

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 27
NUMBER 155

Washington, Friday, August 10, 1962

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:

Central California grapes for crushing; handling; disposition	7988
Dried prunes produced in California; expenses of administrative committee, 1962-63 crop year and rate of assessment	7989
Irish potatoes grown in Washington; expenses and rate of assessment	7988

RULES AND REGULATIONS:

Cottonseed sold or offered for sale for crushing purposes with United States; standards for grapes; revision of linters factor	7951
Onions:	
Limitation of shipments of onions grown in certain Counties in Idaho and Malheur County, Oregon	7953
Prohibition of imports	7953

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:

Continental sugar requirements and area quotas, 1962; quotas for foreign countries, and import fees	7951
---	------

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Atomic Energy Commission

NOTICES:

Elk River Demonstration Reactor Program Project; hearing	7996
Rhode Island and Providence Plantations Atomic Energy Commission; proposed issuance of construction permit	7995

Civil Aeronautics Board

NOTICES:

American Airlines; amendment of certificate for route 4 and application for order authorizing temporary suspension of service at Richmond, Va.; order to show cause	7997
---	------

Eastern Air Lines, Inc., et al.; Mainland-San Juan third class fare increases; order of investigation and suspension

7998	
Frontier-North Central; route transfer; "use it or lose it" case	7998
Reopened Puerto Rico passenger fare investigation; mainland-San Juan third-class fare increases proposed by Eastern Air Lines, Inc., et al.; order of severance, remand, and consolidation	7999

RULES AND REGULATIONS:

Supplemental air carrier; definition	7983
--------------------------------------	------

Civil Service Commission

RULES AND REGULATIONS:

President's Committee on Government Employment Policy; exception from competitive service	7954
---	------

Commerce Department

See also Maritime Administration.

NOTICES:

Bailey, Frank R.; financial interests; statement of changes	7997
---	------

Commodity Credit Corporation

RULES AND REGULATIONS:

Cotton export program, 1961-62; redemption of export payment certificates	7950
Nonfat dry milk export payment-in-kind program; terms and conditions	7951

Federal Aviation Agency

NOTICES:

Closing of General Aviation District Offices at:	
Brownsville, Texas	7999
Midland, Texas	7999
Tulsa, Oklahoma	7999

PROPOSED RULE MAKING:

Positive control area; alteration of designation	7988
--	------

RULES AND REGULATIONS:

Airmen; revision	7954
Federal airways:	
Alterations (3 documents)	7983, 7984
Designation; description; correction	7984

Federal Communications Commission

NOTICES:

Hearings, etc.:	
Kimble Communications	8001
New Madrid County Broadcasting Co. (KMIS)	8001

PROPOSED RULE MAKING:

Noncommercial educational TV and FM stations operating on reserved channels; revision of forms; order extending time for filing comments	7992
--	------

RULES AND REGULATIONS:

Commission organization	7931
-------------------------	------

Federal Maritime Commission

NOTICES:

Alcoa Steamship Co., Inc.; general increase in rates in Atlantic/Gulf Puerto Rico Trade	8000
American Union Transport, Inc., and Waterman Steamship Company of Puerto Rico; purchase of vessels "Alicia" and "Dorothy"; allegations; request for further hearing	8000

Federal Power Commission

NOTICES:

Interior Department, Reclamation Bureau, Eklutna Project, Alaska; notice of request for approval of rate schedules	8001
Hearings, etc.:	
Associated Oil & Gas Co.	8002
El Paso Natural Gas Co.	8003
Keokuk Gas Service Co.	8003
Mississippi River Fuel Corp.	8001
Northern States Power Co.	8003
Sabine River Authority of Louisiana and Sabine River Authority of Texas	8004
Trunkline Gas Co.	8001
United Gas Pipe Line Co. (2 documents)	8002, 8004
Water District No. 97 of King County, Washington	8004

Federal Reserve System

RULES AND REGULATIONS:

Relations with dealers in securities; no exception granted a special or limited partner	7954
---	------

(Continued on next page)

Fish and Wildlife Service**RULES AND REGULATIONS:**

Hunting; Colusa National Wildlife
Refuge, California..... 7987

Food and Drug Administration**PROPOSED RULE MAKING:**

New drugs for investigational use..... 7990
Petitions; notice of filing:
Food additives (4 documents)..... 7990
Pesticide chemicals..... 7989

**Health, Education, and Welfare
Department**

See also Food and Drug Adminis-
tration; Public Health Service.

RULES AND REGULATIONS:

General administration; employee
inventions..... 7986

Interior Department

See Fish and Wildlife Service;
Land Management Bureau.

Interstate Commerce Commission**NOTICES:**

Fourth section applications for
relief..... 8005
Motor carrier transfer proceed-
ings..... 8005

Land Management Bureau**NOTICES:**
California:

Plats of survey; notice of filing..... 7995
Proposed withdrawal and reser-
vation of lands and partial
termination thereof..... 7994
Certain offices; authority to enter
into contracts and leases..... 7994

Maritime Administration**NOTICES:**

Delta Steamship Lines, Inc.; no-
tice of application..... 7996

Public Health Service**RULES AND REGULATIONS:**

Water pollution control; grants
for construction of treatment
works..... 7985

Veterans Administration**RULES AND REGULATIONS:**

Education and training of World
War II veterans and vocations
rehabilitation; overpayments of
subsistence allowance and other
benefits..... 7985

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR

6..... 7954

6 CFR

482..... 7950
485..... 7951

7 CFR

61..... 7951
811..... 7951
958..... 7953
980..... 7953

PROPOSED RULES:

946..... 7988
990..... 7988
993..... 7989

12 CFR

218..... 7954

14 CFR

20-22..... 7954
24-27..... 7954
29..... 7954
34-35..... 7954

43..... 7954
61 [New]..... 7954
63 [New]..... 7954
65 [New]..... 7954
67 [New]..... 7954
200..... 7983
600 (4 documents)..... 7983, 7984

PROPOSED RULES:

601..... 7988

21 CFR**PROPOSED RULES:**

120..... 7989
121 (4 documents)..... 7990
130..... 7990

38 CFR

21..... 7985

42 CFR

55..... 7985

45 CFR

7..... 7986

47 CFR

0..... 7931

PROPOSED RULES:

1..... 7992

50 CFR

32..... 7987

Announcing first**5-year Cumulation****UNITED STATES
STATUTES AT LARGE****TABLES OF LAWS AFFECTED
in Volumes 70-74**

Lists all prior laws and other Federal
instruments which were amended,
repealed, or otherwise affected by
the provisions of public laws enacted
during the years 1956-1960. In-
cludes index of popular name acts
affected in Volumes 70-74.

Price: \$1.50

Compiled by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
United States Government Printing Office,
Washington 25, D.C.

FEDERAL REGISTER

Telephone

WOrih 3-3261

prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.



Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

The Commission having under consideration Part 0, the Statement of Organization, Delegations of Authority, and Other Information; and

It appearing, that the Statement of Organization, Delegations of Authority, and Other Information should be added to Title 47 of the Code of Federal Regulations as Part 0 of the Commission's rules and regulations; and

It further appearing, that the format of the Statement, including part and subpart designations, should be revised to conform with the format of the code; and

It further appearing, that the overlapping provisions of §§ 0.4, 0.401, 0.402, and 0.403 should be restated as §§ 0.401 and 0.402; and

It further appearing, that other amendments of an editorial nature should be made at this time; and

It further appearing, that the amendments adopted herein are editorial in nature, that codification will aid those who rely on the Code of Federal Regulations for information with regard to the Commission's procedures, and hence that compliance with the public notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that authority for issuance of the amendments herein is contained in sections 4(i), 5(b), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 7th day of August 1962, that the Statement of Organization, Delegations of Authority and Other Information is revised as set forth herein, effective August 10, 1962.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

Subpart A—Organization

GENERAL

- Sec.
0.1 Statutory authority.
0.2 Commissioners.
0.3 Chairman.
0.5 General description of Commission organization.

BROADCAST BUREAU

- 0.10 Functions of the Bureau.
0.11 Responsibilities of the Bureau Chief.
0.12 Units in the Bureau.
0.13 Broadcast Facilities Division.
0.14 Renewal and Transfer Division.
0.15 Hearing Division.

- Sec.
0.16 Rules and Standards Division.
0.17 License Division.
0.18 Research and Education Division.
0.19 Office of Network Study.
0.20 Complaints and Compliance Division.

COMMON CARRIER BUREAU

- 0.21 Functions of the Bureau.
0.22 Responsibilities of the Bureau Chief.
0.23 Units in the Bureau.
0.24 The Office of the Bureau Chief.
0.25 Telegraph Division.
0.26 Telephone Division.
0.27 International Division.
0.28 Domestic Radio Facilities Division.

FIELD ENGINEERING AND MONITORING BUREAU

- 0.41 Functions of the Bureau.
0.42 Responsibilities of the Bureau Chief.
0.43 Units in the Bureau.
0.44 The Office of the Bureau Chief.
0.45 Engineering Division.
0.46 Inspection and Examination Division.
0.47 Monitoring Division.
0.48 Field Operating Division.
0.49 Location of field offices and monitoring stations.

SAFETY AND SPECIAL RADIO SERVICES BUREAU

- 0.61 Functions of the Bureau.
0.62 Responsibilities of the Bureau Chief.
0.63 Units in the Bureau.
0.64 The Office of the Bureau Chief.
0.65 Aviation Division.
0.66 Marine Division.
0.67 Industrial Division.
0.68 Public Safety and Amateur Division.
0.69 Land Transportation Division.

OFFICE OF HEARING EXAMINERS

- 0.81 Office of Hearing Examiners.
0.82 Responsibilities of the Chief Hearing Examiner.

OFFICE OF ADMINISTRATION

- 0.91 Functions of the Office.
0.92 Units in the Office.
0.93 Division of Defense Coordination.

OFFICE OF GENERAL COUNSEL

- 0.111 Functions of the Office.
0.112 Units in the Office.
0.113 Immediate Office of the General Counsel.
0.114 Litigation Division.
0.115 Legislation Division.
0.116 Administrative Law and Treaties Division.
0.117 Regulatory Division.

OFFICE OF CHIEF ENGINEER

- 0.121 Functions of the Office.
0.122 Units in the Office.
0.123 Immediate Office of the Chief Engineer.
0.124 Technical Research Division.
0.125 Laboratory Division.
0.126 Frequency Allocation and Treaty Division.
0.127 Project CONELRAD.

OFFICE OF THE SECRETARY

- 0.131 Functions of the Office.
0.132 Units in the Office.
0.133 Docket Division.
0.134 Minute Division.
0.135 Library Division.
0.136 Technical Assistance Division.
0.137 International Telecommunications Settlements Division.
0.138 Mail and Files Division.

OFFICE OF OPINIONS AND REVIEW

- Sec.
0.141 The Office of Opinions and Review.

OFFICE OF REPORTS AND INFORMATION

- 0.151 The Office of Reports and Information.

DEFENSE COMMISSIONER

- 0.161 Responsibilities of the Defense Commissioner.
0.162 Responsibilities of the Bureaus and Staff Offices.

Subpart B—Delegations of Authority

GENERAL

- 0.201 General provisions.
0.202 Authority of person, panel, or board to which functions are delegated.

REVIEW BOARD

- 0.206 Review Board.
0.207 Authority delegated to the Review Board on a regular basis.

COMMISSION

- 0.211 Delegation to Chairman.
0.212 Board of Commissioners.
0.213 Authority delegated.
0.214 Delegation to Telegraph Committee.
0.215 Delegation to Telephone Committee.
0.216 Emergency Relocation Board.
0.217 Authority delegated.
0.218 Authority of, and delegated to, an individual commissioner or commissioners.

CHIEF HEARING EXAMINER

- 0.224 Authority delegated.
0.225 Record of action taken.

HEARING EXAMINER

- 0.231 Authority of Hearing Examiner.
0.232 Record of actions taken.

CHIEF OF BROADCAST BUREAU

- 0.241 Matters delegated.
0.242 Authority to issue orders; record of actions taken.

COMMON CARRIER BUREAU

- 0.251 Matters delegated.
0.252 Authority concerning position of officer.
0.253 Authority concerning section 214 of the Act.
0.254 Authority concerning section 220 of the Act.
0.255 Authority concerning section 221(a) of the Act.
0.256 Authority concerning tariff regulations.
0.257 Authority concerning records and papers.
0.258 Authority concerning extension of time and waivers.
0.259 Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureaus.
0.260 Orders in letter form.
0.261 Record of actions taken.
0.262 Authority concerning issuance of hearing orders in comparative proceedings.

FIELD ENGINEERING AND MONITORING BUREAU

- 0.271 Matters delegated to the Bureau Chief, and Chief, Field Operating Division.
0.272 Record of actions taken.

ENGINEERS IN CHARGE

- 0.281 Matters delegated to the Engineers in Charge.
0.282 Record of actions taken.

- Sec.
0.284 Authority delegated to Radio Engineers at suboffices, Marine Supervisors at marine offices, and to engineers engaged in ship inspection duties at radio district offices.
0.285 Matters delegated to FCC representatives assigned to Regional Boards for Civil and Defense Mobilization during a wartime emergency period.
0.286 Record of actions taken.

CHIEF, SAFETY AND SPECIAL RADIO SERVICES
BUREAU

- 0.291 Matters delegated.
0.292 Other matters delegated.
0.293 Record of actions taken.

OFFICE OF ADMINISTRATION

- 0.301 Authority delegated.

GENERAL COUNSEL

- 0.322 Matters delegated to the General Counsel.
0.323 Record of actions taken.

CHIEF ENGINEER

- 0.331 Authority delegated.
0.332 Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.
0.333 Authority to issue orders; record of actions taken.

SECRETARY

- 0.341 Matters delegated to Secretary.

Subpart C—How and Where to Obtain Information, File Applications, and Submit Requests

- 0.401 Location of Commission offices; hours; meetings.
0.402 Public information.
0.404 Public reference rooms.
0.405 General information office.
0.406 Inspection of records.
0.407 Certified copies; requests for; costs.
0.408 Reports of violations.
0.409 Place of filing of applications for radio authorizations.
0.410 Applications for ship radio inspection and periodical survey.
0.411 Applications for exemption from compulsory ship radio requirements.
0.412 Non-radio common carrier applications.
0.413 Applications for amateur station and operator license and/or commercial operator license.
0.414 Applications for interim ship station licenses.
0.415 Miscellaneous submittals or requests.
0.416 Where to obtain forms.
0.417 Printed publications.

AUTHORITY: §§ 0.1 to 0.417 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155.

Subpart A—Organization

GENERAL

§ 0.1 Statutory authority.

The Federal Communications Commission was created by the Communications Act of 1934, as amended. This Act is printed in Title 47 of the United States Code beginning with section 151. Pamphlet copies of the Act, as revised, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.

§ 0.2 Commissioners.

(a) The Federal Communications Commission is composed of seven members appointed by the President, sub-

ject to Senate confirmation, one of whom the President designates Chairman. The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation shall have been eliminated or corrected.

(b) There are two standing committees of Commissioners, the Telegraph Committee and the Telephone Committee, each composed of three Commissioners. These committees are delegated authority to act or study and report on certain telephone and telegraph matters from time to time.

(c) A Defense Commissioner and two Alternate Defense Commissioners are designated by the Commission to assume the responsibilities set forth in §§ 0.161, 0.216, and 0.217.

§ 0.3 Chairman.

(a) The Chairman of the Commission is the Chief Executive Officer of the Commission. As such he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission. The Office of Administration, under the direct supervision of the Chairman, assists him in carrying out these duties and responsibilities.

§ 0.5 General description of Commission organization.

The Commission's staff is divided into the following principal units:

- (a) Broadcast Bureau.
- (b) Common Carrier Bureau.
- (c) Field Engineering and Monitoring Bureau.
- (d) Safety and Special Radio Services Bureau.
- (e) Office of Hearing Examiners.
- (f) Office of Administration.
- (g) Office of General Counsel.
- (h) Office of Chief Engineer.
- (i) Office of the Secretary.
- (j) Office of Opinions and Review.
- (k) Office of Reports and Information.

BROADCAST BUREAU

§ 0.10 Functions of the Bureau.

The Broadcast Bureau assists, advises, and makes recommendations to the Commission with respect to the development of a regulatory program for the broadcast services and is responsible for the performance of any work, function, or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regu-

lations, and policies of the Commission. The Bureau performs the following functions:

(a) Receives, examines, files, indexes, records and processes applications in the broadcast services, makes recommendations to the Commission thereon and issues authorizations in accordance with Commission instructions and directions.

(b) Processes petitions in broadcast matters (protests and orders of designation) not specified in § 0.141.

(c) By notification in accordance with the procedures set forth in the North American Regional Broadcasting Agreement establishes priorities for United States stations under this and associated agreements. Receives and examines notifications of assignments in other North American countries, and resolves conflicts by negotiation.

(d) Participates in hearings involving applications, rule making, and other matters which pertain to the radio broadcast services, including proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

(e) Makes recommendations to the Commission concerning the promulgation of rules and standards in the broadcast services.

(f) Participates in international conferences with respect to broadcast services, and in implementation of international broadcast agreements.

(g) Studies frequency requirements in the broadcast services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

(h) Confers with government and industry groups interested in the problems of broadcast services.

(i) Studies and establishes technical requirements for equipment in the broadcast services in accordance with standards established by the Commission.

(j) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.11 Responsibilities of the Bureau Chief.

The Chief of the Bureau, subject to the decisions and policy determinations of the Commission, plans, directs, and coordinates the broadcast services functions listed in § 0.10.

§ 0.12 Units in the Bureau.

The Broadcast Bureau is divided into the following units:

- (a) The Office of the Chief of Bureau.
- (b) Broadcast Facilities Division.
- (c) Renewal and Transfer Division.
- (d) Rules and Standards Division.
- (e) Research and Education Division.
- (f) License Division.
- (g) Office of Network Study.
- (h) Hearing Divisions.
- (i) Complaints and Compliance Division.

§ 0.13 Broadcast Facilities Division.

The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in § 0.13, insofar as such functions pertain to stand-

ard (AM), FM, television, international, experimental, and auxiliary broadcast services, excluding functions stated in §§ 0.14, 0.15, 0.16, and 0.20.

§ 0.14 Renewal and Transfer Division.

The Renewal and Transfer Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions pertain to applications for the renewal of license, transfer of control and assignment of license or construction permits.

§ 0.15 Hearing Division.

The Hearing Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions pertain to applications which have been designated for hearing and other proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

§ 0.16 Rules and Standards Division.

The Rules and Standards Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions relate to the development or revision of rules and standards, to international conferences, and to special projects in the broadcast services.

§ 0.17 License Division.

The License Division exercises responsibility for the receipt, initial examination, filing, indexing, recording and routing of all applications in the broadcast services; the clerical functions with respect to the issuance of broadcast authorizations; and for the maintenance of a public reference room in cooperation with the Docket Division of the Office of the Secretary where public information with respect to all broadcast matters and all docketed proceedings may be examined.

