Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that one Special Assistant to the Director of Civil Defense is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (14) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 Department of the Army.

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

(14) One Staff Assistant to the Director of Civil Defense.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-11682; Filed, Sept. 29, 1969; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—AMCHITKA NUCLEAR TEST

On August 19, 1969, the Atomic Energy Commission issued public notice of a safety area (i.e., a "warning area" for airmen and mariners) to be effective for the period September 25, 1969, to October 15, 1969 in connection with the forthcoming MILROW nuclear test to be conducted underground on Amchitka Island. The efficient and early completion of this test is of major importance to the defense of the United States.

To avoid any unnecessary delay or interruption of the test activity, the Atomic Energy Commission is issuing the following regulations which will be effective as indicated in § 112.5.

In view of the importance of this testing program to the national defense, and in view of the imminence of the MILROW test, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, as amended (see specifically 5 U.S.C. 551–53), the following regulations are published as a document subject to codification, to be effective as indicated in § 112.5:

AUTHORITY: The provisions of this Part 112 issued under sec. 161p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121.

§ 112.1 Purpose.

The regulations in this part are issued in order to permit the Atomic Energy Commission in the interest of the United States to exercise its authority pursuant to section 91a. of the Atomic Energy Act of 1954, as amended, as efficiently and expeditiously as possible.

§ 112.2 Scope.

This part applied to all U.S. citizens and to all other persons subject to the jurisdiction of the United States, its territories and possessions.

§ 112.3 Definition.

As used in this part, the term "warning area" means that area consisting of a zone (encompassing Amchitka Island) which is a circle of 50 nautical miles radius extending from the surface to an altitude of 18,000 feet, centered at the following geographic coordinates:

51°25′ N., and 179°10′ E.

§ 112.4 Prohibition.

No U.S. citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter, or remain in the defined warning area (§ 112.3) during the effective period (§ 112.5) of the regulations in this part except with the express approval of appropriate officials of the Atomic Energy Commission, and, in the case of Amchitka Island, of the Atomic Energy Commission and the Department of the Interior.

§ 112.5 Effective period.

The regulations in this part are effective immediately and shall remain in effect until October 15, 1969, unless sooner terminated.

Dated at Germantown, Md., this 25th day of September 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-11665; Filed, Sept. 29, 1969; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 13]

PART 101—ADMINISTRATION

Alteration of Seal

Section 101.5–1 of Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by adding the year date "1953" to the seal of the Small Business Administration. The seal, as altered by this amendment, is:

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 22, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-11588; Filed, Sept. 29, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9875; Amdt. 21-26]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Eligibility

The purpose of this amendment to Part 21 of the Federal Aviation Regulations is to clarify § 21.173 and to delete from that section references to obsolete FAA Forms.

Amendment 21–21 (33 F.R. 6858) published in the FEDERAL REGISTER on May 7, 1968, amended Part 21 of the FARs to establish the new classification of special airworthiness certificates. As a result of this change, FAA Forms 305 and 1779, presently referred to in § 21.173, are now obsolete. In view of the fact that the FAA form numbers are constantly subject to change, it is not considered appropriate to refer to such numbers in the regulations. Instead, this amendment merely requires that an application be made in a form and manner prescribed by the Administrator. This is consistent with various other application requirements in the FARs.

In addition to the foregoing, § 21.173 has been amended to make it clear that airworthiness certificates are issued only for U.S.-registered aircraft. Since the registered owner of a U.S.-registered aircraft must be a citizen of the United States, the additional requirement that he must be a U.S. citizen is unnecessary and the regulation has been amended accordingly.

Since this is a minor, clarifying amendment that imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and that it may be made effective in less than 30 days.

In consideration of the foregoing, § 21.173 of Part 21 of the Federal Aviation Regulations is amended, effective September 30, 1969, to read as follows:

§ 21.173 Eligibility.

Any registered owner of a U.S.-registered aircraft (or the agent of the owner) may apply for an airworthiness certificate for that aircraft. An application for an airworthiness certificate must be made in a form and manner acceptable to the Administrator, and may be submitted to any FAA office.

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

Issued in Washington, D.C., on September 22, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-11589; Filed, Sept. 29, 1969; 8:46 a.m.]

[Docket No. 9244; Amdts. Nos. 91-68; 121-53; 135-10]

PYROTECHNIC SIGNALING DEVICES

The purpose of these amendments to Parts 91, 121, and 135 of the Federal Aviation Regulations is to eliminate inconsistent requirements for signaling devices on aircraft operated for compensation or hire.

