agree that a rule change in this respect is necessary, since the amendment as adopted herein in no way conflicts with other rules dealing with the availability of exits for emergency egress in an actual emergency.

Several commentators recommended that an appropriately worded placard be installed in a conspicuous location near the means of opening each ventral exit and tailcone exit, stating that the exit cannot be opened during flight. The FAA agrees, and this requirement is added to the proposed amendments.

One commentator suggests that the proposed rule should not be applied to air travel clubs, because the makeup of their membership and their financial structure makes it highly unlikely that they would be subjected to the kind of hijacking and extortion the proposed rule is intended to prevent. The FAA does not agree. The proposal was intended to prevent all hijacking of certain large aircraft engaged in operations required to be conducted in accordance with Part 121 and the amendment is applicable to all such operations.

One commentator objected to the rule, stating that it is unnecessary since the proper response to any hijacker is to refuse all of his demands for ransom, whatever the cost. The FAA does not agree. As stated in the notice, every possible step must be taken to deter persons from boarding aircraft for the purpose of hijacking them and escaping by parachute. The purpose of these amendments is to make it clear that any attempt to hijack a large passenger-carrying turbojet-powered airplane and escape therefrom by parachute will be a futile effort.

While the notice proposed to make the amendment to § 121.310 effective 6 months after the effective date of the rule, the rule as adopted provides for an 8-month compliance period to allow additional time for design, manufacture, and installation, where modifications are needed to conform to the rule.

In consideration of the foregoing, and for the reasons given in notice 72-15, Parts 25 and 121 of the Federal Aviation Regulations are amended, effective December 31, 1972, as follows:

1. By adding a new paragraph (j) to § 25.809 to read as follows:

§ 25.809 Emergency exit arrangement.

* * * * *

(j) When required by the operating rules for any large passenger-carrying turbojet-powered airplane, each ventral exit and tailcone exit must be—

(1) Designed and constructed so that it cannot be opened during flight; and

(2) Marked with a placard readable from a distance of 30 inches and installed at a conspicuous location near the means of opening the exit, stating that the exit has been designed and constructed so that it cannot be opened during flight.

2. By adding a new paragraph (k) to § 121.310 to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(k) After August 28, 1973, on each large passenger-carrying turbojet-powered airplane, each ventral exit and tailcone exit must be—

(1) Designed and constructed so that it cannot be opened during flight; and

(2) Marked with a placard readable from a distance of 30 inches and installed at a conspicuous location near the means of opening the exit, stating that the exit has been designed and constructed so that it cannot be opened during flight.

(Section 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 24, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-18118 Filed 11-29-72;8:51 am]

[Airworthiness Docket No. 72-WE-15-AD, Amdt. 39-1566]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-9-10 Series Airplanes

A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring that the entry door closing assist handle be removed and an improved design modification installed on Douglas Model DC-9-10 series airplanes was published at 37 F.R. 16621 (August 17, 1972).

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the above notice, insofar as they relate to matters within the scope of the notice.

One commentator suggested that equivalent modifications need not be approved by the Chief, Aircraft Engineering Division, Federal Aviation Administration, Western Region, and that, due to procurement time, 4,000 hours would be required to schedule the modification. The agency does not agree. Due to the scope of this modification, the equivalent modifications should be approved by the Chief, Aircraft Engineering Division, Federal Aviation Administration, Western Region. The procurement time was considered when the NPRM was published. The commentator did not substantiate need for an increase in compliance time and, therefore, the compliance time of 3,000 hours was retained.

One commentator suggested that the compliance time be reduced to 500 hours and that, until the accomplishment of the AD, flight attendants should be seated in a passenger seat as near as practical to floor-level exits. This comment was based on the results of the Ozark Air Lines 1968 Sioux City accident and other related problems (see below). The FAA does not agree with the comment as it pertains to a substantial reduction of the compliance time. The service experience does not convince the agency that more immediate regulatory action is warranted. This commentator also suggested that further consideration be given to the protruding cockpit door molding and the main cabin handle. While related to the problem, the agency has considered both of these installations and has determined that these installations need not be modified by way of an AD. This conclusion is, of course, subject to continuing review of the service experience.

One commentator proposed a relocation of the main cabin door handle. The NPRM concerns the entry door closing assist handle and not the main cabin door handle, and, therefore, the comment is not within the scope of the notice.

One commentator supported and endorsed the proposed rule.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to Model DC-9-10 series airplanes certificated in all categories.

Compliance required within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible injury to the forward flight attendant, remove the entry door closing assist handle, P/N 3918664-1, and install a handle, P/N 3924268-1, per McDonnell Douglas Service Bulletin No. 25-31, dated May 4, 1966, or McDonnell Douglas Service Bulletin No. 25-185, dated March 31, 1972 or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

This amendment becomes effective January 3, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on November 17, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72-20548 Filed 11-29-72;8:48 am]

[Airspace Docket No. 72-WA-62]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Waypoint Reference Facility

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a change of the reference facility for the Tucson, Ariz., waypoint from Phoenix, Ariz., to Tucson in area high route J903R.