§ 0.18 Research and Education Division.

The Research and Education Division compiles data and prepares reports to the Commission on the condition and status of the broadcast industry; studies the social and economic factors affecting communications; and advises the Bureau and the Commission with respect to the development and promotion of the educational broadcasting and the commercial broadcasting services.

§ 0.19 Office of Network Study.

The Office of Network Study conducts studies and compiles data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

§ 0.20 Complaints and Compliance Division.

The Complaints and Compliance Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions pertain to complaints concerning the conduct of radio and television broadcast operations and compliance with statutes, international agreements, and policies and rules of the Commission, except insofar as functions are specifically delegated to

other bureaus and staff offices of the Commission.

COMMON CARRIER BUREAU

§ 0.21 Functions of the Bureau.

The Common Carrier Bureau carries out the common carrier regulatory program of the Commission under applicable statutes, international agreements, and rules and regulations, including the regulation of common carrier rates, services and accounting, and the licensing of common carrier wire and radio services. The Bureau performs the following functions:

(a) Initiates rules and regulations, except as otherwise specifically provided in the functions of the other Bureaus or Staff offices.

(b) Collaborates with representatives of State regulatory commissions and with the National Association of Railroad and Utilities Commissioners in the conduct of cooperative studies of regulatory matters of common concern to this Commission and State commissions.

(c) Participates in international conference work involving common carrier matters.

(d) Assists, advises and makes recommendations to the Commission and represents the Commission in matters pertaining to common carrier regulation and licensing.

(e) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

(f) Appraises technological developments in the art and other innovations having applications in the communications common carrier field.

§ 0.22 Responsibilities of the Bureau Chief.

Subject to the policy determinations of the Commission, the Chief of the Bureau plans, directs, and coordinates the common carrier functions of the Commission listed in § 0.21.

§ 0.23 Units in the Bureau.

The Common Carrier Bureau is divided into the following units:

- (a) Office of the Bureau Chief.
- (b) Telegraph Division.
- (c) Telephone Division.
- (d) International Division.
- (e) Domestic Radio Facilities Division.

§ 0.24 The Office of the Bureau Chief.

The Office of the Chief of the Bureau includes:

(a) Office of Accounting Systems, which formulates uniform systems of accounts, regulations for preservation of records, annual report forms, and related rules and regulations, cooperates with committees of the National Association of Railroad and Utilities Commissioners dealing with the foregoing matters collects, processes, compiles and publishes common carrier statistical data, and appraises on an across-industry basis technological developments in the art and other innovations having applications in the communications common carrier field.

(b) Office of the Field Coordinator, which supervises and coordinates the

work of the Common Carrier Bureau Field Offices. The field offices are located at 90 Church Street, New York 7, New York; 180 New Montgomery Street, San Francisco, California; and 815 Olive Street, St. Louis, Missouri. They are responsible for conducting investigations and studies on any problem assigned by the Office of the Chief of the Bureau representing the Commission in contacts with the public and the carriers, and conducting compliance activities to assure that there is adherence to the Communications Act and Commission rules and regulations.

(c) Office of the Administrative Assistant which performs the administrative functions of the Bureau.

(d) License Branch which maintains files and records with respect to applications and petitions involving common carrier wire and radio services, and which issues the orders, authorizations, licenses and certificates appropriate thereto after approval of same by the Commission or staff.

§ 0.25 Telegraph Division.

The Telegraph Division is responsible for the Bureau's functions pertaining to domestic telegraph matters and telephone operations of carriers engaged principally in record communication, except for rules and applications relating to authorizations for the use of radio.

§ 0.26 Telephone Division.

The Telephone Division is responsible for the Bureau's functions pertaining to telephone matters and telegraph operations of carriers engaged principally in nonrecord communication, including international telephone rate matters, except as delegated in § 0.28 to the Domestic Radio Facilities Division.

§ 0.27 International Division.

The International Division is responsible for the Bureau's functions pertaining to international common carrier services, except international telephone rate matters.

§ 0.28 Domestic Radio Facilities Division.

The Domestic Radio Facilities Division is responsible for the Bureau's functions pertaining to the regulation of, establishment and implementation of, rules and regulations for, and policies for, and the processing of applications with respect to, the radio services and facilities of the domestic common carriers, including domestic telegraph radio carriers.

FIELD ENGINEERING AND MONITORING BUREAU

§ 0.41 Functions of the Bureau.

The Field Engineering and Monitoring Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations including station inspections, surveys, monitoring, direction finding, signal measurement, and investigations; for those enforcement activities performed in the field dealing with the suppression of interference and the inspection of devices possessing electromagnetic radiation characteristics; and such other field inspections or investigations as might be

required by the Commission, or the Bureau and Staff Offices. The Bureau also performs the following functions:

(a) Develops rules and regulations which will provide such classes of commercial operators as may be required in the various radio services regulated by the Commission, and administers and enforces such rules and regulations.

(b) Prepares and conducts commercial radio operator examinations and issues commercial operators' licenses.

(c) Conducts amateur examinations, and upgrades amateur licenses in situations where the upgrading can be accomplished by endorsements.

(d) Processes data with respect to proposed new or modified antenna structures covered in Part 17 of this chapter to determine whether such proposed construction will create hazards to air navigation.

(e) Represents the Commission and participates in inter-agency committees and in international conferences with respect to matters for which the Bureau is responsible.

(f) Enforces and administers Parts 15 and 18 of this chapter relative to equipment, interference, and related problems in the industrial, scientific and medical services arising from restricted radiation devices.

(g) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.42 Responsibilities of the Bureau Chief.

The Chief of the Bureau, subject to the policy determinations of the Commission, plans, directs, and coordinates the activities of the Bureau as listed in § 0.41.

§ 0.43 Units in the Bureau.

The Bureau consists of the following units:

- (a) Office of the Chief.
- (b) Engineering Division.
- (c) Inspection and Examination Division.
- (d) Monitoring Division.

(e) Field Operating Division and its associated Field organization consisting of District offices, their Sub-offices, Marine offices, and Monitoring stations.

§ 0.44 The Office of the Bureau Chief.

The Office of the Chief of the Bureau includes an Administrative Branch which performs the administrative functions of the Bureau, and an Attorney-Advisor who advises the Chief of the Bureau and the divisions of the Bureau on legal questions relative to such matters as applications for commercial operators' licenses, interference problems, investigation and other activities of the Bureau or other special assignments.

§ 0.45 Engineering Division.

The Engineering Division is responsible for all functions indicated in § 0.41 insofar as technical engineering standards and evaluations are required, for

the determination of technical equipment and facilities requirements of the field offices and monitoring stations in performing these functions, and for the provision of such equipment and facilities; for the administration of Part 17 of this chapter governing construction, marking and lighting of antenna structures, including the processing of data concerning proposed new or modified antenna construction to insure no hazard to air navigation results from the proposed construction; and the maintenance of liaison with the Office of the Chief Engineer with respect to technical engineering matters.

§ 0.46 Inspection and Examination Division.

The Inspection and Examination Division is responsible for the inspection and examination functions of the Bureau, including responsibility for matters involving rules and regulations concerning the licensing of commercial radio operators, for recommending action on matters of non-compliance with rules, acts, or treaties by these operators, and for the development and making of recommendations with respect to the priority and frequency of station inspections.

§ 0.47 Monitoring Division.

The Monitoring Division exercises staff responsibility for standards, techniques, and facilities in monitoring and investigative procedures required to effectuate the Communications Act; administers Parts 15 and 18 of this chapter relative to equipment, interference and related problems involving the devices and equipment regulated by these parts; and maintains liaison with governmental organizations such as CIA, FAA, the military, etc., pertaining to monitoring operations.

§ 0.48 Field Operating Division.

The Field Operating Division is responsible for all field operations of the

Bureau, including the management and supervision of all field offices and monitoring stations.

(a) The Headquarters Group directly supervises the activities of the Engineers in Charge and Marine Supervisors; directs and coordinates the monitoring and direction-finding network operations in the field through the Monitoring Control Center in this Division in cases involving more than one district and in special or emergency situations; and performs those administrative activities which will insure the most effective performance of the field operations of the Bureau.

(b) The Field Group includes the district offices, their suboffices, marine offices, and monitoring stations. The district offices inspect radio stations, conduct commercial and amateur operator examinations, conduct investigations of interference situations including unlicensed radio operations, conduct engineering studies and make engineering measurements for enforcement purposes and for the information of the Commission, and process applications for interim ship licenses (small craft) and commercial radio operator licenses. The suboffices are engaged in essentially the same work as the district offices to which they are attached. The marine offices are engaged primarily in ship inspection work. The monitoring stations perform the actual surveillance of the radio spectrum: they detect and locate illegal clandestine radio stations and sources of interference, enforce radio laws and regulations, gather facts through monitoring to resolve interference problems and for studies of proposed rules and developments, and locate lost planes and ships through direction finding.

§ 0.49 Location of field offices and monitoring stations.

(a) District Offices and their suboffices are located at the following addresses:

Radio district	Address of the engineer in charge	Territory within district	
		States	Counties
1	Customhouse, Boston 9, Mass.	Connecticut.....	All counties.
		Maine.....	Do.
		Massachusetts.....	Do.
		New Hampshire.....	Do.
		Rhode Island.....	Do.
		Vermont.....	Do.
2	Federal Bldg., 641 Washington St., New York 14, N.Y.	New Jersey.....	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York.....	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	New U.S. Customhouse, Philadelphia 6, Pa.	Delaware.....	New Castle.
		New Jersey.....	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania.....	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	U.S. Customhouse, Gay and Water Sts., Baltimore 2, Md.	Delaware.....	Kent and Sussex.
		Maryland.....	All except District 24.
		Virginia.....	Clarke, Fairfax all except District 24, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia.....	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Federal Bldg., Norfolk 10, Va.	North Carolina.....	All except District 6.
		Virginia.....	All except Districts 4 and 24.

Territory within district			
Radio district	Address of the engineer in charge	States	Counties
18	U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Illinois Indiana Iowa	All counties. Do. Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winnebago. Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago. All counties except District 19. Kentucky Kentucky
19	New Federal Bldg., Detroit 26, Mich.		Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clay, Floyd, Elliott, Estill, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsen, Owsley, Pendleton, Perry, Pike, Powell, Putnam, Robertson, Rowan, Russell, Scott, Wayne, Whitley, Wolf, and Woodford. All counties except District 16. All counties except District 4. All counties except District 2. All except District 3.
20	Post Office Bldg., Buffalo 3, N. Y.	Ohio Michigan New York Pennsylvania	
21	P. O. Box 1021, Federal Bldg., Honolulu 13, Hawaii	Hawaii and outlying Pacific possessions.	
22	P. O. Box 2387, Federal Bldg., San Juan, P. R.	Puerto Rico Virgin Islands Alaska	
23	P. O. Box 644, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska		
24	713 Jackson Place NW, Washington 25, D. C.	District of Columbia and 10 miles beyond the boundary of the District of Columbia in each direction.	

(b) The Marine Offices are located at the following addresses:

Marine Office, 221 N. Howard Ave., Spradlin Bldg., Tampa 6, Florida.
Marine Office, 356 West 5th Street, San Pedro, California.

(c) The Primary Monitoring Stations are located at the following addresses:

Federal Communications Commission, P. O. Box 89, Allegan, Michigan.
Federal Communications Commission, P. O. Box 788, Grand Island, Nebraska.
Federal Communications Commission, P. O. Box 632, Kingsville, Texas.
Federal Communications Commission, P. O. Box 31, Laurel, Maryland.
Federal Communications Commission, P. O. Box 989, Livermore, California.
Federal Communications Commission, P. O. Box 374, Canandaigua, N. Y.

Federal Communications Commission, P. O. Box 5165, Portland 30, Oregon.
Box 98, Powder Springs, Georgia.
Federal Communications Commission, P. O. Box 2215, Santa Ana, California.
Federal Communications Commission, P. O. Box 1035, Waipahu, Hawaii.

(d) The Secondary Monitoring Stations are located at the following addresses:

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.
Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Florida.
Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.
Federal Communications Commission, P. O. Box 6310, Denison, Texas; (Ambrose).
Federal Communications Commission, P. O. Box 444, Belfast, Maine; Searsport, Maine.

Federal Communications Commission, P.O.
Box 191, Spokane 10, Washington.
Federal Communications Commission, P.O.
Box 1101, Douglas, Arizona.
Federal Communications Commission, P.O.
Box 719, Anchorage, Alaska.

SAFETY AND SPECIAL RADIO SERVICES BUREAU

§ 0.61 Functions of the Bureau.

The Safety and Special Radio Services Bureau assists, advises and makes recommendations to the Commission with respect to the development of a safety and special services regulatory program and is responsible for carrying out that program except insofar as functions are specifically delegated to other bureaus or staff offices of the Commission. The Bureau performs the following functions:

(a) Issues authorizations for radio stations in the safety and special radio services.

(b) Initiates rule making proceedings in the safety and special radio services.

(c) Participates in international conferences with respect to safety and special radio services.

(d) Studies frequency requirements in the safety and special radio services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans for safety and special radio services.

(e) Collaborates with Federal and State governmental agencies and industry groups interested in the problems of safety and special radio services.

(f) Studies technical requirements for equipment in accordance with standards established by the Office of the Chief Engineer.

(g) Plans and executes a safety and special services enforcement program, including educational campaigns conducted in collaboration with Field Engineering and Monitoring Bureau.

(h) Performs all other functions or activities essential to the regulation of safety and special radio services: *Provided, however*, That all matters coming within the scope of Title II of the Communications Act of 1934, as amended, are within the jurisdiction of the Common Carrier Bureau.

(i) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.62 Responsibilities of the Bureau Chief.

The Chief of the Bureau, subject to the policy determinations of the Commission, plans, directs and coordinates the safety and special radio services functions of the Commission as listed in § 0.61.

§ 0.63 Units in the Bureau.

The Safety and Special Radio Services Bureau is divided into the following units:

- (a) The Office of the Chief of Bureau.
- (b) The Aviation Division.
- (c) The Marine Division.
- (d) The Public Safety and Amateur Division.
- (e) The Industrial Division.
- (f) The Land Transportation Division.

§ 0.64 The Office of the Bureau Chief.

The Office of the Chief of the Bureau is composed of the immediate offices of the Chief and Assistant Chief of the Bureau, the Law and Enforcement Office, and the Office of the Administrative Assistant. The Law and Enforcement Office performs legal work affecting the Bureau as a whole, advises the Chiefs of the Divisions on legal matters of unusual complexity, executes special assignments for the Chief of the Bureau in respect to matters of legal, policy or legislative character, and is responsible for planning and executing the enforcement program of the Bureau. The Office of the Administrative Assistant is responsible for the administrative program, and the forms and procedural program of the Bureau.

§ 0.65 Aviation Division.

The Aviation Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to aviation radio and safety matters, except for enforcement matters (§ 0.64).

§ 0.66 Marine Division.

The Marine Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to marine radio and safety services, to scheduled weather transmission, and to the Alaskan services, except for enforcement matters (§ 0.64).

§ 0.67 Industrial Division.

The Industrial Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to industrial radio services, except for enforcement matters (§ 0.64).

§ 0.68 Public Safety and Amateur Division.

The Public Safety and Amateur Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to the public safety and amateur services, except for enforcement matters (§ 0.64).

§ 0.69 Land Transportation Division.

The Land Transportation Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to the land transportation and citizens radio services, except for enforcement matters (§ 0.64).

OFFICE OF HEARING EXAMINERS

§ 0.81 Office of Hearing Examiners.

The Office of Hearing Examiners consists of a Chief Hearing Examiner, an Assistant Chief Hearing Examiner, and as many other Hearing Examiners qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for any evidentiary adjudicatory hearing other than those designated to be heard by the Commission en banc, and for such other hearings as the Commission may assign.

§ 0.82 Responsibilities of the Chief Hearing Examiner.

The Chief Hearing Examiner and, in his absence, an Acting Chief Hearing Examiner, appointed by the Chief Hearing Examiner, have the following administrative responsibilities.

(a) To coordinate and supervise administratively the activities of the Office of Hearing Examiners.

(b) To prepare and maintain hearing calendars, showing the time and place of the commencement of hearings.

(c) To receive, correlate and approve recommendations of the Hearing Examiners of the Commission on matters relating to changes in rules and regulations governing hearing procedures, and recommend to the Commission desirable changes in said rules and regulations to promote the simplified and expeditious conduct of proceedings.

(d) To require and prepare reports, statistical data and other information requested or required by the U.S. Civil Service Commission or other offices or agencies of the U.S. Government concerned with the proper operation of the Office of Hearing Examiners.

(e) To serve, upon instruction of the Commission or the Chairman, as liaison for the Commission and the Office of Hearing Examiners in the making of appropriate arrangements for the securing of advice or information from representatives of other agencies, bar associations, and other interested persons in connection with the formulation and improvement of administrative procedures and practices applicable to the Commission's proceedings.

(f) To exercise such authority as may be assigned to him by the Commission pursuant to section 5(d) of the Communications Act, as amended.

OFFICE OF ADMINISTRATION

§ 0.91 Functions of the Office.

The Office of Administration is under the direction of the Executive Officer and has the following duties and responsibilities:

(a) To review, in cooperation with the heads of the several bureaus and offices, the program and procedures of the Commission and make recommendations thereon to the Chairman for use by the Commission in adjusting the program and procedures as may be necessary to administer the Communications Act most effectively in the public interest, at the least cost to the government, and with the minimum burden on the industry.

(b) To plan, direct, coordinate, and manage the administrative affairs of the agency with respect to the functions of personnel, budget, planning, and administrative services.

(c) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, to coordinate the defense activities (other than CONELRAD and radio-frequency management activities of the Chief Engineer) of the Commission and to keep the Defense Commissioner informed as to significant developments in this area.

§ 0.92 Units in the Office.

The Office of Administration is divided into the following units:

- (a) Budget and Fiscal Division.
- (b) Organization and Methods Division.
- (c) Personnel Division.
- (d) Administrative Services Division.
- (e) Division of Defense Coordination.

§ 0.93 Division of Defense Coordination.

(a) The Division of Defense Coordination is under the direction of the Defense Coordinator, who is designated by the Commission to serve under the general direction of the Executive Officer, and who has the following duties and responsibilities:

- (1) To coordinate the formulation, revision, and activation of plans for emergency mobilization of the Commission's personnel and other resources.
- (2) To coordinate plans to assure the continuity of the Commission's essential functions in the event of disaster.
- (3) To coordinate plans for the protection of personnel, property, and records of the Commission.
- (4) To formulate criteria for the selection of personnel for assignment to emergency duties.
- (5) To select emergency relocation sites, subject to approval by the Commission, to direct the equipment of such sites, and to provide for the continuous manning thereof.
- (6) To arrange for the training and emergency utilization by other agencies of FCC personnel not immediately required by the Commission in the event of disaster.
- (7) To serve as agency representative of the Commission for liaison and coordination of defense activities (other than CONELRAD and radio frequency management activities of the Chief Engineer) with staff representatives of the Office of Emergency Planning, other federal agencies, and local civil defense authorities.
- (8) To arrange for training FCC personnel in self-preservation and other civil defense procedures.
- (9) To arrange for the assignment of appropriate technical personnel of the Commission (if available) to advise and assist other agencies in defense problems of mutual concern.
- (10) To arrange for the appointment and training of executive reservists and to keep them informed as to policy actions of the Commission with respect to mobilization readiness.
- (11) To coordinate the activities of the Commission's Damage Assessment Unit and the Commission's Damage Assessment Officer assigned to the Office of Emergency Planning.
- (12) To plan for annual exercises and interim tests to determine the state of operational readiness of the Commission in the event of mobilization.
- (13) To perform such other duties related to the Commission's defense activities as may be assigned to him.

