

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1969 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1969):

43 Part 1000-end (Rev.)----- \$2.75

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SO-07]

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

Alteration of Transition Area

On October 17, 1968, F.R. Doc. 68-12609 was published in the FEDERAL REGISTER (33 F.R. 15412), amending Part 71 of the Federal Aviation Regulations by designating the Alma, Ga., part-time control zone and transition area.

In the amendment, the effective period of the Alma, Ga., part-time transition area was published as "0600 to 2000 hours, local time daily." The effective period should have been "0600 to 2200 hours, local time daily." It is necessary to amend the FEDERAL REGISTER Document accordingly.

Since this amendment will impose no necessary and action is taken herein required for reasons of safety, notice and public procedure hereon are unnecessary and the FEDERAL REGISTER Document is amended as follows:

In consideration of the foregoing, effective immediately, F.R. Doc. 68-12609 is amended as follows:

In line five of the Alma, Ga., part-time transition area description " * * *

0600 to 2000 hours, local time daily * * * " is deleted and " * * * 0600 to 2200 hours, local time daily * * * " 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 February 14, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-2515; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-8]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Colorado Springs, Colo., control zone.

The Peterson, Colo., VOR is scheduled for decommissioning on May 29, 1969. Since a portion of the Colorado Springs, Colo., control zone is described on the 075°M (087°T) radial of the VOR an editorial change is necessary to eliminate reference to the VOR. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.171 (34 F.R. 4557) the Colorado Springs, Colo., control zone is amended by deleting all after " * * * 6-mile radius zone to the VORTAC."

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-2516; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-106]

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

Designation of Federal Airways

On December 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18047) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate the U.S. portion of a segment of VOR Federal airway No. 337 between Windsor, Ontario, Canada, and

Saginaw, Mich., and extend VOR Federal airway No. 450 from Muskegon, Mich., to Pompeii, Mich.

Interested people were afforded an opportunity to participate in the proposed rule making through the 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., May 1, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. V-337 is amended by deleting "12 AGL Windsor" and substituting "12 AGL Windsor; 12 AGL INT Windsor 335° and Saginaw, Mich., 131° radials; 12 AGL Saginaw." therefor.

b. V-450 is amended by deleting "From Muskegon, Mich.," and substituting "From INT Muskegon, Mich., 088° and Lansing, Mich., 358° radials; 12 AGL Muskegon;" therefor.

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

Issued in Washington, D.C., on February 18, 1969.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-2517; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-SO-104]

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

Designation of Transition Area

On January 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 263), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Kosciusko, Miss., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 33°05'20" N., long. 89°32'25" W.) for Kosciusko-Attala County Airport was obtained from Coast and Geodetic Survey. Accordingly, it is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

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

Kosciusko, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kosciusko-Attala County Airport (lat. 33°05'20" N., long. 89°32'25" W.); within 2 miles each side of the 142° and 310° bearings from the Kosciusko RBN (lat. 33°05'29" N., long. 89°32'25" W.), extending from the 5-mile radius area to 8 miles southeast and northwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 142° and 310° bearings from the Kosciusko RBN, extending from the RBN to 12 miles southeast and northwest; within 5 miles each side of a direct course from the Greenwood, Miss., VORTAC to the Kosciusko RBN, excluding the portion that coincides with V-245 and V-9E.

(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 February 18, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-2518; Filed, Feb. 28, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WA-12]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a new restricted area at Albemarle Sound, N.C., superjacent to restricted area, R-5301B.

The Department of the Navy has requested, as a matter of urgent military necessity, that the ceiling of Restricted Area R-5301B be increased from 5,000 feet MSL to 15,000 feet MSL for the period March 1, 1969, through May 31, 1969, to permit the initiation, pursuance and completion of a classified defense project involving surface-to-air ordnance. The Navy stated that the classification and nature of the activity generating this requirement dictate use of this area only.

Since the Navy has stated that an urgent military need exists to accomplish a classified defense project, the Administrator finds that notice and public procedure are impractical and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

Section 73.53 (34 F.R. 4841) is amended by adding the following:

R-5301C, ALBEMARLE SOUND, N.C.

Boundaries: A circular area within a 1½-nautical mile radius centered at lat. 36°05'25" N., long. 76°18'30" W.

Designated altitude: From 5,000 feet MSL to 15,000 feet MSL.

Time of designation, 0800 to 1700 local time, Monday through Friday, March 1, 1969, through May 31, 1969.

