conduct technical experimentation directed to the improvement of technical phases of operation during other time periods, and for such purposes may utilize a signal other than the standard FM signal, subject to the following conditions:

(1) That the licensee complies with the provisions of § 73.261 with regard to the minimum number of hours of operation.

(2) That emissions outside the authorized bandwidth shall comply with § 73.317(a) and that no interference is caused to the transmissions of other FM broadcast stations.

(3) No charges either direct or indirect shall be made by the licensee of an FM broadcast station for the production or transmission of programs when conducting technical experimentation.

[F.R. Doc. 67-14724; Filed, Dec. 19, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Reg. Docket No. 7947; Notice 67-53]

TURBOJET POWERED CIVIL AIRPLANES

Proposed Altitude Warning Devices

The Federal Aviation Administration is considering rule-making action that would require the installation of an altitude warning device on each turbojet powered civil airplane operated in air commerce.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before February 19, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket, for examination by interested persons.

On February 6, 1967, the FAA issued advance notice of proposed rule making 67-2 (32 F.R. 2860). This advance notice announced that the agency was considering rule making that would require that some type of device to warn of approaches to, and deviations from, preselected altitude be installed in all large airplanes, and small turbine powered airplanes operated in air commerce. A substantial number of comments were received in response to the advance notice, and a review of these comments indicates that there is substantial disagreement throughout the aviation community as to the desirability of requiring the installation of an altitude warning device. The advance notice contained five specific questions which were posed to elicit as much relevant information as possible. The specific questions together with a summary of the comments received follows:

(1) Should the FAA require that all large airplanes, and small turbine powered airplanes, operated in air commerce be equipped with some type of system that would provide additional warnings to the flight deck crew of significant altitude changes? Should such a requirement be limited to IFR equipped airplanes or to Part 121 operations?

Many of the comments agreed that there is an altitude awareness problem, that an altitude warning system was desirable, and urged the FAA to proceed forthwith with rule-making action to require such a system. Other comments, while agreeing that there is an altitude awareness problem, argued that additional cockpit procedures and cockpit noises could create sufficient additional safety hazards to more than offset the gains achieved by the system. A third position taken in a number of comments was that while such a system may ultimately prove to be desirable, regulatory action at this time is premature. These latter comments, for the most part, urged further research. Many of these comments argued that if an efficient, economical system was developed it would no doubt be installed voluntarily by a large percentage of the airplane operators at which regulatory action would be directed. The majority of the comments favorable to the proposal were opposed to a mandatory requirement for reciprocating engine powered airplanes. The concensus was that such a requirement should be limited to high performance jet aircraft. There was only limited support for limiting a requirement to IFR equipped aircraft.

(2) If such a requirement is adopted should a specific system be required or should only the parameters be described so that each operator can modify the system to be installed in its airplanes, as long as the parameters are met?

Of the comments that supported the proposed requirement the vast majority favored prescribing only the parameters of the system so that various systems and operational procedures could be tried.

(3) What types of warning should be provided? Visual, audio, both, or combinations thereof? How close to the preselected altitude should the warning be given?

The majority of the favorable comments favored both visual and audio warnings. To the extent that there was a concensus a visual warning about 1,000 feet and an audio warning about 500 feet preceding the recommended altitude were recommended.

(4) Should both independent and integral systems be permitted? The agency would expect that any regulation proposed would require that an integral system, if permitted, would be incapable of contaminating the altimeter portion or portions of that system.

Most of the relevant comments favored allowing either an independent or an integral system provided that an integral system would not contaminate or degrade the basic altimetry system.

(5) How much lead time would be required for installation on airplanes affected?

Of the few comments that were directed to this question there were several estimates of 1 year while at least one comment recommended 30 months.

After considering all of the comments on ANPRM 67-2, and upon further evaluation of the entire problem of cockpit altitude awareness, the FAA believes that requiring an altitude warning device at this time is necessary and warranted. While the problem of altitude awareness is as old as aviation itself, the magnitude of the problem has increased with the advent of high-performance airplanes and traffic-saturated airways and is becoming acute as the performance capabilities of airplanes and the volume of traffic continue to mount. This prognosis is substantiated by several recent incidents, in addition to those discussed in the advance notice of proposed rule making, involving lack of cockpit altitude awareness where a major disaster was narrowly averted. A summary of the known facts in two of these recent incidents follows:

1. A large turbojet powered airplane was approaching its destination airport with weather approximately 200 feet ceiling and one-half mile visibility. The flight recorder shows the airplane was at 3,000 feet when 9 minutes from the airport. Between 8¼ and 4¼ minutes from the airport, descent was made from 3,000 feet to 180 feet mean sea level (MSL) 10.4 miles from the airport. The terrain in this area is 120 MSL. The Instrument Landing System (ILS) outer marker (OM) for the landing runway is located 5.6 miles from the end of the runway. Glide slope interception altitude at the OM is 1,692 feet. An air disaster would have occurred had the flight been 60 feet lower.

