[Grapefruit Reg. 45]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.345 Grapefruit Regulation 45.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handing of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 1, 1971, through March 7, 1971, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 26, 1971.

FLOYD F. HUDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2857 Filed 2-26-71;11:44 am]

PART 914—HANDLING OF ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Method of Allocating Fixed Quantity

Notice was published in the FEDERAL REGISTER issue of February 5, 1971 (36 F.R. 2512), that the Department was giving consideration to proposed rules and regulations (§ 914.130 of this part), hereinafter designated as Subpart—Rules and Regulations, pursuant to the marketing agreement and Order No. 914 (7 CFR Part 914; 35 F.R. 17169), regulating the handling of oranges grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The aforesaid rules and regulations were proposed by the Interior Orange Marketing Committee established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

The rules and regulations provide a method for allocating the total quantity of oranges that may be handled during any week between early and midseason type oranges and late type oranges when both types of oranges are being shipped. The allocation as between the two types is desirable and necessary due to the different dates when the two types of oranges reach maturity. Such method is designed to enable the committee to estimate, on the basis of weekly shipments of such fruit in the previous three fiscal periods as provided in § 914.45(b), the probable proportions of the two types of oranges that will be shipped in the week for which volume regulation is recommended and also to serve as the basis for allocation during such week.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that said rules and regulations, as hereinafter set forth, are in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act. Accordingly, such rules and regulations are as follows:

§ 914.130 Method of allocating fixed quantity.

(a) Whenever the Secretary has fixed the total quantity of oranges which may be handled during a particular week, the committee shall determine the allocation between early and midseason type oranges and late type oranges, if both types are being shipped, by matching the percentage of early and midseason type oranges in shipments of both types made during the first or second week (as provided in § 914.45(a)) preceding the week in which the committee meets to consider the need for regulation with the corresponding percentage in the left-hand column of the Table in paragraph (b) of this section, and then multiplying the percentage of such oranges in shipments made 2 or 3 weeks later, as applicable, by the quantity fixed for the particular week: *Provided*, That during the weeks of the period beginning with the first full week in January and ending with the first full week in May, allocation to either type of oranges shall not be less than 5 percent of the total quantity of oranges fixed by the Secretary for a particular week.

(b) The following Table shows the respective average decreases in the percentage of early and midseason type oranges in shipments of both types after 2 and 3 weeks based on shipments of such oranges during the previous three fiscal periods as prescribed in § 914.45:

TABLE

Early and midseason type oranges in shipments for a given week	Two weeks later	Three weeks later
Percent	*Percent*	*Percent*
99	76	48
98	70	42
97	66	38
96	62	35
95	58	33
94	54	31
93	50	29
92	48	27
91	46	26
90	44	25
89	43	24
88	41	23
87	39	22
86	38	21
85	36	20
84	35	19
83	34	18
82	33	17
81	31	17
80	30	16
79	30	15
78	29	14
77	28	14
76	28	13
75	27	13
74	26	13
73	26	12
72	25	12
71	24	11
70	23	11
69	23	11
68	22	10
67	22	10
66	21	9
65	21	9
64	20	9
63	20	8
62	19	8
61	19	8
60	18	8
59	18	7
58	18	7
57	17	7
56	17	6
55	16	6
54	16	6
53	15	6
52	15	5
51	15	5
50	14	5
49	14	5
48	14	4
47	13	4
46	13	4
45	13	4
44	12	4

TABLE

Early and midseason type oranges in shipments for a given week	Two weeks later	Three weeks later
Percent	*Percent*	*Percent*
43	12	4
42	11	4
41	11	4
40	10	4
39	10	3
38	9	3
37	9	3
36	8	3
35	8	3
34	7	3
33	7	3
32	6	2
31	6	2
30	5	2
29	5	2
28	5	2
27	4	2
26	4	2

It is hereby found that good cause exists for making the rules and regulations effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of early and midseason type oranges and late type oranges are currently in progress, (2) the procedure herein prescribed is essential to implement the regulatory provisions of this part, and to be of maximum benefit during the current season such procedure should be made available as hereinafter specified; (3) notice of proposed rulemaking relative to such procedure was published in the FEDERAL REGISTER (36 F.R. 2512), and no written data, views or arguments were filed with respect thereto, and (4) such procedure will not require of handlers any preparation that cannot be completed prior thereto.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1971, to become effective upon publication in the FEDERAL REGISTER (2–27–71).

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–2711 Filed 2–26–71;8:48 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 76]

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern South Dakota marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 2629) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In paragraph (b) of § 1076.72, the provision "except for the months of March through June and September through October,".

With such termination, § 1076.72(b) would read as follows:

§ 1076.72 Computation of uniform price.

* * * * *

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", and shall be the uniform price for milk received from producers.