(b) The Commission will also designate an alternate Defense Coordinator to serve in the absence of the Defense Coordinator.

OFFICE OF GENERAL COUNSEL**§ 0.111 Functions of the Office.**

The Office of the General Counsel has the following duties and responsibilities:

- (a) To advise and represent the Commission in matters of litigation.
- (b) To advise and make recommendations to the Commission with respect to proposed legislation and to coordinate the preparation of Commission views thereon for submission to Congress.
- (c) To participate in international conferences and in the implementation of international agreements.
- (d) To interpret the statutes, international agreements, and international regulations affecting the Commission.
- (e) To prepare and make recommendations and interpretations concerning procedural rules of general applicability; review all rules for consistency with other rules, uniformity, and legal sufficiency.
- (f) To conduct research in legal matters as directed by the Commission.
- (g) In cooperation with the Chief Engineer, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, and to render advice with respect to rule making matters and proceedings affecting more than one Bureau.
- (h) To perform all legal functions with respect to experimental operations under Part 5 of this chapter; the operation of restricted radiation devices under Parts 15 and 18 of this chapter; and type approval and type acceptance of radio equipment.
- (i) To exercise such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.112 Units in the Office.

The Office of General Counsel is divided into the following units:

- (a) Immediate Office of the General Counsel.
- (b) Litigation Division.
- (c) Legislation Division.
- (d) Administrative Law and Treaties Division.
- (e) Regulatory Division.

§ 0.113 Immediate Office of the General Counsel.

The Immediate Office of the General Counsel directs and coordinates the functions of the Office.

§ 0.114 Litigation Division.

The Litigation Division advises and represents the Commission in all matters of litigation to which the Commission is a party, advises the Commission as to legal questions involved in proposed actions and policies in the light of past and pending litigation, and conducts research in legal matters as directed by the General Counsel.

§ 0.115 Legislation Division.

The Legislation Division advises and makes recommendations to the Commission with respect to proposed legislation

and coordinates the preparation of Commission views thereon for submission to Congress, interprets statutes affecting the Commission, and conducts research in legal matters as directed by the General Counsel.

§ 0.116 Administrative Law and Treaties Division.

The Administrative Law and Treaties Division participates in international conferences and in the implementation of international agreements, interprets international agreements and international regulations affecting the Commission, conducts research in legal matters as directed by the General Counsel, interprets the Communications Act and other statutes relating to the Commission's activities, and prepares legal opinions and memoranda for the Commission.

§ 0.117 Regulatory Division.

The Regulatory Division prepares and makes recommendations and interpretations concerning procedural rules of general applicability; reviews all rules for consistency with other rules, uniformity, and legal sufficiency; advises the Commission with respect to action to be taken in matters concerning the enforcement of its rules and the Communications Act; performs all legal functions with respect to experimental operations under Part 5 of this chapter, the operation of restricted radiation devices under Parts 15 and 18 of this chapter, and type approval and type acceptance of radio equipment; conducts research in legal matters as directed by the General Counsel; and in cooperation with the Chief Engineer, participates in general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, advises the Commission and coordinates staff work with respect thereto, and renders advice with respect to rule making matters and proceedings affecting more than one Bureau.

OFFICE OF CHIEF ENGINEER**§ 0.121 Functions of the Office.**

The Office of the Chief Engineer has the following duties and responsibilities:

- (a) To plan and direct broad programs to develop information on the progress of communication techniques and equipment, radio wave propagation, and new uses for communications, and to advise the Commission and bureaus in such matters.
- (b) To represent the Commission on various national and international organizations devoted to the progress of communications and the development of information and standards relative thereto.
- (c) To advise and represent the Commission on the allocation of radio frequencies, including international agreements pertaining to frequency allocations and usage.
- (d) In cooperation with the General Counsel, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other

proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(e) To collaborate with the bureaus in the formulation of the technical requirements of the rules and regulations, and to advise the Commission on such matters.

(f) To administer Part 5 of this chapter, including licensing, record keeping, and rule making.

(g) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards, and general policies for Parts 15 and 18 of this chapter, and for type approval, type acceptance and certification of radio equipment for compliance with the Commission's rules.

(h) To maintain liaison with other agencies of government and with technical experts representing foreign governments, and to deal with members of the public and of the industries concerned.

(i) To collaborate in the development and execution of plans for the national security and defense, including direction of the CONELRAD program.

(j) To calibrate and standardize technical equipments and installations used by the Commission.

(k) To perform such other duties as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended, and Executive Order 10312, as amended.

§ 0.122 Units in the Office.

The Office of Chief Engineer is comprised of the following units:

(a) Immediate Office of the Chief Engineer.

(b) Technical Research Division.

(c) Laboratory Division.

(d) Frequency Allocation and Treaty Division.

(e) Project CONELRAD.

§ 0.123 Immediate Office of the Chief Engineer.

The Chief Engineer advises the Commission and bureaus on technical matters and directs and coordinates the functions of the Office.

§ 0.124 Technical Research Division.

The Technical Research Division analyzes, coordinates, and disseminates to the Commission and the various operating bureaus, technical and scientific data relating to advanced engineering phases of communications; conducts technical studies in radio wave propagation, equipment, and other engineering matters; develops practical applications for the results of the Division's technical research activities including the development of technical rules and specifications relating to all radio services; studies the technical aspects of proposed new uses for radio; analyzes data; issues certificates of type acceptance of radio frequency equipment and issues lists of type approved and type accepted equipment; provides for experimental uses of

frequencies and administers Part 5 of this chapter; performs engineering and management functions with respect to formulating rules, technical standards and general policy for Parts 15 and 18 of this chapter; performs rule making for that part of Part 2 of this chapter relative to equipment; and provides Commission representation at national and international conferences.

§ 0.125 Laboratory Division.

The Laboratory Division studies new phenomena, proposed new systems, and new equipment looking toward the greater use of radio, the reduction of interference, and the establishment of appropriate rules and regulations; participates in various intergovernmental, national, and international organizations looking toward the standardization of equipment and measuring units and methods as well as the more efficient use of the radio spectrum or the reduction of interference; designs and assembles apparatus for special tests and studies, and performs special tests and studies concerning propagation, equipment or systems, and evaluates the results of such tests or studies with regard to the Commission's problems, often looking toward new or modified rules; makes type approval tests on equipment including those equipments under Parts 3, 4, 8, 18 and 19 of this chapter requiring type approval, and makes recommendations regarding type approval; provides information and comments on test procedures and test results to assist the Technical Research Division in its evaluation of material supporting certifications and applications for type acceptance; conducts special tests of equipments for the Technical Research Division in connection with the certification and type acceptance program; studies equipment problems of data procurement and enforcement and develops, designs, and constructs equipment for use in connection with the Commission's Field Engineering and Monitoring Bureau activities as well as other Commission activities; standardizes and calibrates equipment and installation for the Field Engineering and Monitoring Bureau; and makes tests of radio devices for other government departments.

§ 0.126 Frequency Allocation and Treaty Division.

The Frequency Allocation and Treaty Division makes continuing studies of new technical developments affecting frequency requirements and of utilization of the frequencies between the several radio services to establish their allocation requirements; proposes adjustments in the Table of Frequency Allocation when necessary; provides Commission representation on, and coordination with, the Interdepartment Radio Advisory Committee and, as may be required, on other national and international telecommunication bodies; coordinates frequency allocation policy matters involving government users of radio with the Office of Emergency Planning; maintains the Commission's master frequency record of assignments made; notifies United States frequency

assignments to the International Frequency Registration Board of the International Telecommunication Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment; and communicates as necessary with administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

§ 0.127 Project CONELRAD.

Project CONELRAD provides technical advice, assistance, research and development concerning CONELRAD to the North American Air Defense Command; provides CONELRAD technical liaison with the communications industry; prepares and puts into effect plans with respect to radio stations except those owned and operated by any department or agency of the United States Government, to minimize the use of electromagnetic radiations from such stations, in event of attack or imminent threat thereof, as an aid to the navigation of hostile aircraft, guided missiles, and other devices capable of direct attack upon the United States; in accordance with Executive Order 10312, as amended, prepares and puts into effect, in terms of its own responsibility, plans to achieve the technical capability for national and regional programming of the Emergency Broadcasting System and its integral parts and coordinates such plans with the nationwide radio broadcasting networks; and maintains close liaison with personnel in government and non-government radio stations, civil defense authorities, federal, state, and local government officials in connection with the planning and implementation of CONELRAD.

OFFICE OF THE SECRETARY

§ 0.131 Functions of the Office.

The Office of the Secretary has the following duties and responsibilities:

(a) To maintain minutes and records of official Commission action and sign official Commission correspondence and documents.

(b) Upon obtaining the approval of the chief of the bureau or head of the staff office primarily responsible for the particular part or section of the rules involved, to make nonsubstantive, editorial revisions of the Commission's rules and regulations.

(c) To maintain dockets of all Commission hearing proceedings.

(d) To maintain library and reference facilities.

(e) To direct and supervise the development and execution of a technical assistance program in cooperation with the Foreign Operations Administration and other Government agencies.

(f) To make settlement with foreign administrations for radiotelegraph traffic to and from ships under U.S. registration through foreign coastal stations.

(g) To receive and record incoming and outgoing Commission mail and maintain central correspondence files.

(h) To maintain messenger service.

§ 0.132 Units in the Office.

The Office of the Secretary is divided into the following units:

- (a) Docket Division.
- (b) Minute Division.
- (c) Library Division.
- (d) Technical Assistance Division.
- (e) International Telecommunications Settlements Division.
- (f) Mail and Files Division.

§ 0.133 Docket Division.

The Docket Division maintains the official dockets of all Commission hearing cases.

§ 0.134 Minute Division.

The Minute Division maintains official minutes of all Commission actions and notations of Commission meetings; submits to the Office of the Federal Register all official Commission documents which require publication; maintains the Commission's official copy of the rules and regulations with history and background; and acts as provided for in § 0.131(b).

§ 0.135 Library Division.

The Library Division catalogues and maintains books, periodicals, and other reference material; provides reading and reference room facilities and service; and provides library research and reference service to Commissioners and staff members.

§ 0.136 Technical Assistance Division.

The Technical Assistance Division develops in cooperation with the Foreign Operations Administration, technical assistance programs with respect to communications in accordance with Commission policies, and maintains liaison with the Foreign Operations Administration and other government agencies concerning technical assistance.

§ 0.137 International Telecommunications Settlements Division.

This Division makes settlements with foreign administrations for radiotelegraph traffic to and from ships under United States registration through foreign coastal stations.

§ 0.138 Mail and Files Division.

This Division receives and records incoming and outgoing Commission mail, maintains central correspondence files, and operates an intra-agency messenger service.

OFFICE OF OPINIONS AND REVIEW**§ 0.141 The Office of Opinions and Review.**

This office consists of legal, engineering, accounting, and other personnel and is headed by a Chief. This office assists the Commission, individual Commissioners, and any designated reviewing authority within the Commission pursuant to a delegation under section 5(d) (1) of the Communications Act, in the disposition of matters arising in cases of adjudication (as defined in the Administrative Procedure Act and such other cases as by Commission policy are handled in the same manner) which have been designated for hearing.

OFFICE OF REPORTS AND INFORMATION**§ 0.151 The Office of Reports and Information.**

The Office of Reports and Information is responsible for releasing public announcements of the Commission; is the central depository of this material for reference and call; prepares certain informational publications and material, including annual reports, and is the contact point for the press, industry and public in the matter of general information relating to the Commission and its activities.

DEFENSE COMMISSIONER**§ 0.161 Responsibilities of the Defense Commissioner.**

The Defense Commissioner is designated by the Commission to direct the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to any defense activities that involve formulation or revision of Commission policy.

(b) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(c) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other members of the Commission as set forth in §§ 0.216 and 0.217.

(d) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of personnel and property of the Commission.

§ 0.162 Responsibilities of the Bureaus and Staff Offices.

The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Executive Officer in the performance of his duties with respect to defense activities, will have the following duties and responsibilities:

(a) To keep the Executive Officer informed of the instigation, progress, and completion of programs, plans or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render such assistance and advice to other agencies as may be consistent with the functions of their respective Bureaus or Staff Offices and the Commission policy with respect thereto.

(c) To perform such other duties related to the Commission's defense activities as may be assigned to them.

Subpart B—Delegations of Authority**GENERAL****§ 0.201 General provisions.**

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners, such as the Telegraph and Telephone Committees.

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Review Board and to the Chief Hearing Examiner.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Hearing Examiner are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.231.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners, or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.41-1.46 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.47. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.48. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.81-1.87. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.153-1.155.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

§ 0.202 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.82 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

REVIEW BOARD

§ 0.206 Review Board.

(a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The Board also takes original action on certain interlocutory matters which arise during the course of hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.207. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

(b) Any matter referred to the Board on a regular basis or otherwise may, on its own motion or upon its consideration of the motion of any party, be certified by the Board to the Commission, with a request that the matter be reviewed by the Commission, if in the Board's judgment the matters at issue are of such a nature as to warrant Commission review of any decision which the Board might otherwise have made. If a majority of the members of the Commission then holding office vote to grant the Board's request, the matter shall be reviewed by the Commission.

(c) Whenever the Commission determines that a matter pending before the Board involves a novel or important issue of law or policy, it may, on its own motion, by the vote of a majority of the members then holding office, direct that any matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(d) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.151-1.155 and § 1.157 of this chapter.

(e) The Review Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible

only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(f) A minimum of three members will participate in each case referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

(g) Except in interlocutory matters, each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

(h) Actions taken by the Review Board shall be recorded in writing and filed in the official minutes of the Commission.

§ 0.207 Authority delegated to the Review Board on a regular basis.

(a) *Review of initial decisions.* Unless the Commission specifies to the contrary at the time of designation for hearing or otherwise, the Review Board shall review initial decisions of hearing examiners in the following proceedings:

(1) Television translator proceedings.
(2) Standard (AM) and FM broadcast proceedings, except as follows:

(i) Revocation, renewal, cease and desist, and forfeiture proceedings.

(ii) Proceedings which involve section 319(c) of the Communications Act of 1934, as amended.

(iii) Proceedings which involve initial application for construction permit for a Class II-A station on clear channel frequencies.

(3) Proceedings on applications of communications common carriers filed under Title III of the Communications Act.

(4) Proceedings involving complaints against communications common carriers for recovery of overcharges.

(5) Safety and Special Radio Services proceedings.

(6) Proceedings involving suspension of operator licenses or permits.

(b) *Original action on interlocutory matters.* The Review Board shall take original action on the following interlocutory matters in proceedings conducted by hearing examiners:

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Petitions to intervene.

(3) Requests for leave to file additional pleadings provided for in § 1.13 of this chapter.

(4) Petitions by adverse parties requesting dismissal of an application.

(5) Joint requests for approval of agreements filed pursuant to § 1.316 of this chapter, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

(6) Petitions for waiver of § 1.362 of this chapter insofar as that section requires that local notice of hearing be

given within a certain time, at a certain place, or in a certain manner.

(7) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.362 of this chapter.

(8) Dismissal of cease and desist, suspension, and revocation proceedings.

(9) Petitions for acceptance of late written appearances pursuant to § 1.77(c), and petitions for acceptance of late written statements pursuant to § 1.78(b) of this chapter.

(10) Termination of hearing proceedings in accordance with § 1.78(c) of this chapter.

(11) All pleadings filed in cases or matters which are before the Board.

(c) *Action on appeals from interlocutory rulings.* The Review Board shall act on appeals from interlocutory rulings of the hearing examiner.

COMMISSION

§ 0.211 Delegation to Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed \$2,500.

§ 0.212 Board of Commissioners.

Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

§ 0.213 Authority delegated.

Such Board of Commissioners is authorized to act with respect to all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission specifically delegated to individual Commissioners or employees. This authority shall not extend to the institution of investigations upon the Commission's own motion, or to rendering a final decision in such matters; to investigations specifically required by the Communications Act of 1934, as amended; or to any hearing in adjudicatory matters as defined

in the Administrative Procedure Act. Actions taken by the Board shall be recorded in the same manner as action taken by the entire Commission.

§ 0.214 Delegation to Telegraph Committee.

(a) A Telegraph Committee, composed of three Commissioners, designated as such by the Commission or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in record communication, for certificates or authorization for the construction, acquisition, operation, or extension of telegraph wire, cable, or radio facilities, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction, or impairment of telegraph service, except those covered by §§ 0.251 and 0.253.

(b) Actions taken by the Telegraph Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.215 Delegation to Telephone Committee.

(a) A Telephone Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in telephone communication, for certificates or authorizations for the construction, acquisition, operation, or extension of telephone or telegraph wire, cable, or radio facilities, for temporary or emergency telephone service, for supplementing existing telephone or telegraph facilities, or for discontinuance, reduction, or impairment of telephone or telegraph service, except those covered by §§ 0.251 and 0.253.

(b) Actions taken by the Telephone Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.216 Emergency Relocation Board.

(a) An Emergency Relocation Board, to be convened at the Commission's relocation headquarters, is authorized to place in effect the provisions of § 0.217, in the event of the inability of the Commission to function at its offices in Washington, D.C., resulting from disaster or the threat of imminent disaster from enemy attack or from natural causes, either:

(1) At the time of or under circumstances specified in a directive from the President.

(2) In the absence thereof, upon receipt of a warning signal indicating that an attack on the capital is likely.

(3) In the absence of either a directive or warning signal, immediately following an actual attack.

(b) The Board shall comprise such commissioners as may be present and able to act or, if no commissioner is

present and able to act, the occupant of the following positions, in the order listed, who is present and able to act:

- (1) The Chief Field Engineering and Monitoring Bureau.
- (2) The General Counsel.
- (3) The Chief Engineer.
- (4) The Chief, Safety and Special Radio Services Bureau.
- (5) The Chief, Broadcast Bureau.
- (6) The Chief, Common Carrier Bureau.
- (7) The Executive Officer.
- (8) The Assistant Chief, Field Engineering and Monitoring Bureau.
- (9) The Associate General Counsel.
- (10) The Associate Chief Engineer.
- (11) The Assistant Chief, Safety and Special Radio Services Bureau.
- (12) The Assistant Chief, Broadcast Bureau.
- (13) The Assistant Chief, Common Carrier Bureau.
- (14) The Chief of Division, ranking in the same order as indicated in subparagraphs (1) to (6) of this paragraph.

