The amendments to §§ 91.33(a) and 135.143(b) were proposed in Notice of Proposed Rule Making No. 66-35 published in the FEDERAL REGISTER on September 29, 1966 (31 F.R. 12736). Interested persons were afforded an opportunity to comment on the proposal and all comments have been considered. A majority of the comments received in response to the notice were in accord with the objective of the rule. Therefore, for the reasons set forth in the notice, the rule is adopted herein without change.

As to the authorization for increased maximum certificated weight for certain airplanes in Alaska, the FAA has found that the insertion of the word "takeoff" in § 91.38 prevents the use of an increased weight for landing as was permitted under SFAR-12 and its predecessor SR-399D. There was no intent to make a substantive change in the provisions of SFAR-12 when it was incorporated into Part 91. Therefore, § 91.38 is amended to conform to SFAR-12 by deleting the word "takeoff" where it appears in that section. Since this amendment involves only the correction of a rule and does not impose any additional burden upon interested persons, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 91 and 135 are amended as follows, effective July 13, 1967:

1. Section 91.33(a) of Part 91 is amended to read as follows:

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

(a) *General.* Except as provided in paragraphs (c)(3) and (e) of this section, no person may operate a powered civil aircraft with a standard category U.S. airworthiness certificate in any operation described in paragraphs (b) through (f) of this section unless that aircraft contains the instruments and equipment specified in those paragraphs (or FAA-approved equivalents) for that type of operation, and those instruments and items of equipment are in operable condition.

* * * * *

§ 91.38 [Amended]

2. Section 91.38 is amended by deleting the word "takeoff" wherever it appears in the title and text of that section.

3. Section 135.143(b) of Part 135 is amended to read as follows:

§ 135.143 General requirements.

* * * * *

(b) No person may operate an aircraft in operations to which this part applies, unless the required instruments and equipment in it have been approved and are in operable condition.

(Secs. 313(a), 601(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421(a))

Issued in Washington, D.C., on June 6, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-6551; Filed, June 12, 1967; 8:46 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart P—Ex Parte Communications

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further amendments to its rules and regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective June 14, 1967.

National Labor Relations Board rules and regulations, Series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., June 7, 1967.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

1. Section 102.127(a) is amended to read as follows:

§ 102.127 Definitions.

When used in this subpart:

(a) The term "person who is a party," to whom the prohibitions apply, shall include any individual outside this agency (whether in public or private life), partnership, corporation, association, or other entity, who is named or admitted as a party or who seeks admission as a party, and the general counsel or his representatives when prosecuting an unfair labor practice proceeding before the Board pursuant to section 10(b) of the act.

* * * * *

2. In § 102.128 the introductory paragraph is amended to read as follows:

§ 102.128 Types of on-the-record proceedings; categories of Board agents; and duration of prohibition.

Unless otherwise provided by specific order of the Board entered in the proceeding, the prohibition of § 102.126 shall be applicable in the following types of on-the-record proceedings to unauthorized ex parte communications made to the designated categories of Board agents who participate in the decision, from the stage of the proceeding specified until the issues are finally resolved by the Board for the purposes of that proceeding under prevailing rules and practices:

* * * * *

3. Section 102.134 is amended to read as follows:

§ 102.134 Penalties and enforcement.

Upon notice and hearing, the Board may censure, suspend, or revoke the privilege of practice before the agency of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication. To the extent permitted by law, the Board may, under appropriate circumstances, deny or limit remedial measures otherwise available under the act to any party who shall, directly or indirectly, knowingly and willfully make or solicit the making of an unauthorized communication. However, before the Board institutes formal proceedings under this section, it shall first advise the person or persons concerned in writing that it proposes to take such action and that they may show cause, within a period to be stated in such written advice, but not less than 7 days from the date thereof, why it should not take such action. The Board may censure, or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of, any Board agent who knowingly and willfully violates the prohibitions and requirements of this rule.

[F.R. Doc. 67-6557; Filed, June 12, 1967; 8:47 a.m.]

[1] 49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151-167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141-166).

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

"Solid" and "Karat" Used Together in Describing Articles Composed of Gold

§ 15.129 "Solid" and "karat" used together in describing articles composed of gold.

The Commission advised an association that the word "solid" could be used in conjunction with the karat indication of gold of 10 or more karats in fineness. For example, it would be proper to use the expression "14 karat solid gold" or "solid 14 karat gold" to describe an article which was both in fact solid and in fact made of gold 14 karat in fineness. The use of such descriptions, or appropriate abbreviations therefor, provided both factors in the description were given adequate prominence, would be unobjectionable.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: June 12, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-6563; Filed, June 12, 1967; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Words "National" and "Association" in Name of Proposed Trade Association

§ 15.130 Use of words "National" and "Association" in name of proposed trade association.

