increasing the level of safety in the terminal area.

It is not possible at this time to develop an approach procedure for Ector County Airport which would be entirely compatible with all IFR operations to/from Midland-Odessa Regional Air Terminal. The proposed procedure, however, is the most practical and the one which would have the least impact on the air traffic flow in the Midland terminal area. Further, aircraft conducting IFR operations to/from Ector County Airport will be under the control jurisdiction of the same approach control facility as aircraft conducting IFR operations to/from Midland-Odessa Regional Air Terminal.

In view of the foregoing, the agency cannot foresee any added adverse effect on IFR operations at Midland-Odessa Regional Air Terminal by the addition of the proposed instrument approach procedure to serve Ector County Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4726) the Midland, Tex., transition area 700-foot portion is amended to read:

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (lat. 31°56'25" N., long. 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (lat. 32°02'00" N., long. 102°05'55" W.), within a 5-mile radius of Ector County Airport (lat. 31°55'00" N., long. 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

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

Issued in Fort Worth, Tex., on July 31, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9414; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Revocation of Transition Area

On page 9719 of the FEDERAL REGISTER for June 21, 1969, the Federal Aviation Administration published proposed regulations which would designate a 1,200-foot Connecticut transition area for the State of Connecticut.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by:

(a) Deleting in the Hartford, Conn., transition area description the second paragraph describing the 1,200-foot transition area.

(b) Designating a Connecticut transition area described as follows:

CONNECTICUT

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

[F.R. Doc. 69-9415; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Burnet, Tex., transition area.

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9720) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Burnet, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

BURNET, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddock Field (lat. 30°44'34" N., long. 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (lat. 30°44'35" N, long. 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

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

Issued in Forth Worth, Tex., on July 31, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9416; Filed, Aug. 8, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

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

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Effective Date

The Federal Trade Commission published in the FEDERAL REGISTER of July 1, 1969 (34 F.R. 11089) a notice that the July 1, 1969 effective date, which was specified in section 500.25(c)(2) of regulations pertaining to the Fair Packaging and Labeling Act, was postponed until further order of the Commission. The further order was to provide at least thirty (30) days advance notice of the new effective date.

The July 1, 1969 notice was issued to provide a short period of time to afford possible resolution of the problems involved respecting the implementation of the Fair Packaging and Labeling Act by the Federal Trade Commission. The Commission has resolved the problems involved and has determined that its regulations, which were previously published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718), pertaining to the Fair Packaging and Labeling Act should become effective as soon as possible.

Therefore, notice is hereby given that the new effective date is September 10, 1969.

Issued: August 5, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9385; Filed, Aug. 8, 1969; 8:45 a.m.]

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Miscellaneous Amendments

The Federal Trade Commission has previously published several policy statements in the FEDERAL REGISTER with respect to coverage and the status of specific items under the Fair Packaging and Labeling Act. These policy statements were identified as § 503.1—*Matters pertaining to coverage under the Fair Packaging and Labeling Act*, 33 F.R. 4723 (Mar. 19, 1968) and as § 503.2—*Status of Specific items under the Fair Packaging and Labeling Act*, 33 F.R. 8773 (June 15, 1968). Additionally, related policy statements were issued that confirmed § 503.2 as originally published, 34 F.R. 8941 (June 4, 1969) and amended and alphabetically rearranged § 503.2, 34 F.R. 9210-9211 (June 11, 1969).

The Commission has determined in view of the express language and the

legislative history of section 10(a) of the Act, which defines "consumer commodity," and the entire Act that the opinions expressed in the above-mentioned policy statements set forth an interpretation of "consumer commodity" that is unduly comprehensive. Moreover, the above-mentioned policy statements are incomplete because they did not define adequately the boundaries of product coverage under the definition. The Commission has also determined in view of the Act and its history that all actions taken under Part 501 of the regulations are invalid as they were based upon an interpretation of "consumer commodity" that is unduly comprehensive. The foregoing determinations of the Commission were based upon a memorandum from the Commission's General Counsel with attachments, which included a digest of the Act's legislative history. Copies of these documents are available to members of the public upon request to the Commission's Division of Legal and Public Records.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1459), Part 503 is amended as follows:

Sections 503.1 and 503.2 are repealed and a new § 503.5 is added, as follows:

§ 503.5 Interpretation of the definition of "consumer commodity" as contained in section 10(a) of the Fair Packaging and Labeling Act.

