

Rules and Regulations

Federal Register

Vol. 62, No. 126

Tuesday, July 1, 1997

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

Disaster Loan Program

AGENCY: Small Business Administration.
ACTION: Interim final rule.

SUMMARY: The Small Business Administration (SBA) is amending its disaster loan rules to ensure that when a legal business entity is engaged in both agricultural enterprises and non-agricultural business ventures, SBA can provide physical disaster business loans to the non-agricultural portion which has been damaged by floods and other catastrophes. SBA is making these changes effective immediately in order to make such assistance available to businesses which have been adversely affected by recent major floods.

DATES: This rule is effective July 1, 1997. Comments must be submitted on or before July 31, 1997.

ADDRESSES: Please mail comments to Bernard Kulik, Associate Administrator for Disaster Assistance, 409 3rd Street, SW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Associate Administrator for Disaster Assistance, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Section 2(e) of the Small Business Act (15 USC § 631(e)) ("Act") states that the policy of the Congress is that the Government aid and assist "victims" of floods and other catastrophes. Section 2(g) of the Act provides that in its administration of the disaster loan program pursuant to section 7(b) of the Act, SBA shall provide, "to the maximum extent possible", assistance and counseling to disaster "victims". In administering the disaster loan program, SBA is precluded, by section 7(b) of the Act, from assisting agricultural enterprises. As defined in section 18(b)(1) of the Act, an "agricultural enterprise" is a business engaged in the production of

food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries.

SBA previously provided physical disaster business loan assistance only to business entities which were adversely affected by floods and other catastrophes when the primary activity of the business entity was non-agricultural. Thus if a person or a single business entity operated both agricultural and non-agricultural enterprises, SBA would not assist any part of the business entity that suffered damage if the primary activity of the total entity was agricultural.

SBA has reconsidered the statutory language above and has re-evaluated its position with respect to the "primary activity rule" which it administratively applied. The Act requires SBA to assist "victims" of floods and other catastrophes, without regard to the primary activity of a total business entity. If the victim of a flood or other catastrophe is a non-agricultural business venture, SBA should assist that victim regardless of whether such business is a part of a larger business entity whose primary activity is agricultural. Thus, if the total business operation is comprised of a retail store and a ranch, and the retail store is destroyed by a flood, SBA should offer physical disaster assistance to the retail store even if the ranching operation generated more revenue.

Accordingly, SBA is promulgating this interim final rule to permit SBA to provide physical disaster business loan assistance to a non-agricultural business venture within the total business entity if the non-agricultural business has been damaged by a flood or other catastrophe, regardless of the primary activity of the total business entity. The rule also makes clear that the business entity can be a sole proprietorship, corporation, limited liability company, or partnership.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act (15 U.S.C. § 601, et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this final rule is not a significant rule within the meaning of Executive Order 12866; it is not likely to have annual economic effect of \$100 million or more, result in a major increase in costs or prices, or have a

significant adverse effect on competition or the United States economy. SBA also certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.* This rule makes eligible for physical disaster loans only those nonagricultural businesses that are part of a business entity that is primarily agricultural and, therefore, does not meet the substantial number of small businesses criterion anticipated by the Regulatory Flexibility Act.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch 35, SBA certifies that this final rule contains no new reporting or recordkeeping requirements.

For purposes of Executive Order 12612, SBA certifies that this rule has no federalism implications warranting the preparation of a Federalism Assessment.

For purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

SBA is issuing this as an interim final rule and not as a proposed rule, because the businesses covered by this rule need physical disaster loans immediately and notice and public comment procedures are impracticable and contrary to the public interest.

List of Subjects in 13 CFR Part 123

Disaster assistance, loan programs-business, small businesses.

For the reasons set forth above, SBA amends part 123 of title 13, Code of Federal Regulations, as follows:

PART 123—DISASTER LOAN PROGRAM

1. The authority citation for part 123 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(b), 636(c) and 636(f); Pub. L. 102-395, 106 Stat. 1828, 1864; and Pub. L. 103-75, 107 Stat. 739.

2. Section 123.201 is amended by revising paragraph (b) to read as follows:

§ 123.201 When am I not eligible to apply for a physical disaster business loan?

(a) * * *

(b) Sometimes a damaged business entity (whether in the form of a corporation, limited liability company,

partnership, or sole proprietorship) is engaged in both agricultural enterprise and a non-agricultural business venture. If the agricultural enterprise part of your business entity has suffered a physical disaster, that enterprise is not eligible for SBA physical disaster assistance. If the non-agricultural business venture of your entity has suffered physical disaster damage, that part of your business operation would be eligible for SBA physical disaster assistance. If both the agricultural enterprise part and the non-agricultural business venture have incurred physical disaster damage, only the non-agricultural business venture of your business entity would be eligible for SBA physical disaster assistance.