§ 0.217 Authority delegated.

(a) During any period in which the Commission is unable to function because of the circumstances set forth in § 0.216 (a), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission.

(d) Actions taken by the Board shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.218 Authority of, and delegated to, an individual commissioner or commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The commission or commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

CHIEF HEARING EXAMINER

§ 0.224 Authority delegated.

The Chief Hearing Examiner shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by § 0.255.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.111(a) of this chapter. (The hearing examiner named to preside at the hearing may order an initial prehearing conference although the Chief Hearing Examiner may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.111(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See 47 CFR 1.112.)

(e) Petitions of applicants requesting permission to file written appearances beyond expiration of the 20-day period provided for in § 1.140(c) of this chapter.

(f) Dismissal of applications with prejudice in accordance with the provisions of § 1.40(c) of this chapter.

(g) Petitions filed by an applicant requesting that its application or the proceedings thereon be dismissed, except as such petitions are acted on by the Review Board under § 0.207(b).

(h) In the absence of the hearing examiner who has been designated to preside in a proceeding, to discharge the hearing examiner's functions.

(i) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Hearing Examiner.

§ 0.225 Record of action taken.

Actions taken by the Chief Hearing Examiner shall be recorded each week and filed in the official minutes of the Commission.

HEARING EXAMINER

§ 0.231 Authority of Hearing Examiner.

After a hearing examiner has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another hearing examiner, all motions, petitions and other pleadings shall be acted upon by such hearing examiner, except the following:

(a) Those which are to be acted upon by the Review Board under § 0.207(b).

(b) Those which are to be acted upon by the Chief Hearing Examiner under § 0.224.

§ 0.232 Record of actions taken.

Except for actions taken during the course of the hearing and upon the record thereof, actions taken by a Hearing Examiner pursuant to § 0.231 shall be recorded each week in writing and filed in the official minutes of the Commission.

CHIEF OF BROADCAST BUREAU

§ 0.241 Matters delegated.

The Chief of the Broadcast Bureau is delegated authority to act upon applications, requests, and other matters which are not in hearing status relating to broadcast services as follows:

(a) Formal applications for broadcast services:

(1) For construction permits for new or changed standard, FM, noncommercial educational FM, television, television translator and UHF television booster broadcast facilities or modification thereof, for licenses or modification thereof or for renewal of licenses for such facilities for the normal license term, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, are not mutually exclusive with any other application, and concerning which no petition to deny pursuant to § 1.359 of this chapter or other substantial objection has been filed.

(2) For assignment of broadcast licenses or permits or for transfer of control of broadcast licensees or permittees, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, and concerning which no petition to deny pursuant to § 1.359 of this chapter or other substantial objection has been filed.

(3) For new or modified experimental, developmental, and auxiliary broadcast services covered by Part 4 of this chapter, or for renewal of authority for such facilities.

(4) For reinstatement of expired construction permits.

(5) For new or modified Subsidiary Communications Authorizations, or for renewal of authority for such facilities.

(b) Designate for hearing, upon appropriate issues, mutually exclusive applications for new or modified standard, FM, noncommercial FM and television facilities.

(c) Requests for temporary authority:

(1) For temporary waiver of technical operating requirements relating to overall system performance or elements thereof and rules requiring that specified items of equipment be employed.

(2) For operation with temporary antenna system.

(3) For operation with auxiliary transmitter as main transmitter.

(4) For operation with new or modified equipment pending repair of existing equipment or pending receipt and action upon a formal application.

(5) For operation with reduced power or to make other changes in operation of authorized equipment for technical reasons.

(6) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(7) For operation with licensed, new, or modified equipment at a temporary

site with a temporary antenna system when in case of an emergency it becomes impossible to continue operating at the regularly authorized site.

(8) For special operation of stations in the experimental, developmental and auxiliary broadcast services covered by Part 4 of this chapter.

(9) For temporary authority in emergency cases, at times outside of the regular office hours of the Commission, which require immediate action during such hours.

(d) Miscellaneous applications, requests and actions:

(1) For temporary operation, for a lesser period of time than specified by §§ 3.71, 3.261 and 3.651 of this chapter, or to remain silent for temporary periods.

(2) For extension of time within which a transfer of control or assignment of license may be effectuated.

(3) For authority for FM broadcast stations to transmit multiplex facsimile in accordance with § 3.266 of this chapter.

(4) For authority to rebroadcast when authorization is required under Parts 3 and 4 of this chapter.

(5) For any permit required by the provisions of section 325(b) of the Communications Act.

(6) For cancellation of licenses, construction permits or other authorizations.

(7) For inspection of records under § 0.406, and withdrawal of papers in accordance with § 1.14 of this chapter.

(8) For extension of time within which to file briefs and comments with respect to rule making.

(9) For conducting equipment and program tests.

(10) For operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(11) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(12) For television site survey.

(13) For standard broadcast special field test authorizations.

(e) Applications or requests concerning experimental or developmental broadcast stations involving:

(1) Assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation with the minimum interference.

(2) Addition, modification, or coordination of programs of research or experimentation of any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(f) To withdraw authorizations for equipment and service or program tests where the terms of the construction permit have not been met.

(g) Requests for modification of tower painting and lighting specifications.

(h) To issue, in accordance with recommendations of the Chief Engineer,

CONELRAD authorizations in accordance with §§ 1.68 and 2.407 of this chapter.

(i) To dismiss applications without prejudice (1) where an applicant has failed to answer official correspondence or a request from the Commission for additional material as provided in § 1.312 of this chapter, or (2) where an application is not timely filed under the Commission's rules in order to receive comparative consideration with an application or applications with which it is mutually exclusive.

(j) To give written consent to applicants who request authority to make minor changes in effecting transfers of control or assignment of licenses previously authorized by the Commission.

(k) To advise licensees to cease operation in the event renewal applications are not filed with the Commission prior to the expiration date of the particular license.

(l) To defer action on those renewal license applications received subsequent to the fifteenth day of the month prior to the expiration date of the particular license.

(m) To grant, for good cause shown, requests for temporary authority to continue operation for a period not to exceed 90 days, where an application for renewal of license has been filed subsequent to the expiration of the particular license.

(n) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(o) To extend the time to file oppositions to petitions relating to broadcast applications not designated for hearing.

(p) To administer, interpret, and apply orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks and chains, including applications for extension of time in which to file financial and statistical statements and reports.

(q) To declare a construction permit for a broadcast facility automatically forfeited if the station authorized by the construction permit is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and if no application for extension of construction permit has been granted by the Commission or timely filed by the permittee, and to place a notation of the forfeiture in the records of the Commission as of the expiration date of the construction permit.

(r) With respect to international broadcasting, to act upon requests for the use of frequencies and frequency hours for transmission to specific target areas subject to the conditions set forth in Part 3 of this chapter.

(s) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

(t) To direct standard broadcast stations to refrain from pre-sunrise operation with their daytime facilities pursuant to § 3.87 of this chapter.

(u) To dismiss petitions and other pleadings which have clearly been rendered moot.

(v) To extend the time to file responses to official correspondence.

§ 0.242 Authority to issue orders; record of actions taken.

In matters pertaining to the authority delegated in § 0.241, the Chief of the Broadcast Bureau is authorized to make orders, including orders in letter form, for the signature of the Secretary of the Commission. All minutes of all actions taken by the Chief of the Broadcast Bureau pursuant to the authority delegated in § 0.241 shall be maintained for public inspection in the Broadcast Bureau. The authorizations and orders issued by the Broadcast Bureau in accordance with its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of the Secretary.

COMMON CARRIER BUREAU

§ 0.251 Matters delegated.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing status, involving the use of radio, insofar as they apply to common carrier services (except marine and aeronautical), where the estimated construction cost is less than \$2,000,000:

(a) From existing licensees for instruments of authorization, for the fixed public or fixed public press radio services, except applications in the international services involving:

(1) New points of communication, not already authorized to a station of the licensee at some other location or not already authorized by an outstanding construction permit or special temporary authorization; unless the application for a new point of communication is for the transmission or control of transmission or reception of addressed program or facsimile material.

(2) Changes in transmitter location other than local in character.

(3) The establishment of a new type of service.

(b) For the domestic public radio services, and for the fixed public services, in the possessions of the United States and in the State of Hawaii.

(c) For developmental stations which render or propose to render a common carrier service.

(d) For special temporary authorizations, including those filed at times outside of the regular office hours of the Commission in emergency cases.

(e) For operation with new or modified equipment pending repair of existing equipment, or pending receipt of and action upon formal applications; operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location; and, special operations necessary to facilitate equipment and service tests, or to comply with technical requirements specified in

authorizations, orders, rules or releases of the Commission.

(f) For a change in location, type or model, design or number of transmitters; representations of compliance with technical requirements specified in authorizations, orders, rules or releases of the Commission (except formal applications).

(g) For equipment and service tests, or extensions thereof.

(h) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

§ 0.252 Authority concerning position of officer.

The Chief of the Common Carrier Bureau is delegated authority to act upon applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the Act, and to act upon applications for a finding that a carrier owns more than fifty percent of the stock of another or other carriers, or that a person owns fifty percent or more of the stock of two or more carriers.

§ 0.253 Authority concerning section 214 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications or requests under section 214 of the Communications Act:

(a) For a certificate authorizing the construction, acquisition, operation, or extension of lines, or for an authorization for temporary or emergency service or the supplementing of existing facilities involving an estimated construction or purchase cost of less than \$2,000,000, or an annual rental of less than \$100,000.

(b) For modification of a certificate or authorization under this section of the act where such amendment or modification involves an estimated construction or purchase cost of less than \$2,000,000 or an annual rental of less than \$100,000.

(c) For authority to discontinue, reduce, or impair telephone service where the applications are filed pursuant to the provisions of §§ 63.63, 63.65, and 63.66 of this chapter.

(d) For an authorization for temporary or emergency closure of telegraph offices, for any closure of a telegraph office at a military establishment, for closure of railroad-operated agency offices, for closure of company-operated main offices where substitute service is to be provided by telephone, teleprinter or facsimile-operated agency office in the same community and for any reduction in the hours of telegraph service in a community or part of a community in those cases where applicable Commission policy has been established.

(e) For informal requests for authority to discontinue, reduce or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64, and 63.66 through 63.69 of this chapter.

(f) For reconsideration and dismissal of applications to discontinue, reduce or impair service where authority has been granted but will not be used by applicant because of conditions arising subsequent to the filing of the application.

§ 0.254 Authority concerning section 220 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to interpret the regulations and to act upon the administration of such regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

§ 0.255 Authority concerning section 221(a) of the Act.

The Chief of the Common Carrier Bureau is delegated authority:

(a) To determine upon consideration of all relevant factors whether hearings shall be held on applications filed under section 221(a) of the Communications Act where no request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority;

(b) To fix the time and place for hearings he determines shall be held under paragraph (a) of this section or where a request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority; and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State Commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable; and

(c) To act in all other cases upon applications filed under section 221(a) where the proposed expenditure for consolidation, acquisition or control is less than \$500,000.

§ 0.256 Authority concerning tariff regulations.

The Chief of the Common Carrier Bureau is delegated authority to act upon all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to section 203 of the Communications Act, and, in connection with the administration of that section insofar as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

§ 0.257 Authority concerning records and papers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following matters insofar as they apply to records or papers involving common carriers:

(a) Requests for inspection of records under the provisions of § 0.406.

(b) Requests for withdrawal of papers in accordance with § 1.14 of this chapter.

§ 0.258 Authority concerning extension of time and waivers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following requests:

(a) For the extension of time in which to file annual, monthly and special reports required by the Commission pursuant to section 219 of the Communications Act.

(b) For the extension of the time prescribed in § 43.51 of this chapter for the filing of documents specified therein.

(c) For the extension of time within which briefs and comments may be filed with respect to proposed common carrier rule making.

(d) For extension of time previously ordered by the Commission within which the transfer of control or assignment of license be effectuated insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(e) For extension of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(f) For waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies to common carrier operations but requiring action under § 2.103 of this chapter, when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rule making proceeding with a view to establishing it on regular basis, (2) will not exceed 90 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder.

§ 0.259 Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications in the maritime and aeronautical mobile services involving common carrier matters, in the public coastal service in Alaska, and in the fixed public services in Alaska. (For record of actions taken under this section, see § 0.293.)

§ 0.260 Orders in letter form.

Where appropriate, in acting upon matters referred to in the delegations of authority, the Chief of the Common Carrier Bureau is authorized to make orders in letter form for the signature of the Secretary of the Commission.

§ 0.261 Record of actions taken.

The application and authorization files in the License Branch and the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief of the Bureau pursuant to the authority delegated to him. In case of joint authority of the Chiefs of Common Carrier Bureau and Safety and Special Radio Services Bureau, § 0.293 applies. The authorizations issued by the Chief, Common Carrier Bureau, in accordance with his assigned functions shall bear the seal of the Commission and the signature of the Secretary of the Commission.

§ 0.262 Authority concerning issuance of hearing orders in comparative proceedings.

The Chief of the Common Carrier Bureau is delegated authority to designate for hearing all mutually exclusive applications for radio facilities filed pursuant to Parts 6 and 21 of this chapter.

FIELD ENGINEERING AND MONITORING BUREAU

§ 0.271 Matters delegated to the Bureau Chief, and Chief, Field Operating Division.

(a) The Chief of the Field Engineering and Monitoring Bureau is delegated authority to act upon the following matters which are not in hearing status:

(1) Except as otherwise provided in § 1.67 of this chapter, with respect to the construction, marking and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of this chapter: *Provided, however,* That in cases in which the Federal Aviation Agency recommends denial of any application, the Chief of the Field Engineering and Monitoring Bureau advises the Bureau concerned in order that it may submit the application to the Commission for appropriate action.

(2) Waiver of rules, regulations and orders of the Commission relating to the proper time for filing of renewals of commercial and amateur radio operator licenses.

(3) Temporary operation by radio station licensees, except licensees of standard and FM broadcast stations, with a licensed operator of lower grade than normally required or for waiver of other technical requirements for operators.

(4) With respect to the operation of industrial, scientific, and medical equipment subject to Part 18 of this chapter, to issue, in accordance with section 312 (c) of the act, (i) orders to show cause why a cease and desist order pursuant to section 312(b) should not be issued; and (ii) cease and desist orders, in those instances in which the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted.

(5) To suspend commercial operator licenses and to designate the matter for hearing, as provided for in § 1.72 of this chapter.

(6) To act on requests for a waiver of the English language provisions of

§§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in Puerto Rico and vicinity, and to issue licenses bearing appropriate restrictions to those applicants found qualified.

(7) To dismiss without prejudice applications for new and renewal commercial radio operator licenses in cases where prior to designation of such applications for hearing an applicant has failed to answer official correspondence or a request for additional information from the Commission.

(8) To act on requests for a provisional radio operator certificate.

(9) To act on requests by holders of a pilot certificate issued by the Civil Aeronautics Administration or the Federal Aviation Agency for a waiver of the United States citizenship requirement under section 303(1) of the Communications Act of 1934, as amended.

(10) To act on requests for waiver of the written examination requirements of §§ 13.21 and 13.22 of this chapter and to authorize oral examination in lieu thereof.

(11) To reject certifications of industrial heating equipment as provided in § 18.118(a) of this chapter and to accept certifications of industrial heating equipment as provided in § 18.118(d) of this chapter.

(b) The Chief of the Field Engineering and Monitoring Bureau or the Chief, Field Operating Division are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 12.156 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

§ 0.272 Record of actions taken.

(a) Actions taken by the Chief or Acting Chief of the Field Engineering and Monitoring Bureau in accordance with the delegations listed in § 0.271 shall be recorded each week in writing and filed in the official minutes of the Commission.

(b) The authorizations issued by the Bureau in accordance with its assigned functions and the delegations of authority transferred hereby shall bear the seal of the Commission and the signature of the Secretary of the Commission.

ENGINEERS IN CHARGE

§ 0.281 Matters delegated to the Engineers in Charge.

The Engineers in Charge at each headquarters office of the 24 districts of the Field Engineering and Monitoring Bureau are delegated authority to act upon the following applications, requests or other matters which are not in hearing status:

(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

(b) For temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules or for waiver of other technical requirements of operators at such stations.

(c) In cases of informal requests from broadcast stations to extend temporary authority for operation without any of the following: modulation monitor, frequency monitor, plate ammeter, plate voltmeter, base current meter, common point meter and transmission line meter from FM and television stations.

(d) Relating to the time within which an applicant for amateur or commercial radio operator license may take an examination after having failed a previous examination (§§ 12.49 and 13.27 of this chapter).

(e) For periodic survey as required by section 385 of the Communications Act of 1934, as amended, and issuance of Communications Act radiotelephony certificates in accordance with § 8.501(b) of this chapter.

(f) Applications, in any acceptable form, filed at Commission field offices located in Alaska, for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such authorization for use in connection with the protection of life or property during an emergency period.

(g) Requests for interim ship station and for interim radar ship station licenses as provided by Part 8 of this chapter governing stations on shipboard in the maritime services.

(h) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(i) Operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362 (b) of the Communications Act of 1934, as amended.

(k) For a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention.

(l) For inspection or periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

(m) Issuance of notices and orders to operators of industrial heating equipment, as provided in §§ 18.120 and 18.121 of this chapter.

(n) Requests for permission to resume operation of industrial heating equipment on a temporary basis, as provided in §§ 18.120 and 18.121 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.122(b) of this chapter.

§ 0.282 Record of actions taken.

All actions taken under § 0.281 shall be recorded in the field office where such action has been taken, and except for actions taken under § 0.281 (c), (d), (h) and (i), a report thereof shall be sent to the Washington, D.C., Office of the Field Engineering and Monitoring Bureau quarterly.

§ 0.284 Authority delegated to Radio Engineers at sub-offices, Marine Supervisors at marine offices, and to engineers engaged in ship inspection duties at radio district offices.

(a) The Radio Engineer at each sub-office of a district headquarters office of the Field Engineering and Monitoring Bureau is delegated authority to act upon all matters contained in § 0.281, except paragraph (b).

(b) The Marine Supervisor at each marine office of the Field Engineering and Monitoring Bureau is delegated authority to act upon matters set forth in § 0.281 (a), (d), (e), (g), (j), and (k).

(c) Engineers engaged in ship inspection duties at radio district offices of the Field Engineering and Monitoring Bureau are delegated authority to act upon matters set forth in § 0.281 (e), (j), and (l).

§ 0.285 Matters delegated to FCC representatives assigned to Regional Boards for Civil and Defense Mobilization during a wartime emergency period.

Engineers in Charge of Field Engineering and Monitoring Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California and Seattle, Washington are designated as FCC representatives to Regional Boards for Civil and Defense Mobilization. Assistant Engineers in Charge of the same offices are designated as alternates. These Boards will be activated in wartime emergency periods or during Civil Defense exercises. These FCC representatives will give advice and assistance to Regional Directors of OCDM and to other Federal agencies within the respective OCDM region on matters relating to the functions and responsibilities of the FCC. They will also coordinate FCC operations within the region in the event of a regional "cut-off" situation. For the purpose of delegating authority to FCC representatives to act for the Commission, a regional "cut-off" situation shall be considered as existing when either no communication to higher authority within the FCC can be effected, or such communication as exists could not be expected to provide an answer from higher authority within the FCC in time to authorize urgent actions that the FCC representative determines cannot be delayed until such answer is received. The delegations of authority set forth in paragraphs (a), (b), and (c) of this section are made to these Engineers in Charge or to their alternates, to enable them to carry out their responsibilities.

(a) When communication is available to higher authority within the FCC. When instructions can be obtained from higher authority within the FCC, delegation of authority to FCC representatives assigned to Regional Boards for Civil and Defense Mobilization shall comprise that set forth in § 0.281. Action under this delegation must be consistent with any defense rules, such as CONELRAD rules, that supersede rules

for normal conditions; wartime plans and emergency orders that may be adopted by the Commission; emergency legislation; Executive Orders; and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act, as amended.

(b) During a temporary "cut-off" period when communication to higher authority within the FCC is disrupted. When instructions cannot be obtained from higher authority within the FCC and when immediate action must be taken, delegation of authority to FCC representatives assigned to Regional Boards for Civil and Defense Mobilization shall comprise the following in addition to the delegations included in paragraph (a) of this section.

(1) Matters delegated to the Bureau Chief and Chief, Field Operating Division by § 0.271.

(2) Matters delegated to the Chief, Broadcast Bureau by § 0.241.

(3) Matters delegated to the Chief, Safety and Special Radio Services Bureau by §§ 0.259, 0.291 and 0.292, except for the authority to act on requests for waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services.

(4) Matters delegated to the Chief, Common Carrier Bureau by §§ 0.251, 0.253, 0.258(d), 0.258(e), 0.258(f), 0.259, 0.260 and 0.261.

(5) Matters delegated to the Office of the Chief Engineer by §§ 0.241(h), 0.331, and 0.332: *Provided, however*, That action taken pursuant to §§ 0.241(h) and 0.331(c) shall be coordinated with the FCC CONELRAD Supervisors and/or Coordinating Engineers, prior to taking action if possible, or at the earliest opportunity.

(6) Authority to act on requests for temporary authorizations for new or modified radio station operations, subject to the provisions of the Communications Act of 1934, as amended.

(7) Authority to act on requests for temporary authorizations for all classes of radio operators, subject to the provisions of the Communications Act of 1934, as amended.

(8) Authority to waive temporarily any provisions of this chapter applicable to radio stations and radio operators, subject to the provisions of the Communications Act of 1934, as amended: *Provided, however*, That such authority shall not include acting on requests for waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services, nor shall such authority include acting on requests to waive any of the CONELRAD rules.

(c) General. (1) All authorizations granted pursuant to authority contained in paragraph (b) of this section shall be for periods not exceeding 30 days and shall be reported to higher Commission authority at the earliest opportunity. Such authorizations shall be subject to review and cancellation or revision, without hearing, by the FCC representatives assigned to Regional Boards for Civil and Defense Mobilization or by higher

Commission authority when the need for such action arises.

(i) Written authorizations granted pursuant to authority contained in paragraph (b) of this section shall show plainly on their face that they are temporary authorizations, not to exceed 30 days from date of issue, and subject to review and cancellation or revision without hearing.

(ii) Where immediate oral authorizations are necessary, the applicant shall be orally informed of the limitations enumerated above in this subparagraph and the oral authorization shall be followed as soon as possible by a written authorization bearing the same date of issue as the date of oral authorization. If the "cut-off" period exceeds 30 days in duration, such authorizations may be renewed for additional periods of 30 days each.

(2) Actions taken under any delegation of authority must take into full account, and be in conformance with, any defense rules that supersede rules for normal conditions; wartime emergency plans and orders of the Commission; emergency legislation; Executive Orders; and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act, as amended.

(3) No actions shall be taken under any delegation of authority until full consideration is given to the effect of such actions on the continuance of vital radio communications, both government and non-government, on a world-wide or nation-wide basis and in adjacent regions. If the FCC representative assigned to the Regional Board for Civil and Defense Mobilization determines that interference to radio operations outside of a "cut-off" region may result by authorizing new or modified radio facilities (for example, a change of frequency or power of a radio station), he shall withhold such authorization unless directed to grant the temporary authorization by higher authority.

(4) Coordination shall be effected, where possible, with the FCC representatives assigned to Regional Boards for Civil and Defense Mobilization in adjacent regions before acting to authorize temporary requests for radio operations.

(5) New obligations incurred pursuant to delegation of authority specified in this section for personal service, procurement, contract agreements, and similar items shall not exceed the amount authorized by the Commission's Budget Officer in periodic emergency allotment authorizations.

§ 0.286 Record of actions taken.

Actions taken under § 0.285(b) by FCC representatives assigned to Regional Boards for Civil and Defense Mobilization shall be reported to Chief, Field Engineering and Monitoring Bureau at the earliest opportunity.

SAFETY AND SPECIAL RADIO SERVICES BUREAU

(See also § 0.259 on authority delegated jointly to Chiefs of Common Carrier Bureau and Safety and Special Radio Services Bureau.)

§ 0.291 Matters delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing status:

(a) Consistent with and pursuant to the rules governing the Disaster Communications Service and the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, and Citizens Radio Services, except those rendering a common carrier service, on all applications for construction permits, modification of construction permits, extension of construction permits, station licenses, modification of station licenses, transfer of control or assignment of construction permits or station licenses, renewal of station licenses, amateur operator licenses, renewal or modification of amateur operator licenses and special temporary authorizations, except applications for construction permits for new public coast stations at locations other than Alaska.

(b) On the following matters insofar as they involve the Disaster Communications Service or the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, or Citizens Radio Services:

(1) Requests for extensions of time for equipment or service tests or within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission.

(2) Requests for inspections of Commission's records under the provisions of § 0.406.

(3) Requests for withdrawal of papers in accordance with § 1.14 of this chapter.

(4) Requests for extension of time within which briefs and comments may be filed with respect to proposed rule making.

(5) To make the finding of emergency involving danger to life or property or due to damage to equipment, as provided by section 308(a) of the Communications Act of 1934, as amended.

(6) Cancellation of station licenses, construction permits or other authorizations upon the request of the licensee or permittee or upon abandonment of the station.

(7) Petitions or requests seeking waiver of or exception to any rule, regulation or requirement, and to act upon petitions or requests relating to the assignment of frequencies to the various safety and special radio services but requiring action under § 2.102 of this chapter, when he finds that the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant rule making proceedings with a view to establishing it on a regular basis, (ii) will not exceed 180 days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder: *Provided, however*, That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 12.27, 12.44, 12.81,

and 12.90 of this chapter, or to the requirements with regard to types of emission set forth in § 12.111.

(8) To issue, in accordance with section 312(c) of the Act, (i) orders to show cause why an order of revocation pursuant to section 312(a), or a cease and desist order pursuant to section 312(b) should not be issued; and (ii) orders of revocation or cease and desist orders, as the case may be, in those instances in which hearing is waived and the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted.

(9) To grant the authorizations provided for in § 2.102(c) of this chapter.

(10) To cancel novice, technician, or conditional class amateur licenses as provided in § 12.45 of this chapter.

(11) To act upon all requests (to the extent that they relate to qualifications for the various amateur operator licenses) for waiver of the requirement of Part 12 of this chapter where it is alleged that, by reason of a protracted or permanent physical disability, the applicant is unable to meet the requirements of such rules.

(12) To issue, in accordance with section 316 of the Act, orders to modify ship radiotelephone stations by deleting therefrom any frequency when the use thereof has resulted in harmonic emissions found to be capable of causing interference to other radio services, and if a hearing thereon is requested, to designate such matters for hearing.

(13) To grant, in the absence of unusual circumstances:

(i) A non-renewable, 4-year waiver of the type acceptance requirement of § 8.139 of this chapter for any radiotelephone transmitter that fails to qualify for the "same vessel" exception to that requirement solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(ii) A 4-year waiver and renewals thereof of the spurious emission limitations of § 8.136 of this chapter for any radiotelegraph transmitter that fails to qualify for the "same vessel" exception to those limitations solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(iii) A 6-month waiver of the type acceptance requirement of § 8.139 of this chapter in cases substantially the same as those in which the Commission en banc has taken similar action.

(c) Consistent with the provisions of section 309(f) of the Communications Act of 1934, as amended, to grant or deny requests for temporary authorizations and to issue orders stating the reasons therefor, but only prior to the time a petition to deny the application involved has been filed or the application has been designated for hearing.

§ 0.292 Other matters delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests and other matters:

(a) Requests for assignment of call letters to new radio stations and for

changes in the call letters of existing stations.

(b) Applications or requests for exemption, pursuant to the provisions of section 352(b) and 383 of the Communications Act, Regulation 4, Chapter I of the Safety Convention, Regulation 5 or 6, Chapter IV of the Safety Convention, and Regulation 12(b), Chapter V of the Safety Convention, or Article 6 of the Great Lakes Agreement:

(1) For emergency and renewal exemption of vessels;

(2) For initial exemption of vessels subject to Title III, Part III of the Act;

(3) For initial exemption of vessels of less than 100 gross tons subject to Title III, Part II of the Act or the Safety Convention;

(4) For exemption from Title III, Part II, of the Act of vessels operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc; and

(5) For initial exemption, in those cases wherein the sole reason for such exemption is to avoid requirements for more than one basic safety radio system on an individual vessel, from the radiotelegraph requirements of the Safety Convention or Title III, Part II of the Act, or both, of:

(i) Individual ocean-going vessels, transiting the St. Lawrence Seaway and not navigated solely on the Great Lakes, during the periods while such vessels are navigated on the Great Lakes and provided that exemption is conditioned upon compliance with the provisions of the Great Lakes Agreement;

(ii) Individual vessels transiting the St. Lawrence Seaway that are navigated only between United States Great Lakes ports and Canadian ports outside the Great Lakes, provided that such vessels are not navigated beyond a line running from Cape Gaspe, Province of Quebec, to Heath Point, Anticosti Island, and thence northward to Natashquan Point, Province of Quebec, and provided further that while so navigated the vessels comply with the provisions of the Great Lakes Agreement.

(c) Applications or requests for approval of schedules of transmissions by coast stations of information for the general benefit of mariners to a plurality of mobile stations or to designated fixed locations.

(d) Make determination and notification of incurrence of forfeitures under the provisions of sections 364, 386, and 507 of the Communications Act.

(e) Applications made pursuant to section 504(b) of the Communications Act of 1934, as amended, for mitigation or remission of forfeitures imposed under sections 364, 386, and 507 of the Act.

(f) Issue orders suspending the licenses of amateur operators in accordance with section 303(m) (1) of the act and if a hearing thereon is requested, to designate such matters for hearing.

(g) Requests pursuant to the provisions of §§ 7.104(b) (1) and 7.189(c) (1) of this chapter for waiver or exception to the requirements of those sections con-

cerning 2182 kc/s coast station facilities and watch.

(h) To dismiss applications without prejudice in cases where, prior to designation of such application for hearing, an applicant has failed to answer official correspondence or a request for additional information from the Commission.

§ 0.293 Record of actions taken.

The history card pertaining to a certain station is designated to be the official record of the action taken by the Chief, Safety and Special Radio Services Bureau, in pursuance of the authority delegated to him in §§ 0.291 and 0.292, or jointly to him and the Chief of the Common Carrier Bureau (§ 0.259). In cases where no history card is prepared, the application and authorization file pertaining to the station in question is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau. The authorizations issued by the Chief, Safety and Special Radio Services Bureau, shall bear the seal of the Commission and the signature of the Secretary.

OFFICE OF ADMINISTRATION

§ 0.301 Authority delegated.

The Chief of the Office of Administration or his designee is delegated authority in the following matters:

(a) Procurement, receipt, inspection, storage, issue of equipment and supplies.

(b) Negotiation concerning the disposal of excess and surplus personal and real property.

(c) Upon approval of the General Counsel, execution of contracts, easements or leases, in the name of the Commission.

GENERAL COUNSEL

§ 0.322 Matters delegated to the General Counsel.

(a) The General Counsel is delegated authority to act, in the absence of the Chairman, within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed \$2,500.

(b) The General Counsel is delegated authority to act in matters which are not in hearing status, insofar as authority to act upon them is not delegated to any other bureau or office on (1) requests for inspection of records under the provision of § 0.406 and (2) requests for extension of time within which briefs and comments may be filed.

§ 0.323 Record of actions taken.

Action taken in accordance with § 0.322 shall be recorded each week and filed in the official minutes of the Commission.

CHIEF ENGINEER

§ 0.331 Authority delegated.

The Chief Engineer is delegated authority to act upon the following matters which are not in hearing status:

(a) With respect to type approval of radio frequency equipment and certification of radio frequency equipment as ac-

ceptable for licensing, to exercise all functions of the Commission pertaining to the:

(1) Examination of all applications for type approval of radio frequency equipment as provided for in this chapter; performance of tests, analysis of data, and determination of compliance with the provisions of this chapter; issuance of type approval certificates for radio frequency equipment which complies with the provisions of this chapter; and issuance of lists of type approved equipment.

(2) Examination of all applications for certification of radio frequency equipment as acceptable for licensing as provided for in this chapter; notification to the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the equipment does or does not appear to be acceptable for licensing in the particular radio service or services involved; and issuance of lists of radio frequency equipment certified as acceptable for licensing.

(b) With respect to stations operating in the Experimental Radio Service that are not engaged in the development of an established service and administered by a single Bureau, to act upon the following matters:

(1) Applications to assign frequencies, power, emission, and types of equipment and to approve the apparatus to be employed by these radio stations so as to provide the maximum results from the experimentation which can reasonably be expected of the licensee.

(2) Applications from existing licensees which involve a change in frequency, power, or type of emission.

(3) Applications which involve only a change in location, type, model, design or number of transmitters.

(4) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorizations.

(5) Applications for license or modification of license to cover construction permit.

(6) Applications for renewal of licenses.

(7) Applications for extension of the expiration date of construction permits.

(8) For addition, modification, or coordination of programs of research or experimentation so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(9) Requests for operation with a modified antenna system where formal application is not required.

(10) Requests for extension of time within which to comply with technical requirements specified in authorizations, orders, rules, or releases of Commission.

(11) Representation of compliance with technical requirements specified in authorizations, orders, rules, or releases of the Commission (except formal applications).

(12) Requests to operate at a temporary location with a temporary antenna system.

(13) Request for special conditions of operation necessary to comply with technical requirements specified authorizations, orders, rules, or releases of the Commission.

(14) Request for special temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during those hours.

(15) Request for exemption from station identification requirements.

(c) With respect to CONELRAD:

(1) To exempt standard, FM and TV broadcast stations, including Basic Key and Relay Key stations from the requirements of installing the necessary equipment to receive notification of Radio Alerts or Radio All Clears by means of reception of radio broadcast messages, and maintaining this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both (§ 3.931 of this chapter).

(2) To revoke, when the public interest so requires, all exemptions granted by him in accordance with paragraph

(c) (1) of this section and also all exemptions which the Commission has granted in connection with § 3.931 of this chapter before January 20, 1954. Any such revocation shall be effective as soon as the licensee is notified.

§ 0.332 Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.

(a) The Chief Engineer, upon securing concurrence of the General Counsel, is delegated authority with respect to stations operating in the experimental radio services, other than experimental and developmental stations operating in established services under the jurisdiction of a single Bureau, to act upon the following matters:

(1) Applications for construction permits for new stations.

(2) All requests for withdrawal of papers in accordance with § 1.14 of this chapter.

(3) Applications for consent to assignment and transfer of control of station authorizations.

(4) The extension of time previously ordered by the Commission within which transfers of control or assignment of licenses be effectuated.

(b) The Chief Engineer, or his designee, upon securing concurrence of the General Counsel, is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to radio station licensees for national defense purposes.

§ 0.333 Authority to issue orders; record of actions taken.

In matters pertaining to authority granted in §§ 0.331 and 0.332, the Chief Engineer is authorized to make orders in letter form for the signature of the Secretary of the Commission. The application and authorization files and other appropriate files of the Office of the Chief Engineer are designated as the official minute entries of action taken pursuant to the aforesaid delegated au-

thority. The authorization issued by the Office of the Chief Engineer in accordance with its assigned functions and the delegations of authority shall bear the signature of the Secretary of the Commission.

SECRETARY

§ 0.341 Matters delegated to Secretary.

(a) The Secretary is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the Bureau or head of the staff office primarily responsible for the particular part or section involved.

(b) The Secretary is delegated authority, upon securing the approval of the Field Engineering and Monitoring Bureau, to delete or modify, from time to time, as need may appear, the location of radio operator examination points as set forth in § 0.413 and in the appendix to Part 12 of this chapter.

(c) Actions taken in accordance with this section shall be recorded each week in writing and filed in the official minutes of the Commission.

Subpart C—How and Where To Obtain Information, File Applications, and Submit Requests

§ 0.401 Location of Commission offices; hours; meetings.

(a) The main office of the Commission is located in the New Post Office Building, 13th Street and Pennsylvania Avenue, Washington 25, D.C. The mailing address is:

Federal Communications Commission
Washington 25, D.C.

(b) The Commission's laboratory is located north of Laurel, Maryland. The mailing address is:

FCC Laboratory
Box 31
Laurel, Maryland

(c) The locations of the field offices of the Field Engineering and Monitoring Bureau are shown in § 0.49; those of the Common Carrier Bureau in § 0.24(b).

(d) The offices of the Commission are open from 8:30 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

(e) Unless otherwise directed, meetings of the Commission are held at its main office in Washington, D.C.

§ 0.402 Public information.

Any person desiring to obtain information may do so by writing or coming in person to any of the Commission's offices. A broader range of information and more comprehensive information facilities are available at the Commission's main office in Washington, D.C., however, and inquiries of a general nature should ordinarily be submitted to that office.

§ 0.404 Public reference rooms.

Public reference rooms are maintained by the Commission where the public may inspect any material which is available for public inspection in accordance with § 0.406. Unless otherwise indicated, these rooms are located in the New Post Office Building, 13th Street

and Pennsylvania Avenue NW., Washington 25, D.C. They are as follows:

(a) The Broadcast and Docket Reference Room. Here the public may inspect all broadcast applications and files relating thereto, lists designated in § 0.406 (g), (h), and (i), dockets relating to all Commission matters which have been designated for hearing or which are the subject of rule making proceedings, any other docketed matters, and undocketed petitions for rule making.

(b) The public may inspect all safety and special applications and files relating thereto at the offices of the Divisions of the Safety and Special Radio Services Bureau which process such applications. The categories of radio stations in the Safety and Special Radio Services, and the Divisions concerned therewith, are listed in § 1.541 of this chapter. In addition, a complete file concerning amateur radio operators is available for inspection in the Amateur License Reference Room.

(c) Information concerning applications filed by commercial radio operators may be obtained at 718 Jackson Place NW., Washington 25, D.C.

(d) The Common Carrier Reference Rooms. Here the public may inspect the following:

(1) All annual and other reports filed by common carriers pursuant to section 219(a) of the Communications Act.

(2) The schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act.

(3) All contracts, agreements, or arrangements between carriers filed pursuant to section 211(a) of the Communications Act.

(4) All applications for common carrier authorizations, both radio and non-radio, and files relating thereto.

(e) The Experimental Branch of the Technical Research Division of the Office of the Chief Engineer. Here the public may inspect experimental license files.

(f) The Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer. Here the public may inspect the frequency records of the Commission.

(g) The Equipment and Systems Branch of the Technical Research Division of the Office of the Chief Engineer. Here the public may inspect the Radio Equipment List (list of type-approved and type-accepted equipment).

§ 0.405 General information office.

The Office of Reports and Information is located in the New Post Office Building. Here the public may obtain copies of public notices of Commission actions, formal documents adopted by the Commission and other public releases, as they are issued. Back issues of public releases are available for inspection in this Office. Copies of fact sheets which answer recurring questions about the Commission's functions may be obtained from this Office.

§ 0.406 Inspection of records.

Subject to the provisions of sections 4(j), 213(f), 412, and 606 of the act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the act, all documents filed in connection therewith, and all communications relating thereto; valuation reports, including exhibits filed in connection therewith unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213 of the act; and annual and monthly reports required to be filed under section 219 of the act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211(a) of the act, except such contracts relating to foreign wire or radio communications which are marked "not for public inspection" by the Commission: *Provided, however*, That the Commission will give appropriate consideration to a petition filed by any person showing that any such contract, agreement, or arrangement relates to foreign wire or radio communication; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that public interest would be served by keeping its terms confidential.

(c) All applications and amendments thereto filed under Title II and Title III of the Act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports, of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 of this chapter and network and transcription contracts filed pursuant to § 1.342 of this chapter shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

(d) All petitions for issuance, amendment, or repeal of any rule or regulation, including all documents and exhibits filed with or made part thereof and all communications protesting or endorsing any such petitions; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or finding of fact and conclusions; all minutes and orders of the Commission. The Commission may, however, either on its own motion, or on motion by petitioner or those filing comments, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

(e) The Master Frequency Records (Standard Form 128) are available for public inspection in the offices of the Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer.

(f) For provisions relating to inspection of files relating to Presidential licenses for submarine cables, see § 1.455 of this chapter.

(g) Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included, except the following: Aircraft, Amateur, Citizens (except Class A), Civil Air Patrol, and Disaster. The resulting documents, the FCC Service Frequency Lists, consists of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see § 0.49), and in Washington, D.C., at the Commission's Broadcast and Docket Reference Room, and in the offices of the Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer. They may be purchased from the Seabrooke Printing Co., 514 10th Street NW., Washington 4, D.C.

(h) Pursuant to the North American Regional Broadcast Agreement and the U.S./Mexican Agreement, appropriate countries are notified of standard broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every six months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA List. These lists are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see § 0.49), and in Washington, D.C., at the Commission's Broadcast and Docket Reference Room. They may be purchased from the Seabrooke Printing Co., 514 10th Street NW., Washington 4, D.C.

(i) Periodically the Commission prepares lists containing information about authorized broadcast stations and pending applications for such stations. These lists, which are prepared by an addressing machine, contain frequency, station locations, and other particulars. They are available for public examination at the Commission's Broadcast and Docket Reference Room, Washington, D.C., and may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington 6, D.C.

(1) For standard broadcast stations the lists are arranged as follows:

(i) Authorized stations arranged in frequency order, alphabetically by state and city, and by call letters.

(ii) Pending applications for new stations and major changes in existing facilities arranged in frequency order and alphabetically by state and city.

(2) For FM broadcast stations the lists are arranged as follows:

(i) Authorized stations arranged by call letters and alphabetically by state and city.

(ii) Pending applications for new stations and major changes in existing facilities arranged alphabetically by state and city.

(3) For television broadcast stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities, and is arranged alphabetically by state and city.

(4) For television broadcast translator stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities and is arranged alphabetically by state and city.

(j) Lists of type-approved and type-accepted equipment (the Radio Equipment Lists) are prepared periodically by the Commission. These documents are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see § 0.49) and in Washington, D.C., in the offices of the Equipment and Systems Branch of the Technical Research Division of the Office of the Chief Engineer.

(k) In the discretion of the Commission, other files, including those excepted in paragraphs (a), (b), and (c) of this section, upon written request describing in detail the documents to be inspected and the reasons therefor.

§ 0.407 Certified copies; requests for; costs.

Copies of any documents subject to inspection under the provisions of § 0.406, with the exception of FCC Service Frequency Lists described in § 0.406(g), will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor: *Provided, however*, That, if requests are received from representatives of foreign governments or from persons residing in foreign countries, the criteria established by the Department of Commerce for the control of export of technical data will be taken into account before such certified copies will be made available.

§ 0.408 Reports of violations.

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted direct to the Commission in Washington or to any field office.

§ 0.409 Place of filing of applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	Via engineer-in-charge, Radio District No. 14, Seattle, Wash.	3.
(b) Amateur.	See § 0.413.	As specified in form, Do.
(c) Interim ship station licenses.	See § 0.414.	Do.
(d) All others.	Directly to Secretary, Federal Communications Commission, Washington 25, D.C.	Do.

RULES AND REGULATIONS

§ 0.410 Applications for ship radio inspection and periodical survey.

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

§ 0.411 Applications for exemption from compulsory ship radio requirements.

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5 or 6, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article 6 of the Great Lakes Agreement, shall be filed at the Commission's office in Washington, D.C.

§ 0.412 Non-radio common carrier applications.

All such applications shall be filed at the Commission's office in Washington, D.C.

§ 0.413 Applications for amateur station and operator license and/or commercial operator license.

(a) Application for amateur station and operator license shall be filed in the appropriate engineering field office listed in § 0.49 except that applications for modification covering change of location or for renewal of licenses shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D.C. Only one copy of the application is required.

(b) Application for commercial operator license shall be filed with any engineering field office listed in § 0.49 under whose supervision the applicant desires to be examined.

(c) Schedules of radio operator examinations are available at the Commission's district offices listed in § 0.49. Examinations are given frequently under these schedules at the Commission's Washington examination office at 718 Jackson Place NW., Washington 25, D.C., and at each of the Commission's field offices listed in § 0.49. Examinations are also given frequently, by appointment, at the Commission's offices at the following points: Savannah, Georgia; San Diego, California; San Pedro, California; Tampa, Florida; Mobile, Alabama; Anchorage, Alaska; and Beaumont, Texas.

(1) Examinations are also given at less frequent intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.	Indianapolis, Ind.
Charleston, W. Va.	Knoxville, Tenn.
Cincinnati, Ohio.	Little Rock, Ark.
Cleveland, Ohio.	Louisville, Ky.
Columbus, Ohio.	Memphis, Tenn.
Corpus Christi, Tex.	Milwaukee, Wis.
Davenport, Iowa.	Nashville, Tenn.
Des Moines, Iowa.	Oklahoma City, Okla.
Fort Wayne, Ind.	Omaha, Nebr.
Fresno, Calif.	Phoenix, Ariz.
Grand Rapids, Mich.	

Pittsburgh, Pa.
St. Louis, Mo.
Salt Lake City, Utah.
San Antonio, Tex.
Schenectady, N.Y.

Sioux Falls, S. Dak.
Syracuse, N.Y.
Tulsa, Okla.
Williamsport, Pa.
Winston-Salem, N.C.

SEMIANNUAL

Albuquerque, N. Mex.
Boise, Idaho.
Hartford, Conn.
Jackson, Miss.
Jacksonville, Fla.

Portland, Maine.
Roanoke, Va.
Spokane, Wash.
Tucson, Ariz.
Wichita, Kans.
Wilmington, N.C.

ANNUAL

Amarillo, Tex.
Bakersfield, Calif.
Bangor, Maine.
Billings, Mont.
El Paso, Tex.
Fairbanks, Alaska.
Great Falls, Mont.
Hilo, Hawaii.

Jamestown, N. Dak.
Klamath Falls, Oreg.
Lihue, Hawaii.
Marquette, Mich.
Rapid City, S. Dak.
Walluku, Hawaii.

(2) Arrangements have also been made, with the cooperation of other Federal agencies, for Extra Class and General Class examinations in outlying areas, as follows:

Alaska: Stations of the Alaska Communications System.

Guam: District Communications Officer, United States naval station.

Hawaii: At not exceeding one point on any island, by the engineer in charge (Honolulu).

§ 0.414 Applications for interim ship station licenses.

Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 8.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.49 (a) and (b) or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this section.

§ 0.415 Miscellaneous submittals or requests.

Persons desiring to make requests or submittals of a general nature should communicate with the Office of the Secretary of the Commission. Those who wish to apply for employment should communicate with the Personnel Officer. Both offices are in Washington, D.C.

§ 0.416 Where to obtain forms.

All forms for use in submitting applications for radio authorizations, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the engineering field offices listed in § 0.49.

§ 0.417 Printed publications.

The Commission's printed publications may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. These include, among other things, the Commission's rules and regulations, its annual reports to the Congress, and the FCC Reports.

[F.R. Doc. 62-8015; Filed, Aug. 9, 1962; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-13, Amdt. 2]

PART 482—COTTON

Subpart—1961-62 Cotton Export Program—Payment-in-Kind Regulations

REDEMPTION OF COTTON EXPORT PAYMENT CERTIFICATES

In order to provide that Cotton Export Payment Certificates earned under this subpart may be used in payment for upland cotton purchased from Commodity Credit Corporation under sales announcements providing for acceptance of such certificates, and to provide that such certificates may be used in repayment of upland cotton loans which are outstanding under CCC cotton loan programs, paragraph (c) of § 482.411 of the 1961-62 Cotton Export Program—Payment-in-Kind Regulations (Announcement CN-EX-13) dated April 20, 1961, (26 F.R. 3516) as amended, is hereby further amended to read as follows:

§ 482.411 Cotton Export Payment Certificates.

(c) *Redemption.* The certificate will be redeemable by CCC at face value (1) in payment for upland cotton purchased under CCC sales announcements providing for acceptance of such certificate, (2) in repayment of upland cotton loans which are outstanding under CCC cotton loan programs, or (3) for cash, if it has not been used to obtain cotton under subparagraph (1) or (2) of this paragraph and if it is presented to the New Orleans office for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate. CCC will offer to execute agreements with commercial banks under which such banks may present certificates to the New Orleans office through Federal Reserve banks or branch banks for cash redemption, and certificate holders may arrange with the commercial banks which execute such agreements with CCC to have their certificates presented for cash redemption through banking channels.

(Secs. 4, 5, 62 Stat. 1070, as amended; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853)

Effective date: This amendment shall be applicable to all unexpired Cotton Export Payment Certificates issued under this subpart which have not been redeemed by CCC prior to the date of publication of this amendment in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 7, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8021; Filed, Aug. 9, 1962;
8:50 a.m.]

PART 485—NONFAT DRY MILK

Subpart—Nonfat Dry Milk Export Payment-in-Kind Program—Terms and Conditions (SM-7)

REPORTING AND RECORD-KEEPING REQUIREMENTS

The Nonfat Dry Milk Export Payment-in-Kind Program—Terms and Conditions (SM-7) (27 F.R. 6037) is amended by adding, before the signature of the Vice President of the Commodity Credit Corporation, the following language which was inadvertently omitted: "The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942."

Signed at Washington, D.C., on August 6, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-7991; Filed, Aug. 9, 1962;
8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

Subpart B—Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States

REVISION OF LINTERS FACTOR

The amendment of § 61.102(c) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes within United States (7 CFR Part 61), hereinafter set forth, is hereby promulgated to be effective upon publication in the FEDERAL REGISTER, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621-1627).

Statement of consideration leading to revision of linters factor. Both a quan-

tity index and a quality index are used in determining the grade of cottonseed. The table of premiums and discounts for total linters content of cottonseed contained in § 61.102(c) for determining the quantity index of cottonseed is being amended because of the change in the price relationship between linters and cottonseed oil, meal, and hulls.

The Department finds that it is impracticable, unnecessary, and contrary to the public interest to issue a notice of proposed rule making on this amendment or to postpone the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) the marketing season for cottonseed for crushing purposes has already begun in the southernmost sections of the Cotton Belt and it is imperative that the revision be effective for grading purposes as soon as possible; and (2) no preparation is required by the industry to comply with the amendment.

Paragraph (c) of § 61.102 is revised to read as follows:

§ 61.102 Determination of quantity index.

(c) The premium or discount for total linters content of cottonseed to be used in paragraphs (a) and (b) of this section will be according to the following table:

Total linters content of onseed (percent) ¹	Premium or discount (quantity index units) ²	Total linters content of cottonseed (percent) ¹	Premium or discount (quantity index units) ²
20.0	+12.75	10.0	-2.25
19.0	+11.25	9.0	-4.75
18.0	+9.75	8.0	-7.25
17.0	+8.25	7.0	-9.75
16.0	+6.75	6.0	-12.25
15.0	+5.25	5.0	-14.75
14.0	+3.75	4.0	-17.25
13.0	+2.25	3.0	-20.75
12.0	+0.75	2.0	-23.75
11.5	0.0	1.0	-26.75
11.0	-0.75		

¹ Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

² Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed	Premium or discount factor
11.6 and over	Premium = (percent linters minus 11.5) x 1.5.
11.5	None.
11.4-10.0	Discount = (11.5 minus percent linters) x 1.5.
9.9-5.0	Discount = (10.0 minus percent linters) x 2.5 + 2.25.
4.9-0	Discount = (5.0 minus percent linters) x 3.0 + 14.75.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: August 4, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Service.

[F.R. Doc. 62-7996; Filed, Aug. 9, 1962;
8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Quotas for Foreign Countries, and Import Fees

Basis and purpose and statement of bases and considerations. In Sugar Regulation 811 for 1962 (26 F.R. 11963; 27 F.R. 3733, 4585, 5255, 6863), the Secretary made the determination that 9,700,000 short tons, raw value of sugar were needed to meet the requirements of consumers in the continental United States for the calendar year 1962. In amendment 4 to that regulation (27 F.R. 6863) effective July 18, 1962, the Secretary established sugar quotas, pursuant to the Sugar Act of 1948, as amended by Public Law 87-535, in terms of short tons of sugar, raw value, for domestic producing areas and the Republic of the Philippines for the calendar year 1962; and, established prorrations and allocations for certain foreign countries other than the Republic of the Philippines and authorized the purchase and importation of 300,000 short tons of sugar, raw value, from foreign countries as a group, for the six-month period ending December 31, 1962.

The Sugar Act of 1948, as amended, and as further amended and extended by Public Law 87-535, approved July 13, 1962, and Public Law 87-539, approved July 19, 1962, is hereinafter referred to as the "Act".

The purposes of this amendment are: (1) To establish allocations for the six months ended December 31, 1962, of 65,000 short tons, raw value, for the Dominican Republic and of 10,000 short tons, raw value, for Argentina pursuant to the authority contained in section 202(c) (4) (B) of the Act and the President's Proclamation 3485, effective July 27, 1962 (27 F.R. 7371); (2) to establish an allocation for the six-month period ended December 31, 1962, of 5,000 short tons, raw value, for Ireland that may be filled with direct-consumption sugar pursuant to the authority contained in section 202(c) (3) and section 207(e) (2) of the Act and (3) to increase from 300,000 to 541,743 short tons, raw value, of sugar the quantity that may be authorized for purchase and importation from foreign countries as a group, for importation on or before September 30, 1962, pursuant to approvals of such importations issued on or before August 15, 1962.

In addition the amendment makes other technical changes necessitated by the establishment of the allocations heretofore discussed and clarifies the provisions relating to the rate of import fee applicable to sugar covered by applications for set-aside of quota provided for in Part 817 of this chapter.

This is the season of high consumption and industrial use, including food

canning and freezing, and in view of the following facts and developments it is necessary to provide flexibility in the supply of sugar made available for immediate needs.

1. The labor contract with east coast stevedores, which expires September 30, is in dispute. Until this is settled and the threat of a possible strike is ended refiners and others may wish to maintain their sugar supplies at relatively high levels.

2. Stocks of domestic beet sugar are low, supplies of Hawaiian sugar are fixed, mainland cane sugar will not become available from the new crop until October and the Puerto Rican crop is short.

3. Offerings under some of the foreign country quotas have been low and supplies from some of these countries will be limited until new crop sugars become available.

Although this action will permit freer importation of global supplies in the immediate future, the time limitations for importation and for approval of importation remain unchanged. Whatever quantity has not been approved or authorized for importation by August 15 will remain available for release with special consideration to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities.

It is essential that the allocations for 1962 established by this amendment be effective immediately so that persons who sell, purchase and import sugar will have adequate foreknowledge to permit the necessary arrangements for purchase and shipment of sugar and provide for an orderly flow of sugar throughout the remainder of the year. Accordingly, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendments set forth in this regulation shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, paragraphs (c), (d), and (e) of § 811.4, and paragraphs (b) and (d) of § 811.5 are hereby amended to read as follows:

1. Paragraphs (c), (d), and (e) of § 811.4 are amended to read.

§ 811.4 Quotas for foreign countries.

(c) (1) For the six-month period ending December 31, 1962, the prorrations or allocations for individual foreign countries of the quota for foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) of the Act are as follows:

Country:	Short tons, raw value
Peru	71,635
Dominican Republic	71,635
Mexico	71,635
Brazil	68,005
British West Indies	34,056
Australia	15,053
Republic of China	13,238
French West Indies	11,316
Colombia	11,316
Nicaragua	9,395
Costa Rica	9,395
Ecuador	9,395

Country:	Short tons, raw value
India	7,580
Haiti	7,580
Guatemala	7,580
South Africa	7,580
Panama	5,658
Ireland	5,000
El Salvador	3,843
Paraguay	3,736
British Honduras	3,737
Fiji Islands	3,736
Belgium	91
Unallocated	4,312

On the basis of information available, it is found that in the calendar year 1961 the aggregate exports of sugar in each case from the United Kingdom, Canada, Hong Kong and the Netherlands to countries other than the United States did not equal or exceed the aggregate imports into each of such countries. Consequently, under the provisions of section 202(e) of the Act, sugar may not be exported from such countries to the United States during 1962 to fill the quota allocations for the six-month period ending December 31, 1962, for the United Kingdom, Canada, Hong Kong and the Netherlands in the respective amounts of 258, 316, 2 and 3,736 short tons, raw value.