(a) Section 10(a) of the Fair Packaging and Labeling Act defines the term "consumer commodity" in four classifications. These are:

(1) Any food, drug, device, or cosmetic;

(2) And any other article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities.

(i) For consumption by individuals and which usually is consumed or expended in the course of such consumption.

(ii) For use by individuals for purposes of personal care and which usually is consumed or expended in the course of such use.

(iii) For use by individuals in the performance of services ordinarily rendered within the household and which usually is consumed or expended in the course of such use.

(b) Section 10(a) then expressly excludes (1) meats, poultry, and tobacco, (2) economic poisons and biologics for animals, (3) prescription drugs, (4) alcoholic beverages, and (5) agricultural and vegetable seeds.

(c) Pursuant to sections 5 and 7 of the Fair Packaging and Labeling Act, the authority to promulgate regulations and to enforce the Act as to any food, drug, device, or cosmetic has been delegated to the Secretary of Health, Education, and Welfare and as to any other "consumer commodity" to the Federal Trade Commission.

(d) As to these articles, products, or commodities subject to regulation by the Federal Trade Commission, the legislative history of the Act demonstrates the intent of Congress, for the reasons stated therein, to place the following categories outside the scope of the definition of "consumer commodity":

(1) Durable articles or commodities;

(2) Textiles or items of apparel;

(3) Any household appliance, equipment, or furnishing, including feather and down-filled products, synthetic-filled bed pillows, mattress pads and patchwork quilts, comforters and decorative curtains;

(4) Bottled gas for heating or cooking purposes;

(5) Paints and kindred products;

(6) Flowers, fertilizer, and fertilizer materials, plants or shrubs, garden and lawn supplies;

(7) Pet care supplies;

(8) Stationery and writing supplies, gift wraps, fountain pens, mechanical pencils, and kindred products.

(e) The articles, products, or commodities that are within the terms of section 10(a) of the Act and subject to regulation by the Federal Trade Commission are either expendable commodities for consumption by individuals, expendable commodities used for personal care, or expendable commodities used for household services. The primary terms in section 10(a) for defining these categories are:

(1) Consumption by individuals;

(2) Use by individuals;

(3) Personal care by individuals;

(4) Performances of services ordinarily rendered within the household by individuals;

(5) Consumed or expended.

(f) These terms are defined as follows:

(1) *Consumption by individuals.* This term as it is used in section 10(a) means the using up of an article, product, or commodity by an individual.

(2) *Use by individuals.* This term as it is used in section 10(a) means the employment or application of an article, product, or commodity by an individual.

(3) *Personal care by individuals.* This term as it is used in section 10(a) means that activity of an individual which is concerned with protecting, enhancing, and providing for the general cleanliness, health, or appearance of the individual.

(4) *Performance of services ordinarily rendered within the household by individuals.* These terms as they are used in section 10(a) mean: The term "household" refers to the interior and exterior of dwellings or residences occupied by individuals, including the surrounding premises. The term "performance of services ordinarily rendered within the household" means the doing of any activity by an individual within the above-described area which is normally done in connection with the maintenance and occupation of the above-described area as a habitation for individuals.

(5) *Consumed or expended.* These terms as they are used in section 10(a) mean (1) the immediate destruction or extinction of an article, product, or commodity, or of the part used; or (2) the substantial diminution in the quantity, quality or utility of an article, product, or commodity which results from usage upon one or several occasions over a comparatively short period of time.

(g) The foregoing definition serves to amplify the definition of "consumer commodity" supplied by Congress in section 10(a) of the Act. As questions arise as to whether specific articles, products, or commodities are included in the above definition, the Commission will consider, among other things, the Congressional policy declared in section 2 of the Act, namely, that packages and labels should enable consumers to obtain accurate information as to the quantity of contents and should facilitate value comparisons. That is, in making its determinations of inclusions and exclusions under this definition, the Commission will consider the requirements of both the Act and the pertinent regulations and in that connection will regard as one criterion the extent to which the disclosures required on "consumer commodities" are material to a consumer's selection of a particular article, product, or commodity. Interpretative rulings in such instances will be made public, and can be expected to further contribute to the development of clearer delineation of the scope of the term "consumer commodity".

(h) With respect to articles, products, or commodities included within the definition of "consumer comoddities", the Commission will consider requests for exemptions in accordance with section 5 (b) of the Act and § 500.3(e) of this chapter, and will make public its rulings on all such requests.

Issued: August 5, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-9384; Filed, Aug. 8, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-185]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Liberia allows vessels of the United States in ports of Liberia privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of Liberia are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring