section was revised only for the purpose of accommodating the new record form and reporting procedures. Inadvertently, however, a provision in the existing rule (§ 230.331(c)) was omitted from the revision. This provision permits an extension of the interval for any test or inspection by the number of consecutive days a locomotive unit is out of service. This omission is being corrected by adding a new sentence to paragraph (e) in the revised §230.331.

E. Also in §§230.331 and 230.451, the new paragraph (e) is corrected in each case to provide for attestation by the inspector and his supervisor of each 30-day inspection performed before a unit is returned to service.

F. Lastly, in § 230.406, paragraph (b) is corrected to include the present requirement that main reservoirs be hammer tested "while the reservoir is empty".

For the reasons stated in the earlier amendment (37 F.R. 16940), notice and public comment are unnecessary in this proceeding. Because the regulations affected by these amendments become effective October 1, 1972, good cause exists for making them effective on less than 30 days notice.

This amendment is issued under the authority of sections 2, 5, 36 Stat. 913. 914, 45 U.S.C. 23, 28; sec. 6(e), (f), 80 Stat. 939, 940, 49 U.S.C. 1655; and § 1.49 (c)(5) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c)(5).

In consideration of the foregoing, effective October 1, 1972, Part 230 of Title 49 of the Code of Federal Regulations is amended as follows:

§§ 230.206, 230.252, 230.253, 230.406, 230.447 [Amended]

1. Sections 230.206 (a), (b), and (d); 230.252; 230.253; 230.406 (a) and (b); and 230.447 are amended by deleting the word "inspector" from the last sentence in each case, and inserting in place thereof the words "person conducting the test".

2. In § 230.331, paragraphs (c), (d), and (e) are amended to read as follows:

§ 230.331 Monthly locomotive unit inspection and report.

* * * * *

(c) During the 6 months beginning with January and July of each year, the date and place of each inspection performed as required by paragraph (a) of this section shall be recorded on Form FRA F6180–49 and attested thereon by the inspector and his supervisor. The form shall be displayed under a transparent cover in a conspicuous place in the cab of each locomotive unit. When a new form is placed in the cab, the last date of each test performed under §§ 230.206, 230.252, and 230.253, and the number of days in each period of 30 or more consecutive days the unit has been out of service since that date, if any, shall be respectively recorded on the form. In January and July of each year the form covering the previous 6 months' inspections shall be removed from the cab, certified before a notary public by the railroad official responsible for the unit, and filed with the Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590.

(d) The mechanical officer of each railroad who is in charge of a locomotive unit shall maintain in his office a secondary record of the information reported to the FRA on Form FRA F6180–49 under this subpart.

(e) When a locomotive unit is removed from service for 30 or more consecutive days or is otherwise out of service when it is due for an inspection under paragraph (a) of this section, an out-of-service notation showing the number of out-of-service days shall be made on an inspection line on Form FRA F6180–49. A supervisory employee of the railroad who is responsible for operation of the unit shall attest to the notation. Before the unit is returned to service, an inspection shall be made as required by paragraph (a) of this section, recorded on Form FRA F6180–49, and attested by the inspector and his supervisor. If the unit is out of service for one or more periods of at least 30 consecutive days each, except as otherwise provided by this paragraph, the interval prescribed for any test or inspection required by this subpart may be extended by the number of days in each period the unit is out of service since the last test or inspection, as the case may be.

§ 230.406 [Amended]

3. The first sentence of paragraph (b) in § 230.406 is amended by inserting the words "while the reservoir is empty" between the word "tested" and the word "each."

4. In § 230.451, paragraphs (c), (d), and (e) are amended to read as follows:

§ 230.451 Filing of inspection reports.