2. A large turbojet powered airplane had been cleared from cruising altitude of 33,000 feet to 6,000 feet at the 30-mile Distance Measuring Equipment (DME) fix from the VOR. The copilot was flying the airplane and initiated the descent using reverse thrust during descent. Apparently realizing he was unsure of his altitude he asked the other crewmembers what the altitude was. At the same time he applied power and pulled up reportedly commenting that things looked too flat. This action was apparently concurrent with response from the other crewmembers that they also were unsure of the altitude. Subsequently the captain estimated that they were within 100 to 150 feet of the surface. The first officer said he believed it was approximately 200 feet. The flight engineer was unsure but estimated 500 feet. A preliminary readout of the flight recorder indicates "sea level." All of the crewmembers said that they must have misread their altimeters by 10,000 feet. The altimeter used is a 3-pointer type. The captain admits his last "call out" of altitude was 22,500 feet.

In the two incidents given above, no human life was lost, but each missed

disaster by an extremely narrow margin. Both were directly attributable to lack of altitude awareness.

In making the determination that requiring an altitude warning device is necessary the FAA recognizes that, as many of the commentators argued, no additional system or systems can ever completely eliminate the element of human error. The FAA is also well aware that the benefits to be derived from the addition of any system involving additional cockpit procedures, warning lights, and noises, must be carefully weighed against the potential hazards resulting from the increased burden on the flight deck crew. The agency also considers the cost of any new system to determine whether that cost is justified by the potential benefits to be derived from the new system.

After weighing all of these considerations, and after considering all of the comments on ANPRM 67-2 the FAA has decided that there are sufficient positive benefits to be gained therefrom to justify requiring a cockpit altitude warning device. The FAA has further decided that at this time any requirement for the installation of such a device should be limited to turbojet powered civil aircraft where the problem is accentuated by the high rates of climb and descent. It has also determined that either an independent or an intergral device may be installed so long as the basic altimetry system is not affected. It has further determined that there should be at least 400 feet separation between the points where the visual and audio signals are activated to provide adequate utilization of the two warnings. Since the requirement for such a device would apply to all turbojet powered aircraft operated in air commerce, only a requirement in Part 91 is necessary, and based upon the present state of the art, the FAA believes that installation of an altitude warning device should be accomplished 18 months after adoption of a regulatory requirement.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by adding a new § 91.34 to read as follows:

§ 91.34 Altitude warning device; turbojet powered civil airplanes.

(a) No person may operate a turbojet powered U.S. registered civil airplane after the applicable date set forth in paragraph (e) of this section unless that airplane is equipped with an approved altitude warning device that can:

(1) Provide both visual and audio warnings as a preselected altitude is approached at activating points, within the parameters described in paragraph (b) of this section, that are selected by the operator;

(2) Provide both visual and audio warnings whenever the airplane deviates from the selected altitude by a preselected margin that is within the parameters described in paragraph (b) of this section;

(3) Be tested prior to flight, without special testing equipment, to determine that the visual and audio warnings are operating properly; and

(4) Accept barometric settings.

(b) Except as provided in paragraph (d) of this section, no person may operate a turbojet powered airplane after the applicable date unless the altitude warning device required by paragraph (a) of this section is in operable condition and is preset to provide the required visual and audio warnings within the following parameters—

(1) The visual warning activates at least 700 feet but not more than 1,500 feet before the selected altitude is reached, and continues at least until the audio warning occurs;

(2) The audio warning activates at least 200 feet but not more than 800 feet before the selected altitude is reached; and

(3) The visual and audio warning activating points are separated by at least 400 feet.

(4) Both the visual and audio warnings activate whenever the airplane deviates from the selected altitude by the amount selected by the operator within the ranges prescribed in subparagraphs (1) and (2) of this paragraph.

(c) Each operator to which this section applies shall prepare procedures for use of the altitude warning device and each flight crewmember shall comply with those procedures.

(d) An operator may:

(1) Ferry a turbojet airplane with an inoperative altitude warning device from a place where repair or replacement cannot be made to a place where they can be made;

(2) Continue a flight as originally planned, if the altitude warning device becomes inoperative after the airplane has taken off;

(3) Conduct an airworthiness flight test, during which the altitude warning device is turned off, to test it or to test any altimeter or other equipment in the airplane; or

(4) Ferry a newly acquired airplane from the place where possession of it was taken to a place where the altitude warning device is to be installed.

(e) The altitude warning device required by paragraph (a) of this section must be installed in each turbojet powered aircraft 18 months after the effective date of any adopted rule.

This notice of proposed rule making is issued under the authority of sections 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on December 14, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-14714; Filed, Dec. 19, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17924; FCC 67-1336]

FM BROADCAST STATIONS

Table of Assignments; Warner Robins and Hawkinsville, Ga.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Warner Robins and Hawkinsville, Ga.), Docket No. 17924, RM-1210.

