RBN from Greenville to Alwood. Since this amendment is minor in nature, notice and public precedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Greenville, N.C., transition area is amended as follows:

"* * * Greenville RBN * * *" is deleted and "* * * Alwood RBN * * *" 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 East Point, Ga., on September 19, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-25799 Filed 9-26-75;8:45 am]

[Docket No. 14320, Amdt. 121-123]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Retention of Documents

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to permit supplemental air carriers and commercial operators to retain certain required flight documents for 30 days at a place other than the principal operations base.

Interested persons have been afforded an opporunity to participate in the making of these amendments by a notice of proposed rulemaking (Notice 75-8) issued February 21, 1975, and published in the FEDERAL REGISTER on March 3, 1975 (40 FR 8830). The FAA received four public comments all of which favored adoption of the proposed amendments. These amendments and the reasons therefor are the same as those contained in Notice 75-8.

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

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective October 29, 1975, by amending § 121.697(c) and (d), and by adding a new paragraph (e) to that section, to read as follows:

§ 121.697 Disposition of load manifest, flight release, and flight plans: supplemental air carriers and commercial operators.

* * * * *

(c) Except as provided in paragraph (d) of this section, if a flight originates at a place other than the principal operations base of the air carrier or commercial operator, the pilot in command (or another person not aboard the airplane who is authorized by the carrier or operator) shall, before or immediately after departure of the flight, mail signed copies of the documents listed in paragraph (a) of this section to the principal operations base.

(d) If a flight originates at a place other than the principal operations base of the air carrier or commercial operator and there is at that place a person to manage the flight departure for the air carrier or commercial operator who does not himself depart on the aircraft, signed copies of the documents listed in paragraph (a) of this section may be retained at that place for not more than 30 days before being sent to the principal operations base of the air carrier or commercial operator. However, the documents for a particular flight need not be further retained at that place or be sent to the principal operations base, if the originals or other copies of them have been previously returned to the principal operations base.

(e) The supplemental air carrier or commercial operator shall:

(1) Identify in its operations manual the person having custody of the copies of documents retained in accordance with paragraph (d) of this section; and

(2) Retain at its principal operations base either the original or a copy of the records required by this section for at least six months.

Issued in Washington, D.C., on September 22, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-25800 Filed 9-26-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5613]

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

Limitations on Amount of Securities Which May Be Sold

The Securities and Exchange Commission announced today it had adopted an amendment to paragraph (e)(1) of Rule 144 (17 CFR 230.144) under the Securities Act of 1933 ("1933 Act").

Rule 144 relates to the resale of securities acquired directly or indirectly from an issuer in transactions not involving any public offering and to the sale of securities held by persons in a control relationship with an issuer. The adopted amendments to paragraph (e)(1)(i) deal with the use of figures for trading volume on the National Association of Securities Dealers Automated Quotations System ("NASDAQ") in determining the volume limitations on sales made under the Rule.

The Commission stated in 1972, in its release announcing the adoption of Rule 144 that:

> Should reliable volume figures become publicly available through the automated quotation service of NASD, Inc. (NASDAQ), the Commission will consider amending the rule relating to over-the-counter companies to base the amount of securities which may be sold on such volume, as in the case of securities listed on exchanges.[1]

[1] Securities Act Release No. 5223 (April 12, 1972).

The Commission believes that experience with NASDAQ has shown NASDAQ volume figures to be reliable enough to justify amendments to the Rule to incorporate the NASDAQ volume figures into the volume limitations provisions of the rule.

The amendments to paragraph (e)(1)(i) of Rule 144 adopted today would allow aggregation of volume on both exchanges and NASDAQ for those securities listed on an exchange and quoted on NASDAQ. Thus, a limited number of NASDAQ issuers whose securities are listed on a national securities exchange would be permitted to aggregate NASDAQ volume figures with national securities exchange volume figures in determining the average weekly trading volume figure. This would in all cases represent a relaxation of the volume limitations for those NASDAQ issuers whose securities are listed on a national securities exchange. Accordingly, the Commission feels that publication for comment pursuant to the Administrative Procedure Act is unnecessary.

