securities or assets who are required to file premerger notifications by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and the regulations promulgated thereunder" (the Act).<sup>2</sup> President Bush signed the legislation into law on October 6, 1992, requiring collection of the \$25,000 fee as of October 7, 1992. The new provision mandating the \$25,000 filing fee took effect immediately upon the signature of the President. The effective date for implementing the provision requiring the \$25,000 filing fee shall be the first business day after the President's signature. 16 CFR 4.3(a) (1992).

The new law specifies that "[f]or purposes of said Act, no notification shall be considered filed until payment of the fee required by this Section." In other words, the waiting period required under the Act does not begin until payment of the filing fee. Notifications filed on or after the effective date that do not include the payment of a \$25,000 filing fee shall be deemed deficient and the waiting period will not begin until payment of the appropriate filing fee.

**I. Persons With a Fee Payment Obligation**

The statute requires persons acquiring voting securities or assets who are required to file premerger notifications by the Act and the regulations<sup>3</sup> promulgated thereunder to pay a filing fee. "Acquiring person" is defined, for purposes of the Act, in Rule 801.2.

In most transactions the Act and Rules specify only one acquiring person who is required to file a premerger notification, and who therefore will be obligated by the proposed statute to pay

a filing fee. However, in some transactions more than one person is required under the Act and Rules to file a premerger notification. In these circumstances, each acquiring person required to file a premerger notification will be obligated by the statute to pay a filing fee. Some of the more common transactions in which this is likely to occur are set out below.

For consolidations in which more than one person is an acquiring person required to file a premerger notification, each such person must separately pay a filing fee. (See Rule 801.2(d).)

*Example:*<sup>4</sup> (1) Assume corporations A and B (each being its own ultimate parent entity) will be consolidated pursuant to an agreement in which a newly formed corporate entity, C, will be the surviving entity. The shareholders of A and B will receive newly issued shares of C as a result of the transaction. Under the Act and Rules, A and B are each an acquiring person and are required to file a premerger notification and pay a filing fee. Any shareholder of A or B who is also an acquiring person required to file a premerger notification under Rule 801.2(a) and (e) must also pay filing fee.

To the extent that the formation of a joint venture or other corporation is reportable pursuant to Rule 801.40, each acquiring person (contributor) required to file a premerger notification under the Act and Rules must pay a filing fee.

When an entity making an acquisition is controlled by more than one person (e.g., a joint bid is being made), each acquiring person required to file a premerger notification under the Act and Rules must pay a filing fee.

*Example:* (2) Assume corporation A has two ultimate parent entities, "X" and "Y," under Rule 801.1(c). "X" and "Y" will cause A to make a cash tender offer for B's outstanding voting securities. "X" and "Y" must each file a premerger notification and pay a filing fee.

A person acquiring voting securities in secondary acquisitions, separately reportable under Rule 801.4, shall pay a filing fee for each secondary acquisition for which it is required by the Act and Rules to file a premerger notification. This fee shall be in addition to any filing fee that is required in the primary acquisition.

When persons file documents and information with the Commission

<sup>4</sup> Throughout the examples, persons are designated ("A", "B", etc.) with quotation marks, and entities are designated (A, B, etc.) without quotation marks. Unless otherwise indicated, assume that the size-of-person, size-of-transaction and commerce tests are satisfied.

pursuant to section 7A(c)(6) and (8) of the Act and Rules 802.6(a) and 802.8 in order to obtain an exemption from the filing requirements of the Act, no filing fee is required.

**II. Mechanics of Payment**

Filing fees shall be paid in accordance with the procedures set forth below.

(A) The filing fee requirement went into effect on November 29, 1989. Effective October 7, 1992, the filing fee is \$25,000. Pursuant to Rule 803.10(c)(1), premerger notification and report forms received after 5 p.m. eastern time on October 6, 1992, are deemed effected on October 7, 1992 (the next business day). Premerger notification and report forms received on or after the effective date must be accompanied by the \$25,000 filing fee. Premerger notification and report forms received prior to October 7, 1992, and which the Commission's Premerger Notification Office has certified in writing are complete (See Part (I) below), are not affected by the increased filing fee but remain subject to the \$20,000 filing fee requirement.

(B) Fees are due and payable at the time of filing premerger notification and report forms. Fees are payable to the "Federal Trade Commission", omitting the name or title of any official of the Commission, by electronic wire transfer, United States postal money order, bank money order, bank cashier's check or certified check in US. currency.

(C) Fees paid by electronic wire transfer shall be deposited to the Treasury's account at the New York Federal Reserve Bank (the "Bank"). To insure that fees paid are attributed to the proper acquiring person, the following information must be given at the time of transfer by the payor to the Bank:

1. Treasury's ABA number: 021030004.
2. Commission's ALC number: 29000001.
3. The payor's name, the acquiring person's name (or a pseudonym if preferred), and an identification of the payment as a "Pre-Merger Filing Fee." (enter in the comment field)

(D) Fees paid by United States postal money order, bank money order, bank cashier's check, or certified check shall be submitted to the Commission's Premerger Notification Office along with the required premerger notification and report forms.

(E) A person required to pay a filing fee shall include in the letter of transmittal that accompanies its premerger notification and report forms a statement that a filing fee has been paid, the method of payment and, if payment was made by electronic wire

<sup>1</sup> The newly passed law (H.R. 5678, Pub. L. 102-395) amends section 605 of title VI of Public Law 101-162 (103 Stat. 1031), which originally mandated the collection of a filing fee beginning November 28, 1989, by striking "\$20,000" and inserting in lieu thereof "\$25,000."

<sup>2</sup> References to "the Act" refer to section 7A of the Clayton Act, 15 U.S.C. 18a, as added by section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 95-435, 90 Stat. 1390.