* * * * *

Dated: June 25, 1997.

Aida Alvarez,
Administrator.

[FR Doc. 97-17204 Filed 6-30-97; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 905222055-6228-03]

RIN 0648-AH92

Regulation Prohibiting the Attraction of White Sharks in the Monterey Bay National Marine Sanctuary

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final regulation which was published Thursday, December 19, 1996 (61 FR 66913). The regulation prohibits the attraction of white sharks in the Monterey Bay National Marine Sanctuary.

EFFECTIVE DATE: July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ed Ueber at (415) 561-6622 or Elizabeth Moore at (301) 713-3141.

SUPPLEMENTARY INFORMATION: The National Oceanic and Atmospheric Administration (NOAA) published a final rule prohibiting the attraction of white sharks within the seaward limit of State waters of the Monterey Bay National Marine Sanctuary (61 FR 66914). This notice corrects a typographical error in the coordinates depicting one of the two points by

which the coastline for Monterey Bay, which is inland waters, is determined for purposes of the prohibition.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: June 23, 1997.

Nancy Foster,

Assistant Administrator for Ocean Services and Coastal Zone Management.

PART 922—[CORRECTED]

Accordingly, 15 CFR Part 922, Subpart M is corrected by making the following correcting amendment:

1. The authority citation for 15 CFR Part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 et seq.

§ 922.132(a)(10) [Corrected]

2. In § 922.132(a)(10) in the last sentence, the coordinate "121°01'45" W" is revised to read "122°01'45" W".

[FR Doc. 97-17143 Filed 6-30-97; 8:45 am]

BILLING CODE 3510-08-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239, 240, 249 and 269

[Release No. 33-7424; 34-38771; 35-26733; 39-2354; IC-22727]

Amendments to Forms and Schedules to Remove Voluntary Provision of Social Security Numbers

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission is adopting revisions to forms and schedules filed under the Securities Act of 1933, the Securities Exchange Act of 1934, related provisions of the Investment Company Act of 1940 and the Public Utility Holding Company Act of 1935, and the Trust Indenture Act of 1939, to eliminate the portion of those forms that requests filers who are natural persons to furnish their Social Security numbers.

EFFECTIVE DATE: The rule revisions are effective July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Marija Willen, Regulatory Counsel, Division of Corporation Finance, (202) 942-1805; Richard C. Strasser, Special

Counsel, Division of Market Regulation, (202) 942-0073, U.S. Securities and Exchange Commission, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The U.S. Securities and Exchange Commission (the "Commission") is adopting amendments to the following forms and schedules under the Securities Act of 1933 (the "Securities Act"),¹ the Securities Exchange Act of 1934 (the "Exchange Act"),² and the Trust Indenture Act of 1939 (the "Trust Indenture Act"):³ Form 144;⁴ Schedule 13D;⁵ Schedule 13G;⁶ Schedule 14D-1;⁷ Form 3;⁸ Form 4;⁹ Form 5;¹⁰ Form MSD;¹¹ Form TA-1;¹² and Form T-2.¹³

I. Discussion

Commission rules and regulations require the filing and public disclosure of information by natural persons as well as corporate and other entities. The Commission is amending forms that request individual filers to disclose their Social Security numbers. These forms will no longer include any reference to Social Security numbers, and as appropriate, the forms will be revised to delete the portion of the form where filers included this information.

The Commission is taking this action in response to increasing concern about the improper use of Social Security numbers for access to otherwise non-public information.¹⁴ The forms on which individuals can disclose their Social Security numbers are available to the public. In the past, this has not led to significant abuse. However, with the growth of the EDGAR database and its availability to millions of viewers on the Commission's web site, the Commission is concerned that these numbers are too readily available. This is especially true where impersonal electronic

¹ 15 U.S.C. 77a et seq.

² 15 U.S.C. 78a et seq.

³ 15 U.S.C. 77aaa-77bbb.

⁴ 17 CFR 239.144.

⁵ 17 CFR 240.13d-101.

⁶ 17 CFR 240.13d-102.

⁷ 17 CFR 240.14d-100.

⁸ 17 CFR 249.103.

⁹ 17 CFR 249.104.

¹⁰ 17 CFR 249.105.

¹¹ 17 CFR 249.1100.

¹² 17 CFR 249b.100.

¹³ 17 CFR 269.2.

¹⁴ Some of the forms being amended also call for disclosure of the I.R.S. identification number of the filing party—in most cases on a voluntary basis—if the filing party is an entity rather than an individual. The forms as amended retain this information. The disclosure of I.R.S. identification number of entities does not raise the same concerns as Social Security numbers. In fact, a number of the Commission's forms require disclosure of the I.R.S. identification number of the filing party.