* * * * *

(c) During the 6 months beginning with January and July of each year, the date and place of each inspection performed as required by paragraph (a) of this section shall be recorded on Form FRA F6180–49 and attested thereon by the inspector and his supervisor. The form shall be displayed under a transparent cover in a conspicuous place in the cab of each locomotive unit. When a new form is placed in the cab, the last date of each test performed under §§ 230.406 and 230.447, and the number of calendar months the unit has been out of service since that date, if any, shall be respectively recorded on the form. In January and July of each year, the form covering the previous 6 months' inspections shall be removed from the cab, certified before a notary public by the railroad official responsible for the unit, and filed with the Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590.

(d) The mechanical officer of each railroad who is in charge of a locomotive unit shall maintain in his office a secondary record of the information reported to the FRA on Form FRA F6180–49 under this subpart.

(e) When a locomotive unit is removed from service for 30 or more consecutive days or is otherwise out of service when it is due for an inspection under paragraph (a) of this section, in lieu of that inspection, an out-of-service notation may be made on an inspection line on Form FRA F6180–49. A supervisory employee of the railroad who is responsible for operation of the unit shall attest to the notation. Before the unit is returned to service, an inspection shall be made as required by paragraph (a) of this section, recorded on Form FRA F6180–49, and attested by the inspector and his supervisor.

Issued in Washington, D.C. on September 26, 1972.

JOHN W. INGRAM,
Administrator.

[FR Doc.72–16671 Filed 9–29–72;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 34–9785, 35–17702, IC–7376]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Public Availability of Certain Shareholder Proposal Materials

The Securities and Exchange Commission has adopted a new § 200.82 of Title 17 of the Code of Federal Regulations (17 CFR 200.82) concerning the public availability of materials filed with the Commission pursuant to Rule 14a–8 (d) of the Commission's proxy rules under the Securities Exchange Act of 1934 (17 CFR 240.14a–8(d)) and certain related documents. Notice of the proposed action was published December 15, 1971 (see Securities Exchange Act Release No. 9423) (36 F.R. 25235).

Under § 200.82 all materials required to be filed with the Commission pursuant to proxy Rule 14a–8(d) will be considered public records of the Commission. Rule 14a–8(d) provides that whenever the management of a company asserts that a proposal submitted by a security holder for inclusion in the management's proxy material may be omitted therefrom, it shall file with the Commission within a specified period of time

A copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel.

Section 200.82 also provides for the public availability of written communications related to the materials filed pursuant to Rule 14a–8(d) which may be voluntarily submitted by shareholder-proponents or other persons. In addition, the new section makes available to the public any no-action letters or other written communications issued by the staff in connection with the materials

filed under Rule 14a–8(d). A no-action letter is one in which an authorized staff official may state that the staff will not recommend to the Commission that it take enforcement action if a specific proposed transaction is consummated in the manner described in the incoming letter, or if certain proposed action is taken for the reasons stated in the incoming letter.

The Commission has previously treated the documents mentioned above as nonpublic, since they relate to information included in preliminary proxy material and are filed in advance of distribution of the definitive material. Although the relationship of these documents to preliminary proxy material continues to exist, such documents are treated in a manner similar to requests for no-action letters in other areas and the Commission has previously determined that letters of that nature should be made available to the public (see Securities Act Release No. 5098) (35 F.R. 17779). Accordingly, documents covered by § 200.82 which relate to materials filed pursuant to Rule 14a–8(d) on or after the effective date of the new section will be made available. However, in view of the Commission's prior position in this area, requests relating to materials filed before the effective date will be considered on an item-by-item basis.

Section 200.82 makes available to the public only those documents specifically mentioned therein. It is an exception to the provisions of § 200.80(c)(4) of Title 17 of the Code of Federal Regulations (17 CFR 200.80(c)(4)), which states that the Commission will not generally publish or make available to any persons certain matters, including information relating to preliminary proxy materials. Therefore, the new section does not affect in any way the nonavailability of other preliminary proxy materials. Commission action:

Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder a new § 200.82, reading as follows:

§ 200.82 Public availability of materials filed pursuant to § 240.14a–8(d) and related materials.