* * * * *

2. In § 1076.72, the provisions (c), (d), (e), (f), and (g) in their entirety.

Statement of consideration. The termination would discontinue the "takeout—payback" plan of paying producers. The plan provides for withholding from the pool 15 cents per hundredweight of producer deliveries in the months of March through June for distribution to producers in September, October, and November according to their deliveries in these latter months.

Termination of the takeout—payback plan was requested by Land O'Lakes, Inc., a cooperative association representing the producers supplying the market. The basis of the request is that the termination of this plan of paying producers will result in a better seasonal alignment of uniform prices paid to producers in this and in adjacent Federal order markets, where no takeout—payback plans are provided. Without such price alignment, the cooperative association anticipates an uneconomic shifting of producers between other Federal orders in this area and the Eastern South Dakota order. Also, termination of the plan will assure that the relationship of uniform prices to pay prices of nearby manufacturing plants will not disrupt milk procurement at regulated plants.

The termination will affect neither total returns to producers nor the total cost of milk to handlers.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it is the only practical means of removing the aforesaid provisions from the order prior to the date they otherwise would become effective.

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: upon publication in the FEDERAL REGISTER (2–27–71).

Signed at Washington, D.C., on February 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–2741 Filed 2–26–71;8:50 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the following positions in the Federal Aviation Administration are no longer excepted under Schedule C: Assistant Administrator for Congressional Liaison, Assistant to the Assistant Administrator for Congressional Liaison, Congressional Liaison Specialist, and Confidential Secretary (interdepartmental activities) to the Assistant Administrator for Congressional Liaison. This section is further amended to show that two additional positions of Congressional Liaison Officer in the Office of the Assistant Secretary for Public Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2), (3), (4), and (5) of paragraph (h) are revoked and subparagraph (17) of paragraph (a) under § 213.3394 is amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(17) Seven Congressional Liaison Officers, Office of the Assistant Secretary for Public Affairs.

* * * * *

(h) *Federal Aviation Administration.* * * *

(2) [Revoked]

(3) [Revoked]
(4) [Revoked]
(5) [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2795 Filed 2-26-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subchapter D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Acadia, Allen, Ascension, Assumption, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner , Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufmann, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacadoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington, The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area;
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792; as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER. (2–27–71)

The amendment adds the following additional areas to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas come within the definition of § 78.1(i): Polk County in Florida; Jackson and Montgomery Counties in Texas.

The amendment deletes the following area from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Vermilion Parish in Louisiana.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of February 1971.

R. S. SHAVMAN,
Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-2740 Filed 2-26-71;8:49 am]

Chapter III—Consumer and Marketing Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Miscellaneous Amendments

Pursuant to the statutory authorities cited below, the fees relating to inspection are hereby amended to reflect increases in Federal employees salaries authorized by the Federal Pay Comparability Act of 1970 (Public Law 91–656), Executive Order 11576, approved January 8, 1971.

Section 307.6 is amended to read as follows:

§ 307.6 Overtime work of Program inspectors.

(a) The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of a Program inspector on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the officer in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $8.80 per hour per Program inspector to reimburse the Program for the cost of the inspection services so furnished. (81 Stat. 584; 46 Stat. 689; 19 U.S.C. 1306; 21 U.S.C. 621.)

* * * * *

Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

The fees to be charged and collected for service under the regulations in this part shall be at the rate of $8.76 per hour for base time, $8.80 per hour for overtime including Saturdays, Sundays, and holidays, and $9.28 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative work week. (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $8.76 per hour for base time, $8.80 per hour for overtime including Saturdays, Sundays, and holidays, and $9.28 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished. (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performane of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1971, with respect to all Federal meat inspection services rendered on and after that date.

Done at Washington, D.C., on February 25, 1971.

L. V. SANDERS,
Acting Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-2755 Filed 2-26-71;8:50 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9072]

PART 240, GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Adoption of Rules Regarding Registration and Reporting by Successor Issuers

The Securities and Exchange Commission has adopted two new rules relating respectively to registration pursuant to section 12(g), and reporting pursuant to section 15(d), of the Securities Exchange Act of 1934 by certain successor issuers. Notice of the proposed action was published November 12, 1970, in Securities Exchange Act Release 9017 (35 F.R. 18208).

Where an issuer which has succeeded by merger, consolidation, exchange of securities or acquisition of assets, to another issuer which had securities registered pursuant to section 12(g) of the Act, or securities which would have been required to be so registered but for the succession, the successor is deemed to have assumed the duty to provide for such security holders a continuation of the benefits provided, or which would have been provided, by registration of the securities of the predecessor, unless upon consummation of the succession the securities are exempt from registration or all securities of the class are held of record by less than 300 persons.

