

Administrator before taking action on the proposed rule. The proposal 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.

At the present time there is no Part 91 provision which requires occupants other than required flight crewmembers to fasten their safety belts, although § 91.32 requires safety belts for all occupants.

Under Part 121, which is applicable to operations by air carriers and commercial operators of large aircraft, § 121.311 (b) requires each occupant over 2 years of age to occupy a seat and to fasten his safety belt during takeoff or landing. A person who is 2 years of age or less may be held by a nadult who is occupying a seat or berth.

The FAA recognizes that safety belts are customarily used by most occupants of aircraft. However, for obvious safety reasons, all occupants should fasten their safety belts during a takeoff and landing. Therefore, the FAA proposes to establish a regulatory requirement in Part 91 similar to that contained in Part 121. Further, to assure compliance with the regulation, the pilot in command of an aircraft would dhave to advise all occupants that the Federal Aviation Regulations require safety belts to be fastened during takeoff and landing.

In addition, changes would be made to §§ 91.33, 121.311, and 127.109 to make all of the safety belt requirements in Parts 91, 121, and 127 consistent with respect to the exception for persons less than 2 years of age. For greater clarity all of these exceptions would be dependent on whether or not a person had reached his second birthday. In addition, the specific requirement for fastening safety belts would be included in Part 127, and the flush sentence following paragraph (b) of § 127.109 would be deleted because it is inconsistent with the requirements placed on an air carrier to provide a seat and safety belt for each passenger who has reached his second birthday.

In consideration of the foregoing, it is proposed to amend Parts 91, 121, and 127 of the Federal Aviation Regulations as follows:

1. By adding a new section in Part 91 after § 91.13 to read as follows:

§ 91.14 Fastening of safety belts.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off or land a U.S. registered civil aircraft unless each person on board that aircraft has been notified to fasten his safety belt.

(2) During the takeoff and landing of a U.S. registered civil aircraft, each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth.

(b) This section does not apply to operations conducted under Parts 121 and 127 of this chapter. Subparagraph (a) (2) of this section does not apply to persons subject to § 91.7.

2. By amending the first sentence of § 91.33(b) (12) to read as follows:

§ 91.33 Powered civil aircraft with standard category United States airworthiness certificates: instrument and equipment requirements.

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(b) * * * (12) Approved safety belts for all occupants who have reached their second birthday.

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3. By amending paragraphs (a) and (b) of § 121.311 to read as follows:

§ 121.311 Seat and safety belts.

(a) No person may operate an airplane unless there are available during the takeoff, en route flight and landing—

(1) An approved seat or berth for each person on board the airplane who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the airplane who has reached his second birthday, except that two persons occupying a berth may share one approved safety belt, and two persons occupying a multiple lounge or divan seat may share one approved safety belt only during en route flight.

(b) During the takeoff and landing of an airplane, each person on board shall occupy an approved seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth. A safety belt provided for the occupant of a seat may not be used during takeoff and landing by more than one person who has reached his second birthday.

4. By amending § 127.109 to read as follows:

§ 127.109 Seat and safety belts.

(a) No person may operate a helicopter unless there are available during the takeoff, en route flight and landing—

(1) An approved seat for each person on board the helicopter who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the helicopter who has reached his second birthday.

(b) During the takeoff and landing of a helicopter, each person on board shall occupy an approved seat with a separate sfety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-239; Filed, Jan. 7, 1970; 8:46 a.m.]

Office of Pipeline Safety

[49 CFR Part 190]

[Notice 69-4, Docket No. OPS-4]

INSPECTION AND MAINTENANCE PLANS

Notice of Proposed Rule Making

The Department of Transportation, Office of Pipeline Safety, is considering adopting regulations to implement the requirements for inspection and maintenance plans, as prescribed by section 11 of the Natural Gas Pipeline Safety Act of 1968.

Section 11 provides as follows:

Each person who engages in the transportation of gas or who owns or operates pipeline facilities not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act shall file with the Secretary or, where a certification or an agreement pursuant to section 5 is in effect, with the State agency, a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with regulations prescribed by the Secretary or appropriate State agency. The Secretary may, by regulation, also require persons who engage in the transportation of gas or who own or operate pipeline facilities subject to the provisions of this Act to file such plans for approval. If at any time the agency with responsibility for enforcement of compliance with the standards established under this Act finds that such plan is inadequate to achieve safe operation, such agency shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the agency shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, such agency shall consider—

- (1) relevant available pipeline safety data;
- (2) whether the plan is appropriate for the particular type of pipeline transportation;
- (3) the reasonableness of the plan; and
- (4) the extent to which such plan will contribute to public safety.