Using agency, Commander, Fleet Air Norfolk, NAS Norfolk, Va.

This amendment becomes effective March 1, 1969, and is adopted under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 26, 1969.

FERRIS J. HOWLAND,
Acting Director,
Air Traffic Service.

[F.R. Doc. 69-2575; Filed, Feb. 28, 1969; 8:52 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 9441; Amdts. 151-30; 153-4]

PART 151—FEDERAL AID TO AIRPORTS

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Exclusive Rights at Airports

The purpose of these amendments is to clarify the policy of the Federal Aviation Administration relating to exclusive rights at airports, as set forth in Parts 151 and 153 of the Federal Aviation Regulations.

On August 31, 1966, the FAA issued Amendment 151-14 to conform § 151.121 with the current policy on exclusive rights, at airports on which sponsors desired assistance under the Federal-aid Airport Program, that were contrary to section 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a)) and the Policy on Exclusive Rights at Airports issued October 25, 1965 (30 F.R. 13661). Later, on April 28, 1967, the FAA issued Amendments 151-18 and 153-2 whose purpose was to further clarify and fully state the intent of the exclusive rights policy by specifically barring exclusive rights at airports thereafter controlled by the sponsor, and requiring termination of exclusive rights at airports thereafter owned or controlled by the sponsor.

However, §§ 151.121 and 153.13(d) still do not accurately reflect the exclusive rights policy. These provisions presently require the termination of existing exclusive rights at the earliest renewal, cancellation, or expiration date applicable to the agreements that established such exclusive rights. The FAA distinguishes between exclusive rights that were contrary to the policy at the time they were granted, and those that were not, by requiring termination at different times. The latter must be terminated at the earliest renewal, cancellation, or expiration date applicable to the agreement that established them, whereas the former must be terminated before any grant offer under the Federal-aid Airport Program, or upon any conveyance affected by Part 153. Therefore, the covenants in §§ 151.121 and 153.13(d) are amended to accurately make the dis-

inction. In view of the changes made by this amendment, the sponsor's certification that there is no exclusive right not subject to termination is unnecessary, and it is deleted.

Since these amendments relate to public grants and benefits, notice and public procedure thereon are not required and they may be made effective upon publication.

In consideration of the foregoing, effective March 1, 1969, Parts 151 and 153 of the Federal Aviation Regulations are amended as follows:

1. By amending § 151.121 to read as follows:

§ 151.121 Procedures: offer; sponsor assurances.

Each sponsor must adopt the following covenant implementing the exclusive rights provisions of section 308(a) of the Federal Aviation Act of 1958, that is incorporated by reference into Part I of the Advance Planning Agreement:

The sponsor—

(a) Will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349 (a)) at the airport, or at any other airport now or hereafter owned or controlled by it;

(b) Agrees that, in furtherance of the policy of the FAA under this covenant, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(c) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(d) Agrees that it will terminate any other exclusive right now existing at such an airport before the grant of any assistance under the Federal Airport Act.

2. By amending paragraph (d) of § 153.13 to read as follows:

§ 153.13 Covenants and reverter clauses in conveyances.

(d) That in furtherance of the policy of the FAA under this covenant the grantee—

(1) Agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial

photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(2) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(3) Agrees that it will terminate forthwith any other exclusive right now or hereafter existing at such an airport;

(Secs. 308(a), 313, Federal Aviation Act of 1958 (49 U.S.C. 1349(a), 1354); Federal Airport Act (49 U.S.C. 1101-1119); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(2), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on February 25, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2519; Filed, Feb. 28, 1969;
8:49 a.m.]

SUBCHAPTER O—AIRCRAFT LOAN GUARANTEE PROGRAM

[Docket No. 9442]

PART 199—AIRCRAFT LOAN GUARANTEE PROGRAM

On May 15, 1968, the Secretary of Transportation delegated to the Federal Aviation Administrator, effective June 13, 1968, all functions, powers, and duties of the Secretary under the Act of September 7, 1957, as amended (49 U.S.C. 1324 note), relating to the Government guarantee of private loans to air carriers for the purchase of aircraft and equipment (33 F.R. 8341).

Subsequent to this delegation, a new Part 199 of the Federal Aviation Regulations was adopted by the Administrator dealing with the deviation from the terms of Government guarantee of private loan to air carriers for the purchase of aircraft and equipment. This was the only function left in force under the Act of September 7, 1957, since the authority to guarantee loans under that Act had expired on September 7, 1967.