Accordingly, one of the rules, Rule 12g–3 [17 CFR 240.12g–3] provides that where an issuer which has no securities registered pursuant to section 12 of the Act has issued equity securities to the holders of equity securities of the predecessor which were registered under section 12(g) and there are at least 300 holders of the class so issued, such class shall be deemed to be registered pursuant to that section. In such case, in lieu of filing a registration statement under section 12(g), the successor issuer is required to file a report pursuant to section 13 on Form 8–K [17 CFR 249.308] with respect to the transaction and thereafter to comply with all applicable provisions of the Act and rules and regulations thereunder.

Where the predecessor was required to register securities pursuant to that section but had not yet done so, the rule provides that the successor shall file a registration statement within the period of time the predecessor would have been required to file one, or within such extended period as the Commission may authorize.

The other rule, Rule 15d–5 [17 CFR 240.15d–5], provides that where an issuer which is not required to file reports pursuant to section 15(d) of the Act succeeds to an issuer which is required to file such reports, the successor issuer is deemed to have assumed the duty to file such reports and shall file the reports required by that section and the rules and regulations thereunder, unless it is exempt therefrom or the duty to file reports is suspended under the provisions of that section.

Commission Action: Part 240 of Chapter II of Title 17 of the Code of Federal Regulations has been amended by adding thereunder new §§ 240.12g–3 and 240.15d–5 which read as follows:

§ 240.12g–3 Registration of securities of successor issuers.

(a) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, not previously registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is registered pursuant to section 12(g), the class of securities so issued shall be deemed to be registered pursuant to section 12(g) of the Act unless upon consummation of the succession such class is exempt from such registration or all securities of such class are held of record by less than 300 persons.

(b) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer,

which are not registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file a registration statement pursuant to section 12(g) but has not yet done so, the duty to file such statement shall be deemed to have been assumed by the issuer of the class of securities so issued and such issuer shall file a registration statement pursuant to section 12(g) of the Act with respect to such class within the period of time the predecessor issuer would have been required to file such a statement, or within such extended period of time as the Commission may authorize upon application pursuant to § 240.12b–25 of this chapter, unless upon consummation of the succession such class is exempt from such registration or all securities of the class are held of record by less than 300 persons.

§ 240.15d–5 Reporting by successor issuers.

Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, which is not required to file reports pursuant to section 15(d) of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file such reports, the duty to file reports pursuant to such section shall be deemed to have been assumed by the issuer of the class of securities so issued and such issuer shall after the consummation of the succession file reports in accordance with such section, and the rules and regulations thereunder unless such issuer is exempt from filing such reports or the duty to file such reports is suspended under said section.

The foregoing action which was taken pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof. The Commission finds that widespread dissemination of the foregoing rules having been given through publication in the FEDERAL REGISTER since November 12, 1970, in the exact form in which they have been adopted, and good cause existing for not delaying any further the effectiveness of said rules, further notice and procedures under 5 U.S.C. 535 are impracticable and unnecessary and, therefore said rules shall become effective on March 10, 1971.

(Secs. 12, 13, 15(d), and 23(a); 48 Stat. 892, 894, 895, and 901, as amended; 15 U.S.C. 78*l*, 78m, 78o(d), and 78w(a))

By the Commission, February 10, 1971.

ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2770 Filed 2-26-71;8:50 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–414; Order No. 424]

PART 1—RULES OF PRACTICE AND PROCEDURE

Practice With Regard to Appearance and Service

FEBRUARY 23, 1971.

Under § 1.4(a)(5) of the rules of practice and procedure, a person intending to appear in a representative capacity for a participant in a hearing is required to file with the Commission a notice of appearance in the form prescribed by § 1.50 unless the person is named in the initial filing of the participant as a person to whom communications from the Commission are to be addressed. This has resulted in multiple service lists being prepared for each proceeding based upon notices of appearance, designations in initial filings or a combination of both. The Commission is of the view that these multiple lists are confusing and require a duplication of effort. Accordingly we are eliminating the request for service through notice of appearance and shall provide for the establishment of one official service list to be compiled by the Secretary from the initial pleading filed by each participant.

Section 1.17 of the rules of practice and procedure provides that service may be effected by mailing or delivering one copy of the document either to the participant or to the participant's attorney. We believe this single service has hindered those participants who are represented by outside counsel. This disadvantage has offset any benefits achieved by a reduction in the number of copies of filings required to be served. We shall therefore amend § 1.17 to permit participants to request service on both themselves and one attorney or other qualified representative. Service by the Commission and parties shall hereafter be required upon all persons who are designated on the official service list compiled by the Secretary from the initial filings of each participant.