<sup>3</sup> References to "Regulations" and "Rules" in this statement refer to the Premerger Notification Rules, 16 CFR parts 801-803.

transfer, the date of transfer and any pseudonym used to identify the acquiring person.

(F) Any filing that is not accompanied by payment of a filing fee is deficient within the meaning of Rule 803.10(c)(2). Payment of a filing fee does not preclude a determination that a filing is deficient for any other reason.

(G) Except as provided in this paragraph, no filing fee received by the Commission will be returned to the payor and no part of the filing fee shall be refunded. However, if it is determined that premerger notification was not required by the Act and Rules, the filing fee shall be returned. The determination of whether a premerger notification was not required by the Act and Rules will be made by the Commission's Premerger Notification Office at the time notification is filed, based on the information and representations contained in the filing persons' Notification and Report Forms.

If the Commission's staff determines, based on the persons' filings, that notification was not required, staff will notify the parties and refund the filing fee. However, once the Commission's staff has determined that premerger notification was required, the filing fee shall not be refunded, even if the filing persons and/or the transaction do not meet the reporting thresholds at the time of consummation.

If the Commission's staff determines, based on the persons' filings, that premerger notification was not required, but the filing persons represent that premerger notification will be required at the time of consummation, premerger notification will be determined to be required and no part of the filing fee shall be refunded.

(H) Filing fees are to be paid solely to the Commission. No additional fee is required to be submitted to the Antitrust Division of the Department of Justice.

(I) In accordance with current policy, the Commission staff will send a letter to persons filing under the Act to verify the receipt of completed notification and report forms and to identify the expiration date of the waiting period. Such notice will henceforth acknowledge receipt of a filing fee.

By direction of the Commission.

Donald S. Clark,  
Secretary.

[FR Doc. 92-25076 Filed 10-15-92; 8:45 am]

BILLING CODE 6750-01-M

## GENERAL SERVICES ADMINISTRATION

### Steering Committee for the African Burial Ground, New York, NY; Meeting

Notice is hereby given that the Steering Committee for the African Burial Ground, New York, NY, will meet on Monday, October 26, 1992 at 12 p.m. in the 23rd floor auditorium of the Landmarks Preservation Commission, 225 Broadway, New York, NY.

The purpose of the meeting is to consider present and future activities affecting the pavilion portion of the federal construction site at Foley Square, including, but not limited to, the review of proposals regarding the human remains on the pavilion site; the analysis, curation and reinterment of remains exhumed from the "Negro Burial Ground"; and the construction of a memorial or other improvement on the pavilion site. Also for consideration will be concerns relating to access to the pavilion site, status of the GSA research design, the exhibit/interpretive display/artwork in the tower building, and other related matters. The meeting will be open to the public.

Additional meetings will be held at noon (generally on the fourth Monday of every month) at a place to be announced, as follows:

1992: Nov. 23, and Dec. 21  
1993: Jan. 25, Feb. 22, Mar. 22, Apr. 26,  
May 24, June 28.

Please call (212) 264-0456 prior to each meeting to confirm the date, time, and location of the meeting. All meetings will be open to the public.

Meetings may be continued to the following day(s), if necessary, and shall be so announced during the meeting. Seating may be limited.

Other questions regarding meetings may be directed to: Chairman Howard Dodson, Chief, Schomberg Center for Research in Black Culture, New York Public Library, 515 Malcolm X. Boulevard, New York, NY 10037-1801, Tel: (212) 491-2200.

Less than 15 days notice is being given for the October 26 meeting due to the urgency of the matters to be discussed. It is necessary that the first meeting of the Steering Committee be held as soon as possible.

Dated: October 7, 1992.

By:

William J. Diamond,

Regional Administrator, General Services Administration, Region 2, 26 Federal Plaza, New York, NY 10278, Telephone: (212) 264-2600.

[FR Doc. 92-25121 Filed 10-15-92; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[OIS-018-N]

### Medicare and Medicaid Programs; Quarterly Listing of Program Issuances and Coverage Decisions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

**SUMMARY:** This notice lists HCFA manual instructions, substantive and interpretive regulations and other Federal Register notices, and statements of policy that were published during April, May, and June 1992 that relate to the Medicare and Medicaid programs. Section 1871(c) of the Social Security Act requires that we publish a list of Medicare issuances in the Federal Register at least every 3 months. Although we are not mandated to do so by statute, for the sake of completeness of the listing, we are including all Medicaid issuances and Medicare and Medicaid substantive and interpretive regulations (proposed and final) published during this timeframe.

We also are providing the content of the revision to the Medicare Coverage Issues Manual published between April 1 and June 30, 1992. On August 21, 1989 (54 FR 34555), we published the content of the Manual and indicated that we will publish quarterly any updates. Adding the Medicare Coverage Issues Manual changes to this listing allows us to fulfill this requirement in a manner that facilitates identification of coverage and other changes in our manuals.

**FOR FURTHER INFORMATION CONTACT:**  
Margaret Cotton, (410) 966-5260 (For Medicare Instruction Information)  
Sam DellaVecchia, (410) 966-5395 (For Medicare Coverage Information)  
Dusty Kowalewski, (410) 965-3377 (For Medicaid Instruction Information)  
Margaret Teeters, (410) 966-4678 (For All Other Information)

### SUPPLEMENTARY INFORMATION:

#### I. Program Issuances

The Health Care Financing Administration (HCFA) is responsible for administering the Medicare and Medicaid programs, which pay for health care and related services for 35 million Medicare beneficiaries and 31 million Medicaid recipients. Administration of these programs involves (1) providing information to Medicare beneficiaries and Medicaid recipients, health care providers, and