Materials filed with the Commission pursuant to Rule 14a–8(d) under the Securities Exchange Act of 1934 (17 CFR 240.14a–8(d)), written communications related thereto received from any person, and each related no-action letter or other written communication issued by the staff of the Commission, shall be made available to any person upon request for inspection or copying.

(Secs. 14(a), 23(a), 48 Stat. 895, 901, secs. 5, 78 Stat. 569, 570, sec. 203(a), 8, 49 Stat. 704, 1379, 15 U.S.C. 78n(a), 78w(a))

The foregoing rule has been adopted pursuant to sections 14(a) and 23(a) of the Securities Exchange Act of 1934 and shall become effective on November 1, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

SEPTEMBER 22, 1972.

[FR Doc.72-16799 Filed 9-29-72;8:54 am]

[Release Nos. 33-5307 34-9786]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Resale of Certain Securities

The Securities and Exchange Commission announced today that it has proposed for comment an amendment to subparagraph (g)(2) of Rule 144 (17 CFR 230.144) under the Securities Act of 1933 (Act),[1] and has adopted amendments to paragraph (h) of that rule effective November 1, 1972. Rule 144, which relates to the resale of securities acquired directly or indirectly in transactions not involving any public offerings and securities held by persons in a control relationship with an issuer, was adopted on January 11, 1972, effective April 15, 1972 (Securities Act of 1933 Release No. 5223) (37 F.R. 596).

The proposed amendment to Rule 144 would revise subparagraph (g)(2) of the rule to permit brokers to continue their quotations in an interdealer quotation service while selling securities pursuant to the rule subject to certain conditions.[1] Also, subparagraph (h) of Rule 144 has been amended to require transmittal of the required notice of proposed sale on Form 144 (17 CFR 239.144) to the principal stock exchange on which the securities to be sold are listed for trading as well as to the Commission.

The Commission also has adopted clarifying amendments to Forms 10–K (17 CFR 249.310) and 10–Q (17 CFR 249.308a) with respect to the existing requirement that a statement by the issuer be made in reports on those forms to the effect that all reports required by section 13 or section 15(d) of the Exchange Act have been filed.

AMENDED RULE 144(h)—NOTICE OF PROPOSED SALES

In order to facilitate the dissemination to the marketplace of information concerning proposed resales pursuant to Rule 144, the Commission has adopted an amendment to paragraph (h) of Rule 144 requiring transmittal of one copy of the notice on Form 144 to the principal national securities exchange on which the security to be sold is traded. The Commission finds that the amendment to paragraph (h) of Rule 144 is minor and not of material substance and, therefore, publication for comment pursuant to the Administrative Procedure Act is unnecessary.

AMENDMENTS TO FORMS 10–Q AND 10–K

Rule 144(c) requires that there be available current public information concerning the issuer of securities to be sold pursuant to the rule. In determining whether such information is available, Rule 144(c)(1) permits the person selling the securities to rely on a statement in the most recent report filed by the issuer that the issuer has complied with the reporting requirements of section 13 or section 15(d) of the Exchange Act. A requirement for such a statement was provided by amendment to Forms 10–Q and 10–K (Securities Exchange Act of 1934 Release No. 9442) (37 F.R. 600, 601, 4331). The purpose of this requirement was that the issuer would thereby indicate: (1) Whether or not it had filed all reports required to be filed by those sections of the Exchange Act and (2) whether or not it had been subject to those requirements for the 90 days prior to the filing of the report. The present language of the required statement apparently has caused confusion in this regard, and the Commission has adopted a clarifying amendment which codifies the appropriate interpretation. Since this is a minor interpretative amendment for purposes of clarification the Commission does not find it is necessary to publish the amendment for comment pursuant to the Administrative Procedure Act.