1. On October 20, 1967, and amended on November 2, 1967, WRBN, Inc., licensee of Radio Station WRBN (AM), Warner Robins, Ga., filed a petition requesting rule making to amend the FM Table of Assignments so as to assign a Class A FM channel to Warner Robins, Ga.,by making a change in the Hawkinsville assignment as follows:

City	Channel No.	
	Present	Proposed
Hawkinsville, Ga.	269A	280A
Warner Robins, Ga.		269A

2. Warner Robins is located about 13½ miles south of Macon, outside of its urbanized area but within its Standard Metropolitan Statistical Area. It has no FM assignment but has two daytime-only AM stations. Its population is 18,633 and that of its county (Houston) is 39,154. While it is not the county seat, it is the largest community in Houston County. Hawkinsville, the county seat and largest community in Pulaski County, has a population of 3,967. Pulaski County has a population of 8,204. Hawkinsville is located about 38 miles SSE of Macon. Its sole radio station is a daytime-only operation.

3. Two applications have been filed for the Hawkinsville Channel 269A, one by Tri-County Broadcasting Co., Inc., licensee of Station WCEH, Hawkinsville, and the second by the petitioner, and these have been designated for comparative hearing in Docket Nos. 17579 and 17580. The Warner Robins application was filed under the so-called "25 mile rule", § 73.203(b). Thus, the purpose of the subject petition is to provide a channel to each community and to eliminate the need for the comparative hearing.

4. WRBN submits that Warner Robins is the largest city in Georgia outside an urbanized area with no FM assignment, that the proposal would provide each community with a local FM service, that it would permit prompt establishment of

two new FM services, and that it conforms to all the rules.[1]

5. We are of the view that comments should be invited on the WRBN proposal in order that all interested parties may submit their views and relevant data. Attention is directed to the May 12, 1967, Public Notice, Policy to Govern Requests for Additional FM Assignments, and the showings required for assignments to communities which are near population centers and seeking to eliminate comparative hearings.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before January 12, 1968, and reply comments on or before January 29, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: December 13, 1967.

Released: December 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14725; Filed, Dec. 19, 1967; 8:46 a.m.]

[1] Tri-County Broadcasting Co. conditionally supports the WRBN proposal "with provision for amendment in hearing status of the application of Tri-County Broadcasting Co., Inc. (Docket No. 17580, File No. BPH-5737) to specify Channel 280." We will consider this comment and the conditional support in the proceeding itself.

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 67-58]

COMPENSATION AND FREIGHT FORWARDER CERTIFICATION

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841a and 841b), the Federal Maritime Commission is considering the amendment of paragraph (a) of § 510.24, Title 46, CFR. The purpose of this amendment is to require a licensee forwarder to disclose the name of the actual shipper on the "shipper" line of the bill of lading, in order to be entitled to compensation, thereby enabling the conferences to more effectively police their Commission approved dual rate contracts.

Section 510.24(a) (Rule 510.24(a)) was promulgated on October 21, 1966. The purpose of the rule, as stated in the preamble thereto, was to prevent unlawful rebating and "* * * to lend a measure of integrity to lawful dual rate contracts." It has recently come to the Commission's attention, however, that certain licensee forwarders are evading the spirit, if not the letter, of the rule by naming themselves on the "shipper" line of the bill of lading as agents for a shipper who is disclosed elsewhere in the body of the bill.[1] As a result of the foregoing, conferences have been frustrated in their efforts to adequately and effectively police their dual rate contracts as required by statute and the Commission's rules.

Accordingly, in order to enable conferences to more effectively police their Commission approved dual rate contracts, it is proposed that § 510.24(a) be amended to read as follows:

§ 510.24 Compensation and freight forwarder certifications.

(a) No oceangoing common carrier shall pay to a licensee, and no licensee shall charge or receive from any such carrier, either directly or indirectly, any compensation or payment of any kind whatsoever, whether called "brokerage," "commission," "fee," or by any other name, in connection with any cargo or shipment unless the name of the actual shipper is disclosed on the shipper identification line appearing above the cargo description data of the ocean bill of lading.

* * * * *

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 24, 1968, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall participate in the proceeding and shall file Reply to Comments on or before February 14, 1968, by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before March 6, 1968.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-14812; Filed, Dec. 19, 1967; 8:48 a.m.]

[1] Under this practice, the actual shipper's name usually appears in the "Description of packages and goods" column of the bill of lading.

[46 CFR Part 536]

[Docket No. 67-34; General Order 13]

COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF UNITED STATES

Discontinuance of Proceeding

On May 30, 1967 (32 F.R. 7857), the Commission published a proposed rule designed to exempt certain types of vessels providing service for vehicles in the foreign commerce of the United States from the tariff filing requirements of section 18(b) of the Shipping Act, 1916.

A number of strenuous objections to the proposed rule were filed. Hearing Counsel, in reply, suggest that, in view of the number and substance of the objections, the matter warrants further consideration by the Commission staff.

The Commission is of the opinion that publication of the proposed rule in its present form would be inappropriate at this time and that the matter should be given further study. *Accordingly, it is ordered*, That this proceeding is discontinued.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-14730; Filed, Dec. 19, 1967; 8:47 a.m.]