Section 230.144(e)(1) is amended to read as follows:

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

* * * * *

(e) *Limitation on amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this rule shall be determined as follows:

(1) *Sales by affiliates.* If restricted or other securities are sold for the account of an affiliate of the issuer, the amount of securities sold, together with all sales of restricted and other securities of the same class for the account of such person within the preceding six months, shall not exceed the following:

(i) If the securities are admitted to trading on a national securities exchange or are quoted on the automated quotation system of a registered securities association as well as traded on a national securities exchange, the lesser of (A) one percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer, or (B) the average weekly reported volume of trading in such securities on all securities exchanges and reported through such automated quotation system during the four calendar weeks preceding the filing of notice required by paragraph (h) of this section, or if no such notice is required the receipt of the order to execute the transaction by the broker; or

* * * * *

The Commission has taken action to adopt the amendments to Rule 144 pursuant to sections 2(11), 4(1), 4(2), and 19(a) of the Securities Act of 1933. The Commission finds that the amendments to Rule 144 relieve a restriction and that publication of the rule pursuant to section 553 of the Administrative Procedure Act is not required. Accordingly, amendments to paragraph (e)(1) of Rule 144 are adopted effective September 29, 1975.

(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. 77b(11), 77d(1), 77d(2), 77d(4), 77s(a)))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 11, 1975.

[FR Doc.75-25858 Filed 9-26-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-240]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

El Salvador; Exemption From Special Tonnage

The Department of State advised the Department of the Treasury on March 25, 1975, that the Department of State has obtained from the Government of El Salvador satisfactory evidence that no discriminating duties of tonnage or imposts are imposed or levied in ports of El Salvador upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into El Salvador in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of El Salvador, and the produce, manufactures, or merchandise imported into the United States in such vessels from El Salvador or from any other foreign country. This suspension and discontinuance shall take effect from March 25, 1975, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22 of the Customs regulations (19 CFR 4.22) is amended by the insertion of "El Salvador" in appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 251, as amended, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141)).

Since there is a statutory requirement for the suspension of discriminating duties when reciprocity has been established, notice and public procedure under 5 U.S.C. 553 is unnecessary. Inasmuch as the suspension grants an exemption from the payment of duties, there is good cause under 5 U.S.C. 553(d)(1) for making the suspension effective on the earliest date possible.

Dated: September 22, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-25787 Filed 9-26-75;8:46 am]

[T.D. 75-241]

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

Informal Entry of Certain Merchandise

Section 498(a)(10) of the Tariff Act of 1930, as amended (19 U.S.C. 1498(a)(10)), authorizes the Secretary of the Treasury to prescribe rules and regulations for the declaration and entry of merchandise when, in the opinion of the Secretary of the Treasury, the value thereof cannot be declared. Section 143.11 of the Customs Regulations (19 CFR 143.11), relating to entry by appraisement, presently is the only procedure prescribed pursuant to section 498(a)(10) for the entry of such merchandise.

It has been determined that with respect to certain merchandise, the value of which cannot be declared because of uniqueness in character or design, the procedure for appraisement pursuant to § 143.11 of the Customs Regulations (19 CFR 143.11) often involves unnecessary expenditures of time and effort. It has therefore been decided to amend § 143.21 of the Customs Regulations (19 CFR 143.21) to provide that the importer or consignee of merchandise which is so unique in character or design that the value thereof cannot be declared and which is not intended for sale or imported pursuant to a purchase or agreement for purchase may apply to the Commissioner of Customs for a ruling that such merchandise is entitled to be entered under informal entry procedures. This amendment will provide an additional element of flexibility in regard to the Customs treatment of merchandise the value of which cannot be determined while ensuring that the collection of the revenue is adequately protected.

Accordingly, § 143.21 of the Customs Regulations (19 CFR 143.21) is amended by adding a new paragraph (i) at the end thereof to read as follows:

§ 143.21 Merchandise eligible for informal entry.