Commission action: Pursuant to authority contained in the provisions of the Securities Act of 1933 mentioned below, the Commission hereby amends §§ 230.144(h), 239.308a, and 239.310 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

* * * * *

(h) *Notice of proposed sale.* Concurrently with the placing with a broker of an order to execute a sale of any securities in reliance upon this rule, there shall be transmitted to the Commission, at its principal office in Washington, D.C., for filing three copies of a notice on Form 144 which shall be signed by the person for whose account the securities are to be sold; and, if such securities are admitted to trading on any national exchange, one copy of such notice shall be transmitted to the principal national securities exchange on which such securities are so admitted; *Provided*, That such a notice need not be filed if the amount of securities to be sold during any period of 6 months does not exceed 500 shares or other units and the aggregate sale price thereof does not exceed $10,000. If all of the securities for which a notice is filed are not sold within 90 days after the filing of such notice, an amended notice shall be transmitted to the Commission concurrently with the commencement on any further sales of such securities. Neither the filing of such notice nor the failure of the Commission to comment thereon shall be deemed to preclude the Commission from taking any action it deems necessary or appropriate with respect to the sale of the securities referred to in such notice.

* * * * *

§§ 239.308a, 239.310 [Amended]

Forms 10–Q (17 CFR 239.308a) and 10–K (17 CFR 239.310).

The following amendment is made to the clause at the end of the facing sheet of each of the forms:

Indicate by check mark whether the registrant (1) has filed all annual, quarterly and

[1] Filed as a separate document, see page 20576.

other reports required to be filed with the Commission and (2) has been subject to the filing requirements for at least the past 90 days. Yes —— No——

The amendment to Rule 144(h) is adopted effective November 1, 1972, pursuant to the Securities Act of 1933, particularly sections 2(11), 4(1), 4(2), 4(4), and 19(a) thereof.

The amendments to Forms 10–Q and 10–K are adopted effective November 1, 1972, pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d), and 23(a) thereof.

The Commission finds that the amendment to Rule 144(h) and Forms 10–Q and 10–K are interpretative rules and minor and not of material substance, are in the public interest and should not impose burdens on issuers or others or sacrifice the protection of investors, and thus, further notice and rule making procedures pursuant to 5 U.S.C. 552 are unnecessary.

(Secs. 2(11), 4(1), 4(2), 4(4), 19(a), 48 Stat. 74, 77, 85, sec. 209, 48 Stat. 908, secs. 1–4, 68 Stat. 683, sec. 12, 78 Stat. 580, 15 U.S.C. 77(b)(11), 77(d)(1), 77(d)(2), 77(d)(4), 77(s)(a); Secs. 13(a), 15(d), 23(a), 48 Stat. 894, 895, 901, secs. 203(a), 8, 49 Stat. 704, 1379, secs. 4, 6, 78 Stat. 569, 570–574, 15 U.S.C. 78m(a), 78o(d), 78w(a)).

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

SEPTEMBER 26, 1972.

[FR Doc.72-16798 Filed 9-29-72;8:54 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 410, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, 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 recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 908.710 (Valencia Orange Regulation 410 37 F.R. 19620) during the period September 22 through September 28, 1972, are hereby amended to read as follows:

§ 908.710 Valencia Orange Regulation 410.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 429,000 cartons.

(ii) District 2: 396,000 cartons.

* * * * *

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

Dated: September 27, 1972.

CHARLES R. BRADER, *Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.72-16669 Filed 9-29-72;8:47 am]

[Lemon Reg. 553]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.853 Lemon Regulation 553.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons growns in California and Arizona, 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 Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, 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 lemons 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 lemons; 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 September 26, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 1, through October 7, 1972, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: September 27, 1972.

CHARLES R. BRADER, *Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.72-16764 Filed 9-29-72;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–GL–3, Amdt. 39–1530]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft Corp. (Champion) Models 7ECA, 7GCAA, 7GCBC, 7KCAB, and 8KCAB

It has been determined that certain serial numbers of airplanes of the Bellanca Aircraft Corp. (Champion) Models 7 and 8 series have been equipped with improper control cables that do not meet the strength and fatigue life standards of the Type Design Data. Although Bellanca procurement specifications require aircraft quality cable, their sup-