(2) For the six-month period ending December 31, 1962, the allocations for foreign countries pursuant to section 202(c) (4) (B) of the Act and the President's Proclamation 3485 are as follows:

Country:	Short tons, raw value
Dominican Republic	65,000
Argentina	10,000

(d) For the six-month period ending December 31, 1962, the amount of each prorroration and allocation established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country:	Short tons, raw value
Nicaragua	9,395
Ireland	5,000
Republic of China	3,795
Panama	3,817
Costa Rica	1,944
Haiti	1,175
Belgium	91
Guatemala	3
Ecuador	3

(e) For the six-month period ending December 31, 1962, the amount of sugar available for authorization for purchase and importation from foreign countries as a group, pursuant to section 202(c) (4) (A) of the Act, in addition to the quantities established as the quota for the Republic of the Philippines for the calendar year 1962 in paragraph (b) of this section and the quota prorrations or allocations for individual foreign countries for the six-month period ending December 31, 1962, in paragraph (c) of this section, is 541,743 short tons, raw value. This quantity is authorized for purchase and importation provided authorization for release of sugar or approval of applications for set-aside within this quantity is issued in accordance with the provisions of Part 817 on or before August 15, 1962, and such sugar is scheduled to arrive in the continental United States on or before September 30, 1962. It is hereby found that

the total quantity of 541,743 short tons, raw value, may not be reasonably available as raw sugar to supply our requirements during such period. Accordingly, sugar testing in excess of 99 degrees polarization and raw sugar may be authorized for release within the quantity of 541,743 short tons, raw value, all of such quantity to be further refined or improved in quality in the United States in accordance with the requirements of Part 810 of this Chapter. Sugar may be authorized for purchase and importation within the quantity of 541,743 short tons, raw value, established in this paragraph only from countries with which the United States is in diplomatic relations and from countries that had in the calendar year 1961 aggregate exports of sugar to countries other than the United States equal to or in excess of aggregate imports. Any balance of the 541,743 short tons, raw value, available for authorization for purchase and importation and not so authorized on or before August 15, 1962, is not being authorized at this time.

2. Paragraphs (b) and (d) of § 811.5 are amended to read:

§ 811.5 Import fees.

(b) As a condition for the importation of any quantity of raw sugar within the quota prorrations and allocations established for individual foreign countries in paragraph (c) of § 811.4, a fee of 0.24 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(d) The fee per pound as established in paragraphs (a), (b), and (c) of this section shall be subject to change by amendment of the regulations in this part effective when filed for public inspection in the Office of the Federal Register. Payment as provided in paragraphs (e) and (f) of this section with respect to an application shall be based upon the fee per pound effective at the time such application first becomes eligible for authorization as provided in § 817.6(b) of this chapter: *Provided*, That, if the application for authorization for release of sugar is applicable to sugar being imported, under an application for set-aside approved pursuant to § 817.4(e) of this chapter, the payment as provided in paragraphs (e) and (f) of this section with respect to such application for authorization for release of sugar shall be based upon the fee per pound effective at the time such application for set-aside was eligible for approval as provided in § 817.6(b) of this chapter.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 927, as amended, and 928, as amended, sec. 213 as added by Public Law 87-535; 7 U.S.C. 1111, 1112, 1117, 1118 and 1119; Public Law 87-539)

Issued at Washington, D.C., this 6th day of August 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-7990; Filed, Aug. 8, 1962; 12:35 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture
[958.307, Amdt. 1]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of onions in the production area.

Order, as amended. In § 958.307 (27 F.R. 6923), delete paragraph (a) and substitute in lieu thereof new paragraph (a) as set forth below.

§ 958.307 Limitation of shipments.

(a) *Minimum grade and size requirements.*—(1) *Grade.* All varieties—U.S. No. 2 grade, except that, until August 22, 1962, onions with seedstems of more than ½ inch in diameter, may be handled.

(2) *Size.* Yellow varieties—2 inches minimum diameter.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 7, 1962, to become effective August 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8020; Filed, Aug. 9, 1962; 8:50 a.m.]

No. 155—4

[980.101 Onions]

PART 980—VEGETABLES; IMPORT REGULATIONS

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of onions into the United States to be made effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674; P.L. 87-128), was published in the July 24, 1962, FEDERAL REGISTER (27 F.R. 6985). The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than 5 days after publication. Within the period specified, one exception was filed opposing issuance of the regulation as proposed. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the data, views, and arguments submitted, and other available information, it is hereby found that the proposal as published in the notice should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, and quality requirements applicable to onions produced in the United States, and effective under Marketing Order No. 958 (7 CFR 958) regulating the handling of onions grown in designated counties of Idaho and Eastern Oregon. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 1003) in that (1) the requirements established by this regulation are mandatory under section 8c of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the July 24, 1962, FEDERAL REGISTER (27 F.R. 6985), and such notice is determined to be reasonable.

§ 980.101 Onion Import Regulation.

(a) *Import restrictions.* During the period from September 4, 1962, through June 30, 1963, no person shall import dry onions of any variety, unless the onions are inspected and meet the requirements of the U.S. No. 2 grade, or better, and for yellow varieties, 2 inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of paragraph (a) of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., P.O. Box 1646, Nogales, Ariz. (Phone: Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-8756).	3 days.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Phone: Rector 2-8000, Ext. 807).	1 day.
New Orleans.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans 12, La. (Phone: 529-2411, Ext. 6741).	Do.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Phone: Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for

direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;
- (iv) The quantity of the commodity covered by the certificate;
- (v) The principal identifying marks on the containers;
- (vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
- (vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* No provisions in this part may preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this part, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830 to 51.2850, inclusive, of this title). Application of tolerances, as set forth in § 51.2838 of the United States Standards for Onions, shall apply. In percentage grade lots, tolerance for decay shall not exceed 2 percent, except, as provided in paragraph (b). Double the lot tolerance shall be permitted in individual packages. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 2 grade. "Importation" means release from custody of the United States Bureau of Customs.

Dated, August 7, 1962, to become effective September 4, 1962.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.*

[F.R. Doc. 62-7989; Filed, Aug. 9, 1962;
8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

President's Committee on Government Employment Policy

Effective upon publication in the FEDERAL REGISTER, the headnote and paragraph (a) of § 6.155 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended;
5 U.S.C. 631, 633)

UNITED STATES CIVIL SERV-
ICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the
Commissioners.*

[F.R. Doc. 62-8000; Filed, Aug. 9, 1962;
8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R.]

PART 218—RELATIONS WITH DEAL- ERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Special or Limited Partner

The following section is added to 12 CFR Part 218:

§ 218.106 No exception granted a special or limited partner.

(a) The Board has been asked on several occasions whether section 32 of the Banking Act of 1933 (12 U.S.C. sec. 78) is applicable to a director, officer, or employee of a member bank who is a special or limited partner in a firm primarily engaged in the business described in that section.

(b) Since the Board cannot issue an individual permit, it can exempt a limited or special partner only by amending Part 218 (Regulation R). After the statute was amended in 1935 so as to make it applicable to a "partner," the Board carefully considered the desirability of making such an exception. On several subsequent occasions it has reconsidered the question. In each instance the Board has decided that in view of a limited partner's interest in the underwriting and distributing business, it should not make the exception.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 32, 48 Stat. 194, as amended; 12 U.S.C. 78)

Dated at Washington, D.C., this 2d day of August 1962.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-7971; Filed, Aug. 9, 1962;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1179]

SUBCHAPTER D—AIRMEN [NEW]

ADDITION OF SUBCHAPTER

This amendment adds Subchapter D "Airmen" to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of

the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter D [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 2, 1962 (27 F.R. 4175) and as Draft Release 62-20.

Some of the comments received recommended specific substantive changes to the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive changes in the recodification of these regulations (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698) and Draft Release 62-20. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected parts.

Certain changes, not contained in Draft Release 62-20, reflect amendments, to the parts revised herein, that became effective after the Draft Release was published. Each of these amendments, when published, contained a statement that they would be included in the final draft of the recodified parts affected and, in addition, Draft Release 62-20, stated that such amendments would be included in the final draft of the revised subchapter. See amendments 20-15, 20-16, 20-17, 21-3, 22-13, 22-14, 24-4, and 24-5.

Draft Release 62-14, dated April 2, 1962, proposed certain amendments to provisions of Part 20 of the Civil Air Regulations under which former military pilots may obtain private and commercial pilot certificates on the basis of military competence. The period for receiving comments on the proposal having closed on June 7, 1962, and no adverse comments having been received thereon, these amendments are incorporated into § 61.31 of the revised subchapter.

Other minor changes of a technical clarifying nature or relaxatory nature have been made. They are not substantive and do not impose any burden on regulated persons. For example, the unnecessary provision, contained in CAR 21.23, that an airline transport pilot must present his pilot certificate for inspection by any person, has been deleted in the light of other existing requirements that such a pilot must present his certificate for inspection upon the request of the Administrator, an author-

ized representative of the CAB, any State or local law enforcement officer, or any passenger.

Draft Release 62-27 dated June 8, 1962 (27 F.R. 5686) contained a notice of the revision of the procedural rules of the Federal Aviation Agency. The preamble to the release stated that the certification procedural rules in Part 406 of the regulations of the Administrator were being considered for transfer to the parts to which they specifically applied, insofar as they did not duplicate provisions already in those parts. For this reason, a new Subpart B, relating to procedures for medical certificates, has been added to Part 67 "Medical Standards and Certification" [New]. The subpart is a revision, without substantive changes, of medical certification provisions now in Part 406.

Of the comments received on Draft Release 62-20, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new Subchapter D.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were considered.

In consideration of the foregoing Chapter I of Title 14 of the Code of Federal Regulations is amended, effective November 1, 1962, by deleting Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35, §§ 43.40-43.42, 43.52-43.63, 43.64 (b), (c), and (d), 43.65, 43.68, and Special Regulations 428 and 434, and by adding Subchapter D, reading as hereinafter set forth.

This amendment is made under the authority of sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Issued in Washington, D.C., on August 6, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER D—AIRMEN [NEW]

- Part
61 Certification: Pilots and Flight Instructors [New].
63 Certification: Flight Crewmembers Other Than Pilots [New].
65 Certification: Airmen Other Than Flight Crewmembers [New].
67 Medical Standards and Certification [New].

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

Subpart A—General

- Sec.
61.1 Applicability.
61.3 Certificates and ratings required.
61.5 Application and issue.
61.7 Temporary certificate.
61.9 Duration of certificates.
61.11 Exchange of certificate.
61.13 Change of name; replacement of lost or destroyed certificate.
61.15 Aircraft ratings.

- Sec.
61.17 Additional aircraft ratings after original issue of certificate (other than airline transport or lighter-than-air).
61.19 Tests: General procedure.
61.21 Prerequisites for flight tests.
61.23 Flight tests: General procedures.
61.25 Flight tests: Required aircraft.
61.27 Retesting after failure.
61.29 Graduates of certificated flying schools: Special rules.
61.31 Military pilots or former military pilots: Special rules.
61.33 Special purpose pilot certificates (other than airline transport): Foreign citizens.
61.35 Instrument rating: Experience requirements.
61.37 Instrument rating: Skill requirements.
61.39 Pilot logbooks: Except airline transport pilots.
61.41 Pilot logbooks: Airline transport pilots.
61.43 Medical certificates: Duration.
61.45 Operations during physical deficiency.
61.47 Recent flight experience.
61.49 Cooperation during inspection or test.
61.51 Change of address.

Subpart B—Student Pilots

- 61.61 Eligibility requirements: General.
61.63 Requirements for solo flight.
61.65 Airplane operations: Flight area limitations.
61.67 Rotorcraft operations: Flight area limitations.
61.69 Glider operations: Flight area limitations.
61.71 Lighter-than-air operations: Flight limitations.
61.73 General limitations.

Subpart C—Private Pilots

- 61.81 Eligibility requirements: General.
61.83 Aeronautical knowledge.
61.85 Airplane rating: Aeronautical experience.
61.87 Airplane rating: Aeronautical skill.
61.89 Rotorcraft rating: Aeronautical experience.
61.91 Rotorcraft rating: Aeronautical skill.
61.93 Glider rating: Aeronautical experience.
61.95 Glider rating: Aeronautical skill.
61.97 Lighter-than-air rating: Aeronautical experience.
61.99 Lighter-than-air rating: Aeronautical skill.
61.101 General privileges and limitations.

Subpart D—Commercial Pilots

- 61.111 Eligibility requirements: General.
61.113 Aeronautical knowledge.
61.115 Airplane rating: Aeronautical experience.
61.117 Airplane rating: Aeronautical skill.
61.119 Rotorcraft rating: Aeronautical experience.
61.121 Rotorcraft rating: Aeronautical skill.
61.123 Glider rating: Aeronautical experience.
61.125 Glider ratings: Aeronautical skill.
61.127 Lighter-than-air rating: Aeronautical experience.
61.129 Lighter-than-air rating: Aeronautical and radio skills.
61.131 General privileges and limitations.

Subpart E—Airline Transport Pilots

- 61.141 Eligibility requirements: General.
61.143 Airplane rating: Aeronautical knowledge.
61.145 Airplane rating: Aeronautical experience.
61.147 Airplane rating: Aeronautical skill.
61.149 Rotorcraft rating: General requirements.

- 61.151 Rotorcraft rating: Aeronautical knowledge.
61.153 Rotorcraft rating: Aeronautical experience.
61.155 Rotorcraft rating: Aeronautical skill.
61.157 Additional category ratings.
61.159 Aircraft ratings.
61.161 Tests.
61.163 Instruction in air transportation service.
61.165 General privileges and limitations.

Subpart F—Flight Instructors

- 61.171 Flight instructor certificate: Requirements.
61.173 Flight instructor records.
61.175 Flight instructor ratings.
61.177 Limitations.

Subpart G—Free Balloon Pilot Certificate

- 61.181 General requirements.
61.183 General privileges and limitations.

AUTHORITY: §§ 61.1 to 61.183 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General

§ 61.1 Applicability.

This part prescribes the requirements for issuing the following certificates and ratings, the conditions under which those certificates or ratings are necessary, and the general operating rules for the holders of those certificates and ratings:

- (a) Student, private, and commercial pilot (airplane, rotorcraft, glider, and lighter-than-air aircraft) certificates.
(b) Airline transport pilot certificates.
(c) Special purpose pilot certificates.
(d) Flight instructor certificates.
(e) Aircraft and instrument ratings.
(f) Free balloon pilot certificates.

§ 61.3 Certificates and ratings required.

(a) *Pilot certificate.* No person may, within the United States, act as pilot in command of a civil aircraft of United States registry unless he has in his personal possession a current pilot certificate (with appropriate ratings) issued to him under this part.

(b) *Pilot certificate; foreign aircraft.* No person may, within the United States, act as pilot in command of a civil aircraft of foreign registry that is eligible to operate in the United States, unless he has in his personal possession a current pilot certificate (with appropriate ratings) issued to him under this part or issued to him or validated for him by the country in which the aircraft is registered.

(c) *Medical certificate.* Except for glider pilots piloting gliders, no person may act as pilot in command of an aircraft under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter. However, in the case of a special purpose pilot certificate, the evidence required by the second sentence of § 61.33(b) may be used in place of a medical certificate.

(d) *Inspection of certificate.* Each person who holds a pilot certificate described in paragraph (a) or (b) of this section shall present it for inspection upon the request of the Administrator

or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer. An airline transport or lighter-than-air pilot must present his pilot certificate for inspection upon the request of any passenger.

(e) *Instrument rating.* No person may act as pilot in command of an aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds a current instrument rating or an airline transport pilot certificate.

§ 61.5 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate pilot or flight instructor certificate with appropriate aircraft ratings. Additional aircraft category, class, and type ratings, and instrument ratings for which the applicant is qualified, are added to his certificate.

(c) An applicant who cannot comply with all of the skill requirements prescribed by or under this part for a particular certificate because special characteristics of the aircraft used in flight test prohibit the required procedures or maneuvers, but who meets all other requirements for the certificate concerned, is entitled to a pilot certificate with appropriate limitations.

(d) An applicant for a pilot certificate who holds a medical certificate under § 67.19 with special limitations on it and who meets all other requirements for that pilot certificate, is entitled to a pilot certificate containing such operating limitations as the Administrator determines are necessary because of the applicant's physical deficiency.

(e) A person whose pilot certificate (other than as airline transport or lighter-than-air) has been suspended or revoked may not apply for a certificate under this part unless the Administrator authorizes it.

(f) Unless the order of revocation provides otherwise, a person whose airline transport or lighter-than-air pilot certificate is revoked may not apply for any pilot or flight instructor certificate for at least 1 year after the date of the revocation.

§ 61.7 Temporary certificate.

A pilot certificate or rating effective for a period of not more than 90 days may be issued to a qualified applicant, pending the issue of the certificate or rating for which he applied.

§ 61.9 Duration of certificates.

(a) *Student pilot certificate.* A student pilot certificate expires at the end of the 24th month after the month in which it is issued.

(b) *Flight instructor certificates.* A limited flight instructor certificate expires at the end of the 24th month after the month in which it is issued, but may, at any time before it expires, be exchanged for a flight instructor certificate

with appropriate ratings without a further showing of the holder's ability to give flight instruction. After it expires, it may be exchanged for a flight instructor certificate with appropriate ratings upon a showing by the holder of his continued ability to give flight instruction. A flight instructor certificate is effective until it is surrendered, suspended, or revoked. In addition, each flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.171(a).

(c) *Airline transport; lighter-than-air.* An airline transport or lighter-than-air pilot certificate that is issued to a person who is not a citizen of the United States is effective for a period of not more than 12 months after the month in which it is issued, but may be reissued without further proof of technical ability.

(d) *Special purpose pilot certificate.* A special purpose pilot certificate issued under § 61.33 is effective only during the period it is used for the specific purpose for which it was issued, but not longer than 12 months.

(e) *Other pilot certificates.* Any pilot certificate issued under this part and not covered by paragraphs (a) through (d) of this section is issued without a specific expiration date.

(f) *Surrender, suspension, revocation.* Any pilot certificate issued under this part ceases to be effective if it is surrendered, suspended, or revoked.

(g) *Return of certificate.* The holder of an airline transport or lighter-than-air pilot certificate that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

§ 61.11 Exchange of certificate.

The holder of a pilot certificate issued under this part may apply for a pilot certificate of a lower grade. If he so applies, he must include the following statement or its equivalent:

This request is made for my own reasons, with full knowledge that my [insert of name of certificate] may not be reissued to me unless I again pass the tests prescribed for its issue.

§ 61.13 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA, Airman Certificate Branch, Federal Aviation Agency, Oklahoma City, Oklahoma. The letter must—

(1) Contain a brief statement of the circumstances of the loss or destruction;

(2) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(3) Be accompanied by a check or money order for \$2.00, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., accompanied by a check or money order for \$2.00.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

§ 61.15 Aircraft ratings.

(a) The category ratings to be placed on private, commercial, and airline transport pilot certificates are—

- (1) Airplanes;
- (2) Rotorcraft;
- (3) Glider; and
- (4) Lighter-than-air.

(b) When applicable, the airplane class ratings to be placed on private, commercial, and airline transport pilot certificates are—

- (1) Single-engine land;
- (2) Multiengine land;
- (3) Single-engine sea; and
- (4) Multiengine sea.

(c) Where applicable, the rotorcraft class ratings to be placed on pilot certificates are—

- (1) Gyroplane; and
- (2) Helicopter.