Since this change is minor in nature because neither the route nor the waypoint is moved and since no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective January 4, 1973.

The Phoenix reference facility cannot be used on J905R for the Tucson waypoint because of the lack of signal coverage. However, the Tucson reference facility can be used on both J903R and J905R for this waypoint.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

Section 75.400 (37 F.R. 2400 and 5489) is amended as follows:

In J903R "Tucson, Ariz. 32°07'21" N. 110°49'12" W. Phoenix, Ariz." is deleted and "Tucson, Ariz. 32°07'21" N. 110°49'12" W. Tucson, Ariz." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 27, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-20601 Filed 11-29-72;8:52 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9878]

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

Quarterly Statements Furnished to Customers of Broker-Dealers

The Securities and Exchange Commission announced today the adoption of an amendment to paragraph (n) of rule 17a-5 (17 CFR 240.17a-5) under the Securities Exchange Act of 1934. This amendment will modify the requirements of the recently adopted paragraphs (m) and (n), which were announced on June 30, 1972 in Securities Exchange Act Release No. 9658 (37 F.R. 14607).

Paragraph (n), as originally adopted, requires all broker-dealers subject to paragraph (k) of rule 17a-5 to furnish his customers, the Commission and all the self-regulatory organizations of which he is a member, each quarter a statement of financial condition and certain information respecting the firm's net capital and subordinated capital. As originally adopted, paragraphs (m) and (n) could, in some cases, operate to require the broker-dealer to furnish five financial statements to customers annually. Four such quarterly statements would be furnished pursuant to paragraph (n) and would be unaudited. A fifth audited statement would be furnished pursuant to paragraph (m), if the firm's annual audit did not fall at the end of a firm's calendar or fiscal quarter. This situation arises primarily as a result of the surprise audit requirement of several of the self-regulatory bodies. For firms not subject to a surprise audit requirement, the broker-dealer may have other compelling reasons to have its audit on a date which does not fall as of the end of a particular quarter. In addition it is conceivable for the rule to operate so as to have the broker-dealer mail such statements to its customers twice within the same quarter.

The Commission believes that it is important that customers of broker-dealers receive regularly certain information as set forth in paragraphs (m) and (n) of the rule concerning the financial and operating condition of the broker-dealer to whom they entrust their moneys or securities. The Commission also believes that more frequent statements would not materially assist customers of broker-dealers and may be unduly burdensome and expensive for the broker-dealer. Therefore, the Commission is adopting effective immediately an amendment to rule 17a-5(n) which will permit the substitution of the broker-dealer's annual audited statement prepared pursuant to paragraph (m) of the rule in lieu of one of the unaudited quarterly statements furnished customers pursuant to paragraph (n), provided the audited statement is as of the date not more than two months preceding the regular quarterly statements. The audited statement should be sent to those customers who would have received the quarterly unaudited statements required by paragraph (n). The effect of the amendment in most instances would require the particular broker-dealer to furnish customers and to file with the appropriate regional office of the Commission and the particular self-regulatory body of which it is a member four rather than five reports annually.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 15(c)(3), 17(a), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors and also deeming such action necessary for the execution of its functions, the Securities and Exchange Commission hereby amends paragraph (n) of § 240.17a-5 of Chapter II of Title 17 of the Code of Federal Regulations, effective immediately, to read as follows:

§ 240.17a-5 Reports to be made by certain exchange members, brokers and dealers.

* * * * *

(n) Every member, broker or dealer who is subject to paragraphs (k), (l) and (m) of this section shall furnish to his customers (as defined in paragraph (o) of this section) and shall file with the Commission and with the national securities exchange and the national securities association of which he is a member not later than 40 days after the end of each calendar quarter, fiscal quarter or quarter for which the member, broker or dealer is required to file substantially equivalent information with the national securities exchange or national securities association of which he or it is a member, the information specified in paragraphs (m) (1) and (2) of this section, except that such quarterly information shall not be required to be certified. If the annual report sent to customers pursuant to paragraph (m) of this section is as of a date not more than two months preceding the quarterly report required by this paragraph, no quarterly report need be sent for such quarter.

* * * * *

Because the effect of the above described amendments would be to relax certain of the requirements of rule 17a-5 under the Act, the Commission finds that, for good cause, the notice and procedures specified in the Administrative Procedure Act (5 U.S.C. 553) are unnecessary, and accordingly it adopts the foregoing amendment effective immediately on November 24, 1972.

(Secs. 15(c)(3), 17(a), 23(a), 48 Stat. 895, 897, 901 secs. 3, 4, 8, 49 Stat 1377, 1379, secs. 2, 5, 52 Stat. 1075, 1076, sec. 7(d), 84 Stat. 1653, 15 U.S.C. 78o(c)(3), 78q(a), 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

NOVEMBER 24, 1972.

[FR Doc.72-20523 Filed 11-29-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TERTIARY BUTYLHYDROQUINONE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1A2588) filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of tertiary butylhydroquinone (TBHQ) in food as an antioxidant alone or in combination with BHA and/or BHT, whereby the total antioxidant content of the food does not exceed 0.02 percent of its oil or fat content, including its essential (volatile) oil content.