Under § 1.17(b) of the rules of practice and procedure, protests filed with the Commission are required to show service upon all participants to the proceeding. However, § 1.10(a) provides that persons filing a protest need not effect service upon the parties. Since the filing of a protest does not make the protestant a party to the proceeding, we shall resolve this conflict by eliminating the requirement for service of protests upon all participants.

The Commission finds:

(1) The deletion of §§ 1.4(a)(5) and 1.50 and the amendment of §§ 1.17 and 1.51 of the Commission's rules of practice and procedure, as herein ordered, is necessary and appropriate to carry out the provisions of the Federal Power and Natural Gas Acts.

(2) Since these amendments involve matters of agency procedure and practice, the notice requirements of 5 U.S.C. 553 do not apply.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h) and the Natural Gas Act, as amended, particularly sections 15 and 16, thereof (52 Stat. 829, 830; 15 U.S.C. 717u, 717o), orders:

§ 1.4 [Amended]

(A) Section 1.4, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting paragraph (a)(5).

§ 1.50 [Deleted]

(B) Section 1.50, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is deleted.

(C) Sections 1.17 and 1.51, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations are amended by revising paragraphs (a), (b), and (c) of § 1.17 and by revising § 1.51. As so amended, §§ 1.17 (a), (b), (c) and 1.51 read as follows:

§ 1.17 Service.

(a) *By the Commission.* Applications, complaints, petitions other than intervening petitions, orders and all forms of Commission action shall be served by the Secretary by mail, except when service by other method shall be specifically required by the Commission, by mailing a copy thereof addressed to each person designated on the official service list compiled by the Secretary in accordance with paragraph (c) of this section. When such service on any such person is not accomplished by mail, it may be effected by any one duly authorized by the Commission (1) by delivering a copy of the document to the person to be served or (2) by leaving a copy thereof at the principal office or place of business of the person to be served. The return post office receipt for said document or other paper when served by certified or registered mail, or the verified return by the person accomplishing service, setting forth the manner of said service, shall be proof of such service.

(b) *By parties.* Applications and petitions for amendment or modification of orders, answers, intervening petitions, supplements or amendments thereto or to

applications, complaints or petitions, motions, briefs, notices, testimony and exhibits, and all other papers, except depositions and protests, when filed or tendered to the Commission for filing in proceedings pending before the Commission upon its docket, shall certify service thereof upon each person designated on the official service list compiled by the Secretary in accordance with paragraph (c) of this section. Such service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each such person.

(c) *Persons entitled to service.* The initial document, pleading or communication filed by any person in any proceeding before the Commission shall specifically designate on the first page thereof the name and post office address of the persons upon whom service of pleadings, documents, or communications shall be made. If a participant is represented by an attorney or other qualified representative, the name and address of the representative may also be designated for service, but in no event shall a participant be entitled to receive service on more than two persons in any one proceeding. There shall be one official service list for each proceeding. It shall be compiled by the Secretary from the persons specifically designated in the initial pleading, document, or communication filed by each participant in that proceeding and shall include the Commission staff counsel participating in that proceeding. Any person filing a petition to intervene under § 1.8 shall be entitled to service until the Commission issues an order denying intervention to such person. If counsel or other qualified representative is changed, the participant shall designate the name and address of the substitute by serving written notice on the Commission and all persons on the service list. Copies of the official service list may be obtained from the Secretary.

* * * * *

§ 1.51 Certificate of service.[1]

(See § 1.17 of this chapter.)

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of § 1.17 of the Rules of Practice and Procedure.

Dated at ---------- this ------ day of ----------, 19--.

Signature

Of counsel for

(D) These amendments shall become effective upon the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2701 Filed 2-26-71;8:47 am]

[1] To be shown on the original when tendered for filing with the Commission of every paper as specified in § 1.17(b) of this chapter.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Requests have been received to postpone the closing dates of provisional listings for a number of color additives because scientific investigations and regulatory review necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates is consistent with the stated objective of completing the said scientific investigations and regulatory review thereof and with the objective of protecting the public health.

The requested extensions are granted on condition that, where applicable, progress reports be supplied on or before June 30, 1971.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), Part 8 is amended as follows:

Section 8.501 *Provisional lists of color additives* is amended by changing the closing dates of all color additives listed therein to December 31, 1971.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order amending § 8.501 is effective as of January 1, 1971.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: February 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2679 Filed 2-26-71;8:46 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2544) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, and other relevant material, concludes that § 121.2520 of the food additive regulations should be amended by deleting the limitation on maximum molecular weight regarding polypropylene glycol as a component of food-packaging adhesives. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by revising the item "Polypropylene glycol (molecular * * *)" to read as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Polypropylene glycol (minimum molecular weight 150).	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-27-71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 19, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2680 Filed 2-26-71;8:46 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENT OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2503) filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, and other relevant material, concludes that § 121.2526 of the food additive regulations should be amended to provide for