These amendments are based on a notice of proposed rule making (Notice 68-29) issued on November 13, 1968, and published in the FEDERAL REGISTER on November 16, 1968 (33 F.R. 17114). The notice indicated the proposal might be changed in the light of comments received. As a result of the comments, two minor changes are being made in the amendments as adopted.

As explained in the notice, § 91.33(b) (11), which prohibits the operation of a powered civil aircraft with a standard category U.S. airworthiness certificate for hire over water beyond power-off gliding distance from shore unless that aircraft contains a Very pistol, applies to aircraft operated under Parts 121 and 135. In addition, air carriers and commercial operaotrs are required by present § 121.339 to have suitable pyrotechnic signaling devices on airplanes while flown in extended overwater operations. Air taxi and commercial operators of small aircraft are required by present § 135.163 to carry one pyrotechnic pistol and six cartridges on each life raft aboard aircraft operated in extended overwater operations. As proposed in the notice, the requirement that the device be of a pistol configuration for Part 135 operations has been dropped, allowing the use of any pyrotechnic signaling device which is appropriate for the operation being conducted considering time of day, distance from shore and rescue facilities, means of rescue expected, and so forth.

This amendment deletes the requirement for a "Very pistol" in Part 91 and substitutes a requirement for at least one "pyrotechnic signaling device," thus making the terminology in Part 91 consistent with that used in Parts 121 and 135 as amended herein.

One comment pointed out that proposed § 91.33(b)(11) can be interpreted as requiring one pyrotechnic signaling device for each occupant of the aircraft. The intent of the amendment adopted herein is to require at least one such device for each aircraft. The carriage of additional devices is a discretionary matter which rests with the operator of the aircraft.

Under Part 135, at least one pyrotechnic signaling device is required by this amendment for each life raft carried aboard the aircraft. As proposed, the requirement for Part 121 operations was not related to the number of life rafts aboard. One comment pointed out that it is not realistic to require only one signaling device for operations under Part 121 in aircraft which may have several life rafts. The FAA agrees and the amendment of § 121.339 as adopted requires that at least one pyrotechnic signaling device be carried for each life raft.

In the case of a cartridge type device, responsibility for determining the number of individual signal flares to be carried for a particular operation will rest with the operator of the aircraft.

Several other comments are considered to be outside the scope of the notice. These include comments with respect to suggested specifications for signaling devices such as shelf life, color, and flotation capability, the use of other kinds of signaling devices such as strobe lights, and comments with respect to the kinds of operations to which the signaling device requirement should be applied, such as flights over uninhabited areas and flights not for hire. However, each of these comments has merit and may be considered by the FAA in future rule-making actions.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Parts 91, 121, and 135 of the Federal Aviation Regulations are amended effective October 30, 1969, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By amending § 91.33(b)(11) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(b) * * *

(11) If the aircraft is operated for hire over water and beyond power-off gliding distance from shore, approved flotation gear readily available to each occupant, and at least one pyrotechnic signaling device.

* * * * *

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

2. By amending § 121.339(a)(3) to read as follows:

§ 121.339 Equipment for extended overwater operations.

(a) * * *

(3) At least one pyrotechnic signaling device for each life raft.

* * * * *

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

3. By amending § 135.163(o) to read as follows:

§ 135.163 Emergency equipment: overwater operations.

* * * * *

(o) At least one pyrotechnic signaling device.

* * * * *

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 22, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-11591; Filed, Sept. 29, 1969; 8:46 a.m.]

[Docket No. 9873; Amdt. 171-5]

PART 171—NONFEDERAL NAVIGATION FACILITIES

Revocation of Notice Form

The purpose of this amendment to Part 171 of the Federal Aviation Regulations is to revoke §§ 171.13(d) and 171.53(d), and to delete a reference to an FAA form number in § 171.73.

Sections 171.13(d) and 171.53(d) require owners of nonfederal navigation facilities to file reports on FAA Form 3092 of each equipment failure that removes the facility from service. Reference to this form is made in § 171.73.

In the past, this form was used to develop statistical information, reliability standards and other relevant data for nonfederal navigation aids. Inasmuch as FAA Form 406c, Facility Maintenance Log, is a record of all equipment malfunctioning, a determination has been made that the data provided by FAA Form 3092 is no longer required.