The purpose of this section was explained in the report of the House of Representatives, Committee on Interstate and Foreign Commerce (House Report No. 1390, 90th Cong., second session p. 24) as follows:

An important part of the program proposed by this legislation to achieve pipeline safety is the plan of inspection and maintenance according to which the company maintains surveillance of its lines and facilities.

Section 11 of the reported bill requires each person who engages in the transportation of gas or owns or operates pipeline facilities to file a plan for inspection and maintenance with the Secretary of Transportation, or with the State agency where a certification under section 5(a) or an agreement under section 5(b) is in effect. The filing of such plans is mandatory under the bill as to all gathering, transmission and distribution pipelines and pipeline facilities which are not under the jurisdiction of the Federal Power Commission under the Natural

Gas Act. The filing by interstate transmission lines subject to Commission jurisdiction is optional with the Secretary.

The Department's regulation would apply to (1) all interstate gas transmission lines subject to the jurisdiction of the Federal Power Commission, (2) all gas gathering lines in nonrural areas, and (3) all transmission and distribution pipeline facilities not subject to the jurisdiction of the Federal Power Commission. The regulation would not apply to gas facilities subject to a similar State regulation of a State agency that has in effect a certification under section 5(a) of the Act or an agreement under section 5(b) of the Act.

The Department is considering requiring the filing of inspection and maintenance plans for both interstate and other lines by July 1, 1970.

Section 8 of the Natural Gas Pipeline Safety Act requires each person who engages in the transportation of gas or who owns or operates pipeline facilities to file and comply with any inspection and maintenance plans required by section 11. Therefore, the failure of any person either to file a plan or to comply with any plan filed with the Department under the proposed regulation would be a violation of the Act and could subject that person to the enforcement provisions provided in the Act.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before March 31, 1970, will be considered before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

The final location of this proposed regulation will depend on several other rule-making actions presently being considered. Therefore while this notice proposes to add a new section to Part 190,

the interim Federal safety standards, the final regulation may, in fact, be added to a different part.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 190 by adding the following new section:

§ 190.7 Inspection and maintenance plans.

(a) Each person engaged in the transportation of gas or who owns or operates pipeline facilities shall file with the Office of Pipeline Safety not later than July 1, 1970, a plan for inspection and maintenance of each pipeline facility he owns or operates. This requirement shall not apply to any person who is required to file such a plan with a State agency that has in effect a certification under section 5(a) or agreement under section 5(b) of the Natural Gas Pipeline Safety Act of 1968.

(b) Any person who changes an inspection and maintenance plan required to be filed under paragraph (a) of this section shall file each change with the Office of Pipeline Safety within 10 days after the date the change is made.

This notice is issued under the authority of section 11 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1671, et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on December 31, 1969.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

[F.R. Doc. 70-320; Filed, Jan. 7, 1970;
8:50 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 424]

RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Trade Regulation Rule; Additional Hearing

Notice is hereby given that the Federal Trade Commission, pursuant to the Fed-

eral Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B, of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has scheduled an additional public hearing will take place as scheduled the proposed Trade Regulation Rule relating to Retail Food Store Advertising and Marketing Practices. The original public hearing will take place as scheduled, on January 20 and 21, 1970, as announced in a public notice published in the FEDERAL REGISTER on November 14, 1969.

The second hearing will take place on March 24 and 25, 1970, at 10 a.m., e.s.t., in Room 532 of the Federal Trade Commission Building, Washington, D.C. The second hearing is being scheduled at the request of industry associations which have indicated a desire to appear at the public hearing but which will not be able to collect and prepare, by January 20, 1970, all the information they wish to present for the Commission's consideration.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Federal Trade Commission, Sixth and Pennsylvania Avenue NW., Washington, D.C. 20580, not later than March 16, 1970. Any person desiring to orally present his views at the second hearing should so inform the Chief, Division of Trade Regulation Rules, not later than March 16, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Chief, Division of Trade Regulation Rules, on or before March 16, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

Issued: January 5, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-255; Filed, Jan. 7, 1970;
8:46 a.m.]