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), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1244 Tertiary butylhydroquinone (TBHQ).

The food additive tertiary butylhydroquinone (TBHQ) may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive has a melting point of 126.5° C.–128.5° C.

(b) It is used as an antioxidant alone or in combination with BHA and/or BHT.

(c) The total antioxidant content of a food containing the additive will not exceed 0.02 percent of the oil or fat content of the food, including the essential (volatile) oil content of the food.

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 6–88, 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. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11–30–72).

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

Dated: November 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-20545 Filed 11-29-72;8:48 am]

Chapter III—Special Action Office for Drug Abuse Prevention

PART 401—CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS

Correction

In F.R. Doc. 72–19925 appearing at page 24636 of the issue for Friday, November 17, 1972, in the fourth line of § 401.44(a) the comma after the word "management" should be deleted.

Title 31—MONEY AND FINANCE

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 344—REGULATIONS GOVERNING UNITED STATES TREASURY CERTIFICATES OF INDEBTEDNESS—STATE AND LOCAL GOVERNMENT SERIES, UNITED STATES TREASURY NOTES—STATE AND LOCAL GOVERNMENT SERIES, AND UNITED STATES TREASURY BONDS—STATE AND LOCAL GOVERNMENT SERIES

The regulations in Department of the Treasury Circular, Public Debt Series No. 3–72, as amended (31 CFR Part 344), have been retitled and further amended, as set forth below. The changes were effected under the authority of 26 U.S.C. 103(d), 83 Stat. 656; 31 U.S.C. 753, 754, 754b, and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as they relate to the fiscal policy of the United States.

Dated: November 21, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Department of the Treasury Circular, Public Debt Series No. 3–72, dated May 22, 1972, as amended (31 CFR Part 344), is hereby further amended and issued as Department of the Treasury Circular, Public Debt Series No. 3–72, Revised.

Sec.
344.0 Offering of securities.
344.1 Description of securities.
344.2 Subscription for purchase.
344.3 Issue date and payment.
344.4 Redemption.
344.5 General provisions.

AUTHORITY: The provisions of this Part 344 issued under 26 U.S.C. 103(d), 83 Stat. 656; 31 U.S.C. 753, 754, 754b, and 5 U.S.C. 301.

§ 344.0 Offering of securities.

In order to provide States, municipalities, and other government bodies described in section 103(a)(1) of the Internal Revenue Code of 1954 and the regulations thereunder with investments tailored to their needs under those provisions, the Secretary of the Treasury offers, under the authority of the Second Liberty Bond Act, as amended—

(a) U.S. Treasury Certificates of Indebtedness—State and Local Government Series,

(b) U.S. Treasury Notes—State and Local Government Series, and

(c) U.S. Treasury Bonds—State and Local Government Series,

for sale to those entities. The term "government body" as used herein refers to any one of these entities. The term "securities" herein refers jointly to the certificates, notes, and bonds. This offering will continue until terminated by the Secretary of the Treasury.

§ 344.1 Description of securities.

(a) *General.* The securities will be issued in book-entry form on the books of the Department of the Treasury, Bureau of the Public Debt, Washington, D.C. 20226. They may not be transferred by sale, exchange, assignment or pledge, or otherwise.

(b) *Terms and rates of interest*—(1) *Certificates of indebtedness.* The certificates will be issued in multiples of $5,000 with periods of maturity fixed, at the option of the government body, for (i) 3 months, (ii) 6 months, (iii) 9 months, or (iv) 1 year. Each certificate will bear such rate of interest as the government body may designate, provided that it shall not be more than the current Treasury rate on a comparable maturity, reduced by one-eighth of 1 percent, on the date the subscription is submitted. The applicable Treasury rates will be determined by the Treasury not less often than monthly, and will be available at Federal Reserve Banks and Branches. Interest on the certificates will be computed on an annual basis and will be payable at maturity with the principal amount.

(2) *Notes.* The notes will be issued in multiples of $5,000 with periods of maturity fixed, at the option of the government body, from 1 year 6 months up to and including 7 years, or for any intervening half-yearly period. Each note will bear such rate of interest as the government body may designate, provided that it shall not be more than the current Treasury rate on a comparable maturity, reduced by one-eighth of 1 percent, on the date the subscription is submitted. The applicable Treasury rates will be determined by the Treasury not less often than monthly, and will be available at Federal Reserve Banks and Branches. Interest on the notes will be payable on a semiannual basis by Treasury check on June 1 and December 1, and at maturity if other than June 1 or December 1. Final interest will be paid with the principal.

(3) *Bonds.* The bonds will be issued in multiples of $5,000 with periods of maturity fixed, at the option of the government body, from 7 years 6 months up to and including 10 years, or for any intervening half-yearly period. Each bond will bear such rate of interest as the government body may designate, provided that it shall not be more than the current Treasury rate on a comparable maturity, reduced by one-eighth of 1