(a) The Commission was requested to render an advisory opinion concerning the legality of the use of the words "National" and "Association" in the name of an association in the process of formation.

(b) The Commission was advised that a group of members of the industry had cooperated in the founding of the association, an unincorporated group. These members were active in several different States. They are now soliciting memberships from every industry member known in the United States, which exceed 2,500 in number. The purpose of the association will be to foster the well-being and growth of the industry, as is common with trade associations. Within a short time, the group expects to achieve substantial and widespread representation.

(c) The opinion advised that the Commission had considered the facts presented and the steps which the group planned to take and that it had no objection to the use of either word in the name of the proposed association.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: June 12, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-6564; Filed, June 12, 1967; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 22]

PART 502—RULES OF PRACTICE AND PROCEDURE

PART 503—PUBLIC INFORMATION

Miscellaneous Amendments

On July 4, 1966, Congress enacted Public Law 89–487, amending section 3 of the Administrative Procedure Act. The purpose of the amendment was to clarify and protect the right of the public to information made available by governmental agencies. The effective date of the amendment is July 4, 1967.

The Federal Maritime Commission has carefully considered the requirements and the obligations imposed upon the Commission by the amendment and hereby adopts rules and regulations which describe the application of the amendment to and its implementation by the Commission.

Therefore, pursuant to sections 3 and 4 of the Administrative Procedure Act, 5 U.S.C. 1002, as amended by Public Law 89–487 (80 Stat. 250), 1003, Title 46 of the Code of Federal Regulations is hereby amended by adding a new Part 503—Public Information. In the new Part 503, Subpart E—Fees, consists of the regulations currently appearing in § 502.6, which are hereby transferred to Part 503 and redesignated as §§ 503.41 through 503.43. The regulations appearing in § 502.5 *Inspection of records* are superseded by the new Part 503 and are hereby revoked.

The new Part 503 reads as follows:

Subpart A—General

Sec.
503.1 Statement of policy.

Subpart B—Publication in the "Federal Register"

503.11 Materials to be published.
503.12 Effect of nonpublication.
503.13 Incorporation by reference.

Subpart C—Commission Opinions and Orders

503.21 Public records.
503.22 Current index.
503.23 Effect of noncompliance.
503.24 Documents available at the Public Reference Room.
503.25 Documents available at the Office of the Secretary.

Subpart D—Procedure Governing Availability of Commission Records

503.31 Identification of records.
503.32 Records generally available.
503.33 Other records available upon written request.
503.34 Appeal.
503.35 Exceptions to availability of records.

Subpart E—Fees

503.41 Policy and services available.
503.42 Payment of fees and charges.
503.43 Fees for services.

AUTHORITY: The provisions of this Part 503 issued under secs. 3, 4, Administrative Procedure Act, 5 U.S.C. 1002, as amended by Public Law 89–487 (80 Stat. 250), 1003.

Subpart A—General

§ 503.1 Statement of policy.

(a) The Chairman of the Federal Maritime Commission is responsible for the effective administration of the provisions of Public Law 89–487 amending section 3 of the Administrative Procedure Act, effective July 4, 1967. The Chairman shall carry out this responsibility through the program and the officials which are prescribed in Manual of Orders, Commission Order No. 1 (Amended), and as hereinafter designated in this part.

(b) In addition, the Chairman pursuant to his responsibility hereby directs that every effort be expended to facilitate the maximum expedited service to the public with respect to the obtaining of information and records. Accordingly, the public may make requests for information, decisions, or records or submittals (1) in person to the Director, Office of International Affairs and Relations or the Public Reference Room under his supervision; or (2) in writing to the Secretary.

Subpart B—Publication in the "Federal Register"

§ 503.11 Materials to be published.

(a) The Commission shall separately state and concurrently publish the following materials in the FEDERAL REGISTER for the guidance of the public:

(1) Descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions.

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency.

(5) Every amendment, revision, or repeal of the foregoing.

(b) The Commission's publication with respect to paragraph (a)(1) of this section has been and shall continue to be by publication in the FEDERAL REGISTER of the Manual of Orders, Commission Order No. 1 (Amended), and amendments and supplements thereto.

(c) The Commission's publications with respect to paragraph (a) (2), (3), and (4) of this section, including amendment, revision, and repeal, have been and shall continue to be by publication in the FEDERAL REGISTER as part of the Code of Federal Regulations, Title 46, Chapter IV.

§ 503.12 Effect of nonpublication.

Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required to be published in the FEDERAL REGISTER and not so published.

§ 503.13 Incorporation by reference.

For purposes of this subpart, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register.