Since this amendment eliminates a procedural requirement and further reduces a burden on the public, compliance with notice and public procedure hereon is unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, Part 171 of the Federal Aviation Regulations is amended, effective September 30, 1969, as follows:

§§ 171.13, 171.53 [Amended]

1. Paragraph (d) of §§ 171.13 and 171.53 is revoked.

2. Section 171.73 is amended to read as follows:

§ 171.73 Alternative forms of reports.

On a case-by-case basis, a Regional Director may accept any report in a format other than the FAA form required by this part if he is satisfied that the report contains all the information required on the FAA form and can be processed by FAA as conveniently as the FAA form.

(Secs. 307, 313(a), 601, 606, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1426); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 22, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-11590; Filed, Sept. 29, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Specific Items

The Federal Trade Commission published in the FEDERAL REGISTER on August 9, 1969 (34 F.R. 12944), a policy statement interpreting the definition of the term "consumer commodity" as contained in section 10(a) of the Fair Packaging and Labeling Act. That same publication repealed formerly published § 503.2 of the regulations which enumerated the status of specific items under the Act. The Commission has since received a number of inquiries concerning coverage of the commodities listed below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1459), Subchapter E, Part 503, is amended by adding thereto the following new section:

§ 503.2 Status of specific items under the Fair Packaging and Labeling Act.

Recent questions submitted to the Commission concerning whether certain articles, products or commodities are included under the definition of the term "consumer commodity", as contained in section 10(a) of the Fair Packaging and Labeling Act, have been considered in the light of the Commission's interpretation of that term as set forth in § 503.5 as follows:

(a) The Commission is of the opinion that the following commodities or classes of commodities are not "consumer commodities" within the meaning of the Act:

Artificial flowers and parts.
Automotive chemical products.
Bicycle tires and tubes.
Books.
Brooms and mops.
Cameras.
Cigarette lighters.
Compacts and mirrors.
Diaries and calendars.
Flower seeds.
Footwear.
Garden tools.
Gift ties and tapes.
Greeting cards.
Hand tools.
Handicraft and sewing thread.
Hardware.
Household cooking utensils.
Inks.
Jewelry.
Luggage.
Magnetic recording tape.
Musical instruments.
Paintings and wall plaques.
Pictures.
Plastic table cloths, plastic placemats and plastic shelf paper.
School supplies.
Sewing accessories.
Silverware, stainless steelware and pewterware.
Souvenirs.
Sporting goods.
Toys.
Typewriter ribbons.
Woodenware.

(b) The Commission is of the opinion that the following commodities or classes of commodities are "consumer commodities" within the meaning of the Act:

Adhesives and sealants.
Aluminum foil cooking utensils.
Aluminum wrap.
Camera supplies.
Christmas decorations.
Cordage.
Disposable diapers.
Dry cell batteries.
Light bulbs.
Liquefied petroleum gas for other than heating and cooking.
Lubricants for home use.
Pressure sensitive tapes, excluding gift tapes.
Solvents and cleaning fluids for home use.
Sponges and chamois.
Waxes for home use.

Issued: September 25, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-11606; Filed, Sept. 29, 1969; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-5005]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guide Relating To Misleading Character of Certain Registrants' Names

One April 7, 1969, the Commission published in Securities Act Release No. 4959 (34 F.R. 6575) a proposed guide of the Division of Corporation Finance relating to the misleading character of the names of certain registrants and invited the views and comments of interested persons thereon. The comments received having been considered by the Division, the text of the guide is set forth below in definitive form, unchanged from the language of the proposal.

54. *Misleading character of certain registrants' names.* A registrant's name may be materially misleading if it indicates a line of business in which the registrant is not engaged or is engaged only to a limited extent. If the registrant is not engaged to any substantial extent in the business indicated by the name, a change of name may be the only way to cure its misleading character. If the registrant is substantially engaged in the line of business, even though it does not comprise the major portion of the business, it may be sufficient to disclose under the name of registrant on the cover page of the prospectus the limited extent to which the registrant is engaged in the business indicated by its name. This paragraph does not apply, however, to an established company which over a period of years has changed the general character of its business and where the investing public is generally aware of the change and the character of the registrant's present business.

A registrant's name may also be misleading if it is the same or substantially the same as the name of another well-known company. If it appears likely that the registrant's name may be confused with the name of the other company, consideration should be given to changing the name. However, if both companies are new or small and relatively unknown and are located in different parts of the country, so that investors are not likely to mistake one company