* * * * *

(i) Merchandise which, upon written application to the Commissioner of Customs, is determined to be so unique in character or design that the value thereof cannot be declared and which is not intended for sale or imported in pursuance of a purchase or agreement for purchase.

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759 (19 U.S.C. 66, 1498, 1624))

Because this amendment relieves a restriction, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective September 29, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 22, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-25788 Filed 9-26-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75C-0242]

PART 8—COLOR ADDITIVES

D&C Green No. 6 in Certain Surgical Sutures

The Commissioner of Food and Drugs is amending the color additive regulations to permit the use of D&C Green No. 6 in polyglycolic acid surgical sutures, effective October 30, 1975.

An order was published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18167), amending § 8.4070 to provide for safe use of D&C Green No. 6 for coloring polyglycolic acid surgical sutures, including sutures for ophthalmic use. The order also amended the existing provision for use of D&C Green No. 6 in polyethylene terephthalate surgical sutures, including sutures for ophthalmic use, to require that such sutures conform in all respects to the requirements of the United States Pharmacopeia (U.S.P.). In addition, the order amended § 9.104 (21 CFR 9.104) to incorporate by reference the identity and specifications prescribed for D&C Green No. 6 by § 8.4070.

Four objections were filed in response to the order. (No person requested a formal evidentiary hearing.) Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e), the filing of the objections operated to stay the effectiveness of the provisions of the order to which objections were made. The objections received and the Commissioner's final action upon the objections are discussed below.

I. *Use of D&C Green No. 6 in Absorbable Sutures.* Letters were received from three surgeons who objected to the use of D&C Green No. 6 in polyglycolic acid sutures. These letters noted that the color is already permitted in the nonabsorbable polyethylene terephthalate suture and asserted that similar coloring of the absorbable polyglycolic acid suture could lead to confusion of absorbable and nonabsorbable sutures in the operating room.

In response, letters were received from ten surgeons, three operating room supervisors, and the petitioner in support of the new usage. These letters stated that suture identity is properly established by reference to labeling and maintained by good operating room procedures. These letters further stated that

suture identity is not properly established by reference to the color of the suture and that it is not unusual for sutures of differing characteristics to have the same color.

After evaluating the various letters, the Commissioner agrees with the latter viewpoint. Color additives are used in sutures to make them visible to the surgeon during surgery. Color additives are not intended to be a means of identifying the various sutures. The Commissioner agrees that good operating room procedure requires reliance on the labeling of the suture, not its color, as the means of proper identification. Accordingly, the Commissioner concludes that paragraph (c)(1)(ii) of § 8.4070, permitting the use of D&C Green No. 6 in polyglycolic acid sutures, shall not be revised.

II. *Compliance with the U.S.P. Criteria.* A manufacturer of polyethylene terephthalate sutures objected to the new provision in § 8.4070(c)(2) that subject sutures must meet the requirements of the U.S.P. The objection asked that this provision be deleted or clarified. The objection stated that, as presently written, the provision might prevent appropriate use of the color in new sutures designed to permit needles to be detached from suture material with less force than the U.S.P. requires.

The U.S.P. requirement was intended to ensure that sutures colored with D&C Green No. 6 would comply with appropriate specifications for surgical sutures. The Commissioner concludes that there are sufficient safeguards, other than the color additive regulations, available: The requirements of the U.S.P., if the sutures are marketed as U.S.P.; requirements of applicable new drug applications (NDA's); and the general requirements of good manufacturing practice. Accordingly the Commissioner concludes that the U.S.P. requirement is unnecessary, and § 8.4070 is amended below to delete the provision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706 (b), (c), and (d), 52 Stat. 1055 as amended, 74 Stat. 399–403 as amended (21 U.S.C. 371(e), 376 (b), (c), and (d))) and the transitional provisions accompanying the Color Additive Amendments of 1960 (sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 2.120), it is ordered that the amendments of §§ 8.501, 8.4070, and 9.104, as published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18167), shall become effective October 30, 1975 except that § 8.4070 *D&C Green No. 6* is amended by deleting paragraph (c)(2) and marking it "Reserved."