The most recent development occurred when Public Law 90-568 (82 Stat. 1003), which was approved on October 12, 1968, extended the authority to guarantee loans for an additional 5-year period to end on September 7, 1972.

This revision of Part 199, accordingly, provides procedures for the administration of the aircraft loan guarantee program extended by Public Law 90-568. It

also designates the General Counsel of the FAA as the official responsible for administration of the program on behalf of the Administrator. The information submitted under this part shall become available to or shall be withheld from the public in accordance with Part 7 of the Department of Transportation Regulations, particularly § 7.59.

Since this revision relates to Departmental management, procedures, and practices, notice and public procedure thereon are not required, and it may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 199 of the Federal Aviation Regulations is revised, effective March 1, 1969, as hereinafter set forth:

- Sec. 199.1 Applicability.
- 199.3 Applications for Government guarantees.
- 199.5 Contents of applications.
- 199.7 Action taken on applications.
- 199.9 Deviations from the terms of agreements.
- 199.11 Authority of FAA General Counsel.

AUTHORITY: The provisions of this Part 199 issued under the Act of Sept. 7, 1957, as amended (49 U.S.C. 1324 note; 82 Stat. 1003), secs. 6(a) (3) (A) and 9 of the Department of Transportation Act (49 U.S.C. 1655(a) (3) (A) and 1657), and § 1.4(b) (4) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(b) (4)).

§ 199.1 Applicability.

This part applies to applications for aircraft loan guarantees as provided by the Act of September 7, 1957 (49 U.S.C. 1324 note), and as extended by Public Law 90-568 (82 Stat. 1003), and to requests for approval of deviations from the terms of guarantee and loan agreements concluded after September 7, 1957.

§ 199.3 Applications for Government guarantees.

The lender shall make application for an aircraft loan guarantee under this part by filing with the General Counsel of the FAA an original and five copies of Form FAA 2950-1 and Form FAA 2950-2 prepared by the lender and air carrier, respectively, together with an original and five copies of any supporting documents. These forms may be obtained from the General Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590.

§ 199.5 Contents of applications.

Each application for an aircraft loan guarantee under this part must contain the following information:

- (a) Form FAA 2950-1, Application for aircraft loan guarantee to be submitted by the lender. (1) Name and address of lender.
- (2) Name and address of air carrier.
- (3) Amount of loan, maturity date, interest rate, purchase price, term of loan (years), and guarantee requested.

- (4) Disbursement schedule.
- (5) Repayment schedule.
- (6) Collateral.
- (7) Indication whether lender would grant this loan, or a comparable loan, without Government guarantee.
- (8) The lender's name, authorized signature, title, and date.
- (b) Form FAA 2950-2, Statement of carrier in support of application for aircraft loan guarantee. (1) A list of all banks (or other sources) from which the air carrier has attempted to negotiate a loan during the past year.
- (2) Indication whether the air carrier has attempted to obtain equity capital during the past year.
- (3) The type, quantity, and cost of equipment to be purchased with the proceeds of this loan.
- (4) Name and address of seller(s) of aircraft and major groups of spare parts.
- (5) The purchase plan.
- (6) Use to be made of new equipment.
- (7) Expected financial effect of new equipment on air carrier.
- (8) Names of common stockholders controlling, directly or indirectly, more than 5 percent of the stock of both the lender and the air carrier; and
- (9) The air carrier's name and authorized signature, title, and date.

§ 199.7 Action taken on applications.

(a) Upon receipt of the application and supporting materials, the Administrator may communicate with the Civil Aeronautics Board and the lenders and air carriers, where necessary, in order to obtain additional or clarifying information before approving or disapproving the application.

(b) The Administrator may approve an application for an aircraft loan guarantee in accordance with the provisions of the Act of September 7, 1957, as amended.

§ 199.9 Deviation from the terms of agreements.

No deviation from the terms of any guarantee and loan agreements made after September 7, 1957, may be made without the prior approval by the Administrator. An original and four copies of requests for such approval, and an original and four copies of any supporting documents, shall be filed with the General Counsel of the FAA.

§ 199.11 Authority of FAA General Counsel.

The functions of the Administrator under §§ 199.7 and 199.9 are exercised by the General Counsel of the FAA.

Issued in Washington, D.C., on February 25, 1969.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2520; Filed, Feb. 28, 1969;
8:49 a.m.]