Any person who will be adversely affected by the deletion of paragraph (c)(2) from § 8.4070 may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections and a request for hearing. Objections and requests for hearing will be accepted during regular business hours, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays, and shall be submitted on or before October 29, 1975. Each objection shall be separately numbered and shall state the grounds for the objection. If a hearing is requested, each numbered objection on which a hearing is requested shall specifically so state and include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. A copy of any report, article, survey or other written document relied upon and a summary of the testimonial evidence to be presented by any witnesses relied upon shall be submitted.

Objections and requests for hearing should be submitted in quintuplicate and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections and requests for hearing may be seen in the office of the Hearing Clerk, Rockville, MD, during the above stated hours.

Effective date. This order shall become effective October 30, 1975, except that the deletion of paragraph (c)(2) from § 8.4070 may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 701(e), 706 (b), (c), and (d), 52 Stat. 1055 as amended, 74 Stat. 399–403 as amended (21 U.S.C. 371(e), 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: September 23, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-25847 Filed 9-26-75;8:45 am]

[Docket No. 75N-0067]

PART 310—NEW DRUGS

PART 361—PRESCRIPTION DRUGS FOR HUMAN USE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED: DRUGS USED IN RESEARCH

Radioactive New Drugs and Radioactive Biologics; Termination of Exemptions; Correction

In FR Doc. 75–19316 appearing at page 31298 in the FEDERAL REGISTER of July 25, 1975, the following corrections should be made:

1. On page 31307, in the center column, lines 28–30 of paragraph No. 51 of the preamble should read "the January 1, 1975 submission date referred to in § 310.503(f)(5) is extended to on or before August 25, 1975 and the January 1, 1975 termination date referred to in § 310.503(f)(4) and (h) is extended to August 26, 1975;".

2. On page 31308, in § 310.503, paragraphs (f)(4) and (h) are corrected to read as follows:

§ 310.503 Requirements regarding certain radioactive drugs.

* * * * *

(f) * * *

(4) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section, in the "chemical form" and intended for the uses stated is terminated on August 26, 1975, except as provided in paragraph (f)(5) of this section.

* * * * *

(h) The exemption referred to in paragraph (a) of this section, as applied to any drug not referred to in paragraphs (d), (f), and (g) of this section, is terminated on August 26, 1975.

3. On page 31309, in the third column, in § 361.1(c)(3), the last signature of the "Report on Research Use of Radioactive Drug" now reading "Chairman, Radiation Safety Commitee" should read "Chairman, Radioactive Drug Research Committee"; and on page 31310, in the first column, the introductory text of paragraph (d) is corrected to read as follows:

§ 361.1 Radioactive drugs for certain research uses.

* * * * *

(d) In making the determinations required in paragraph (b)(1) of this section, a Radioactive Drug Research Committee shall consider the following requirements and assure that each is met:

* * * * *

Dated: September 18, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-25868 Filed 9-26-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 261—HOUSING IMPROVEMENT PROGRAM

Designation

SEPTEMBER 22, 1975.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Part 300 of Subchapter X, Chapter I, Title 25 of the Code of Federal Regulations was published as final regulations beginning on page 19194 of the May 2, 1975, FEDERAL REGISTER (40 FR 19194) and became effective on June 2, 1975. At the time the part was published, it was incorrectly numbered as Part 300. The Office of the Federal Register has assigned Parts 1 through 299 only to Chapter I of Title 25 of the Code of Federal Regulations which can be issued by the Bureau of Indian Affairs. The Parts beginning with 300 on up are assigned to other chapters and other offices. Therefore, Part 300 is hereby redesignated as Part 261. Sections 300.1 through 300.10 are hereby redesignated as §§ 261.1 through 261.10. This redesignation includes the following changes to the Part:

1. In § 261.1 (formerly § 300.1), the phrase "of this Part 300" is hereby revised to read "of this Part 261."