(d) In addition to the category and class ratings in paragraphs (a), (b), and (c) of this section, the name of each type of large aircraft for which a pilot is rated, is placed on his certificate. In the case of airline transport pilots, a helicopter type rating is issued for each type of helicopter.

(e) The holder of a pilot certificate with a rotorcraft category rating issued before July 12, 1962, may exercise the privileges of that rating until February 1, 1963. At any time after July 12, 1962, he may, without a further showing of competence, exchange his rotorcraft category rating for a rotorcraft category rating with a class rating determined by the class of rotorcraft in which he originally qualified for a rotorcraft rating whether by flight test or on the basis of military competence. If he qualified initially in a helicopter, he may obtain a gyroplane class rating without a further showing if he has at least 10 hours as pilot in command of a gyroplane within the 12-month period before July 12, 1962.

(f) The holder of a pilot certificate with a helicopter or autogiro category rating issued before September 1, 1957, may exercise the privileges of that rat-

ing until February 1, 1963. Until that date, such a helicopter rating is treated as if it were a rotorcraft rating. At any time after July 12, 1962, he may, without a further showing of competence, exchange his helicopter category rating for a rotorcraft category rating with helicopter class rating, and his autogiro category rating for a rotorcraft category rating with a gyroplane class rating, by presenting his certificate for exchange. The holder of a helicopter category rating may obtain a gyroplane class rating without a further showing if he has had at least 10 hours as pilot in command of a gyroplane within the 12-month period before July 12, 1962.

(g) The holder of a certificate named in paragraph (e) or (f) of this section does not have to have a current medical certificate to make the exchange of ratings specified in those paragraphs.

§ 61.17 Additional aircraft ratings after original issue of certificate (other than airline transport or lighter-than-air).

(a) *General.* To be eligible for an additional aircraft rating after his certificate is issued to him, an applicant must meet the requirements of paragraphs (b) through (f) of this section, performing the procedures, maneuvers, and techniques specified in those sections, as applicable, that are not required for the certificates and ratings that he already holds.

(b) *Rotorcraft.* A pilot holding an airplane rating who applies for a rotorcraft rating must have a total of at least 15 hours of flight instruction (from an appropriately rated flight instructor) and solo flight time in rotorcraft, at least 5 of which were solo (or submit a written recommendation from an appropriately rated flight instructor who has given him flight instruction and certifies him as competent to meet the skill requirements for the rating sought), and must pass an appropriate flight test.

(c) *Glider.* A pilot holding an airplane or rotorcraft rating who applies for a glider rating must have a total of at least 2 hours of flight instruction (from an appropriately rated flight instructor or a commercial glider pilot) and solo flight time in gliders, including at least 10 solo glider flights in which he made a 360° turn, and must pass an appropriate flight test.

(d) *Airplane or rotorcraft.* A pilot holding a glider rating who applies for an airplane or rotorcraft rating must meet the requirements for the original issue of a certificate with an airplane or rotorcraft rating, including the flight test.

(e) *Airplane.* A pilot holding a rotorcraft rating who applies for an airplane rating must have the flight time required for the original issue of a certificate with an airplane rating, including at least 5 hours of solo flight time in airplanes and must pass an appropriate flight test.

(f) *Additional class or type.* An applicant for an additional class or type rating must—

(1) Have made at least five takeoffs and landings in an aircraft of the class or type for which he seeks a rating, in solo flight or as the only manipulator

of the controls accompanied by a pilot rated to carry passengers in that aircraft, or, in the case of a Douglas DC-3, a Lockheed 18, or an aircraft that requires more than one pilot, as pilot in command or as second in command performing the duties of a pilot in command while the instructor or check pilot performed the duties of a second in command; and

(2) Pass an appropriate flight test.

(g) *Inapplicability.* This section does not apply to airline transport pilot or lighter-than-air pilot certificates.

§ 61.19 Tests: General procedure.

Tests prescribed by or under this part are given at times and places, and by persons, prescribed by the Administrator.

§ 61.21 Prerequisites for flight tests.

To be eligible for a flight test for a certificate, or an aircraft or instrument rating, under this part the applicant must—

(a) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(b) Have the applicable aeronautical experience prescribed in this part; and

(c) Hold a medical certificate appropriate to the certificate he seeks.

Notwithstanding paragraph (a) of this section, an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States air carrier or commercial operator, or a United States scheduled military air transportation service, may take the flight test for that certificate as long as he continues in that employment and training program.

§ 61.23 Flight tests: General procedures.

(a) The examiner of an applicant for a private or commercial pilot certificate or an instrument rating judges the applicant's performance of the procedures and maneuvers on the flight test on the basis of judgment, knowledge, smoothness, and accuracy. For this purpose, competent performance of a procedure or maneuver requires the pilot to be the obvious master of the aircraft, with the successful outcome of the maneuver never seriously in doubt.

(b) If an applicant fails any required item in a phase of the flight test he fails that phase and the entire test, and must pass that phase (as well as any other phases that he has not passed) in any later retesting.

(c) The examiner or the applicant may discontinue the test at any time when the failure of a required item makes passing the test impossible. In such a case, the applicant is entitled to credit for only those entire phases that he passed.

(d) This section does not apply to airline transport or lighter-than-air pilot certificates.

§ 61.25 Flight tests: Required aircraft.

(a) *General.* An applicant for a certificate or rating under this part must furnish, for each flight test that he is

required to take, an appropriate aircraft of United States registry. However, the applicant may, in the examiner's discretion, furnish an aircraft of foreign registry that is properly certificated by the country of registry, or a military aircraft in an operational status if its use is allowed by an appropriate military authority.

(b) *Dual controls.* An aircraft furnished under paragraph (a) of this section for any flight test (other than an airline transport pilot or lighter-than-air pilot certificate) must have functioning dual controls, unless after considering all of the factors, the examiner determines that the flight test can be conducted safely without them.

(c) *Airline transport.* An aircraft furnished under paragraph (a) of this section for an airline transport pilot test must have a suitable hood that excludes the applicant from outside forward vision but does not unduly restrict the examiner's vision, must have functioning dual controls, and must accommodate the applicant and the examiner. For the purposes of this paragraph, an aircraft that has only one elevator and aileron control for two seats or is so arranged that all flight and engine controls cannot be handled in a normal manner from either seat, is not considered to have dual controls. If the applicant is employed by an air carrier, the air carrier may have a check pilot on the aircraft during a flight test under this paragraph. In such a case, the aircraft must provide adequate vision for the pilot and the check pilot.

(d) *Instrument rating.* An aircraft furnished under paragraph (a) of this section for a flight test for an instrument rating must—

(1) Be one in which instrument flight is authorized by this chapter and by its equipment and operating limitations;

(2) Have functioning dual controls; and

(3) Have a hood, slats, polarized material, or other effective means (satisfactory to the examiner) of excluding outside visual reference by the pilot taking the test.

§ 61.27 Retesting after failure.

(a) *Written test.* An applicant for a certificate or rating under this part (other than an airline transport or lighter-than-air pilot certificate or associated rating) who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test;

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and now considers that he is ready for retesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with a rating for the subject failed.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating or a certificated ground instructor with a rating for the subject failed.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(b) *Flight test.* An applicant for a certificate or rating under this part (other than an airline transport or lighter-than-air pilot certificate or associated rating) who fails a flight test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from a certificated flight instructor with an appropriate rating, certifying that he has given additional instruction to the applicant and now considers that the applicant is ready for retesting.

(c) *Airline transport; written test.* An applicant for an airline transport pilot certificate or associated rating who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least 5 additional hours of instruction, from a person employed by an airline to instruct in that subject, or from whichever of the following is appropriate:

(i) A certificated airline transport pilot.

(ii) A certificated ground instructor for the subject failed.

(iii) A person qualified to instruct in instrument flight theory.

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting after he presents satisfactory evidence that he has—

(1) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of flight instruction from an appropriately rated flight instructor or an airline transport pilot; or

(2) Received such part of the practice or instruction prescribed in subparagraph (1) of this paragraph as, in the Administrator's opinion, warrants retesting.

However, in retesting, only the maneuvers failed need be repeated. An applicant who meets the requirements of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b)(1).

(e) *Additional instruction.* An applicant covered by paragraph (c) (2) or (d) of this section must present a statement from his instructor certifying that he has given the additional instruction to the applicant and considers that he is ready for retesting.

(f) *Lighter-than-air; written test.* An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least five hours of instruction on each subject that he failed, from a ground instructor certificated for that subject and presents a statement from that instructor showing

the amount of instruction given and stating that he considers that the applicant is ready for retesting.

(g) *Lighter-than-air; flight test.* An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a flight test under this part may apply for retesting after he has logged at least three additional hours of flight time.

§ 61.29 Graduates of certificated flying schools: Special rules.

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the requirements of §§ 61.85, 61.89, 61.115, or 61.119 relating to aeronautical experience, if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115 (except paragraph (a)(3) thereof).

(b) An applicant for a certificate or rating under this part may be considered to meet the requirements of § 61.83 or § 61.113 relating to aeronautical knowledge, or of §§ 61.87, 61.91, 61.117, or 61.121 relating to aeronautical skill, or both, for that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part 141 of this chapter and is authorized by the Administrator to test applicants on aeronautical knowledge, or skill, or both.

§ 61.31 Military pilots or former military pilots: Special rules.

(a) *Written test and evidence.* An applicant for a private or commercial pilot certificate is entitled to that certificate if he passes a written test on the parts of this chapter relating to pilot privileges and limitations, general operating, air traffic, and accident reporting rules, and presents satisfactory documents showing that—

(1) He is a member of an Armed Force of the United States and is either on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months before the date he applies), or has, within the 12 months before the date he applies, been graduated from, and rated as a pilot by, a military flying school;

(2) He is a member of an Armed Force of the United States and has been removed from solo flying status as a rated pilot or the equivalent for reasons other than lack of flying proficiency;

(3) He has been honorably discharged or released from such an Armed Force and was, at the time of the discharge or release, on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months); or

(4) He has been honorably discharged or released from such an Armed Force and was, before that discharge or release, removed from solo flying status

as a rated pilot or the equivalent for reasons other than lack of flying proficiency.

However, a person covered by subparagraph (2), (3), or (4) of this paragraph who was discharged or released more than 12 months before the date he applies, or who has not been on solo flying status as a rated pilot or the equivalent within that 12-month period, must also pass the prescribed flight test and physical requirements, or in the case of an applicant for a private lighter-than-air pilot certificate, have had at least 10 hours of flight time as pilot in command in military lighter-than-air aircraft within that 12-month period.

(b) *Category, class, or type ratings.* A person who applies for a particular category, class, or type rating (other than lighter-than-air), is entitled to an appropriate rating on the pilot certificate that he holds or for which he has applied, if he presents satisfactory documentary evidence that, within the 12 months before the date he applies, he has had at least 10 hours of flight time as pilot in command in military aircraft of a category, class, or type for which he seeks a rating or has passed either an official military checkout as pilot in command, or the equivalent, in the aircraft concerned or the flight test prescribed in § 61.17 (b) or (f). However, this paragraph does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

(c) *Instrument rating.* A private or commercial pilot who holds a current military instrument rating or card is entitled to an instrument rating under this part.

(d) For the purposes of this section—

(1) An official identification card issued by the Armed Force concerned showing that the holder is a member is satisfactory evidence of membership;

(2) An official order to solo flight status, an appropriate Air Force form or Navy flight logbook endorsed to show solo flight status, official order showing graduation from, and rating as a pilot by, a military flying school, or a copy of orders showing duty involving flying as a rated pilot, is satisfactory evidence of flight status;

(3) An appropriate Air Force form or a summary of it, or a certified military logbook, is satisfactory evidence of pilot flight time, but pilot-in-command flight time in an aircraft normally having two pilots must be substantiated by official checkout records; and

(4) An original or photostatic copy of a certificate of discharge or release from an Armed Force is satisfactory evidence of discharge or release.

However, a person who was discharged from an Armed Force or removed from flight status because of flight deficiency is not eligible for a pilot certificate under this section.

§ 61.33 Special purpose pilot certificates (other than airline transport): Foreign citizens.

(a) An applicant for a pilot certificate who is a citizen of a foreign country, who holds a current pilot certificate

issued by that country, and who meets the requirements of this section, may have a pilot certificate issued to him stating the operations it authorizes and containing ratings based on the ratings on his foreign pilot certificate. [If he has no ratings on that certificate, the certificate issued under this section is limited to operating aircraft that he has flown for at least 10 hours, as pilot in command, during the preceding 12 months.] However, no instrument rating may be placed on a certificate issued under this section.

(b) An applicant for a certificate under this section must submit satisfactory evidence of his aeronautical experience and must pass a test on Part ____ of this chapter [Present Part 60]. In addition, he must either submit satisfactory evidence that he currently meets the physical requirements for the foreign certificate that he holds or presents an appropriate current medical certificate issued under Part 67 of this chapter.

(c) Each certificate issued under this section must show the basis upon which it was issued and may be used only for the specific purpose for which issued. If the applicant cannot read, speak, and understand the English language, the certificate may contain additional limitations that the Administrator considers necessary for air safety.

(d) This section does not apply to airline transport pilot certificates.

§ 61.35 Instrument rating; experience requirements.

An applicant for an instrument rating must—

- (a) Hold at least—
 - (1) A commercial pilot certificate; or
 - (2) A private pilot certificate and meet the requirements of § 61.115(a) (1) and (2);

(b) Pass a written test on—

- (1) This subchapter as it applies to flight under IFR conditions;

(2) Radio navigation systems and procedures, instrument landing systems and procedures, and radio communication procedures; and

(3) Meteorology, including the characteristics of air masses and fronts and the weather associated with them, elementary principles of forecasting, and the availability, evaluation, and utilization of meteorological reports; and

(c) Have at least 40 hours of instrument time under instrument weather conditions or simulated instrument conditions (including time acquired in a synthetic trainer), of which at least 20 hours were in flight and at least 10 hours were instrument flight instruction given by a person holding a flight instructor certificate with an instrument rating.

§ 61.37 Instrument rating: Skill requirements.

(a) An applicant for an instrument rating must pass a practical test on the procedures and maneuvers listed in paragraph (c) of this section. The test is given in three phases, an oral operational test, an instrument flying test, and a radio navigation and approach procedures test. The applicant must perform

the flight maneuvers solely by reference to instruments.

(b) Any significant error of a dangerous nature is disqualifying. Any error that makes it necessary for the examiner to take over the controls to avoid violating the aircraft's operating limitations, a loss of control, or a collision with the ground is disqualifying.

(c) The applicant must perform the following procedures and maneuvers competently:

- (1) Phase I—oral operational test:
 - (i) Instrument flight planning.
 - (ii) Preparing and filing an instrument flight plan.

(iii) Aircraft performance, range, and fuel requirements.

(iv) Required instruments and equipment, and their proper use.

(2) Phase II—Instrument flying test:

(i) Straight and level flight, using needle, ball, and airspeed only.

(ii) Turns, climbs, and descents, using needle, ball, and airspeed only.

(iii) Stalls, and maneuvering at approach speeds.

(iv) Steep turns.

(v) Recovery from unusual attitudes, using needle, ball, and airspeed only.

(vi) Engine-out procedures, if test is in multi-engine airplane.

(3) Phase III—radio navigation and approach procedures test:

(i) Radio navigation, including orientation using LF, OMNI range, or ADF.

(ii) Using radio for voice communication.

(iii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile), including holding procedures.

(iv) Missed approach procedures.

(v) Emergencies, such as radio or instrument malfunctions.

(vi) Compliance with air traffic control instructions and procedures.

§ 61.39 Pilot logbooks: Except airline transport pilots.

(a) *General.* The flight time used to meet the experience requirements for any pilot certificate or rating, or to meet the recent flight experience requirements of § 61.47 or § 61.177(c), must be shown by a reliable record. The logging of other flight time is not required. The instructor of a lighter-than-air pilot shall certify each entry on flight instruction that he gave to that pilot. Each pilot who keeps a logbook under this section shall enter into it the following information as to each flight:

- (1) *General.* (i) Date;
- (ii) Duration;
- (iii) Points of departure and arrival; and
- (iv) Identification mark of the aircraft.

(2) *Type of piloting time.* (i) Pilot in command or solo;

(ii) Second in command;

(iii) Synthetic trainer; or

(iv) Flight instruction from an appropriately rated flight instructor, in the case of airplanes or rotorcraft; from an appropriately rated flight instructor or commercial glider pilot, in the case of glider pilots; or from a commercial

lighter-than-air pilot, in the case of lighter-than-air pilots.

(3) *Conditions of flight.* (i) Day or night;

(ii) Actual instrument flight; or

(iii) Simulated instrument flight.

(4) If, in the case of a lighter-than-air pilot, the flight resulted in serious damage to the aircraft, an entry to that effect.

(b) *Solo flight time.* A student, private, or commercial pilot may log as solo only that flight time during which he is the only occupant of the aircraft.

(c) *Pilot in command time.* A private or commercial pilot may log as pilot in command only the flight time during which he is the only manipulator of the controls of an aircraft for which he is rated or the flight time during which he is the only occupant of the aircraft. A flight instructor may log as pilot in command time all flight time during which he is serving as a flight instructor.

(d) *Second in command time.* A private or commercial pilot may log as second in command that flight time during which he is performing the duties of a second in command. He may be credited with not more than 50 percent of that kind of flight time toward the total flight time required for a higher certificate or rating. However, a private pilot may not be credited with more than 50 hours of flight time under this paragraph.

(e) *Instrument time.* The pilot manipulating the controls of an aircraft during the time it is flown solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions may log that time as instrument flight time.

(f) *Lighter-than-air.* A lighter-than-air pilot who keeps a logbook under this section shall present it for inspection upon the request of, and after reasonable notice by, the Administrator, an authorized representative of the Civil Aeronautics Board, or any State or local law enforcement officer.

(g) *Inapplicability.* This section does not apply to airline transport pilots.

§ 61.41 Pilot logbooks: Airline transport pilots.

(a) Each airline transport pilot shall keep an accurate and legible record, in ink or indelible pencil, of his flying time in a bound logbook that is arranged for easy reference. Such a pilot must certify his solo flying time entries and the entries on instruction must be certified to by his instructor.

(b) Each person who is required to keep a logbook under this section shall enter into it the following information as to each flight:

- (1) The date.
- (2) The category, class, and type of the aircraft he flew.

(3) The aircraft certificate number.

(4) The type of piloting time—pilot in command, flight instruction (from an appropriately rated flight instructor or an airline transport pilot), on instruments, or night flying time.

(5) The duration.

(6) The points or arrival and departure.

(7) If the flight resulted in serious damage to the aircraft, a statement to that effect.

The person giving the flight instruction must make complete entries in the logbook of his student showing the nature of each maneuver in which instruction was given and the time spent thereon. The instructor must attest each entry with his initials, pilot certificate number, and pertinent rating. The pilot shall present the logbook for inspection upon the demand and reasonable notice of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(c) An airline transport pilot may log all flight times during which he acts as pilot in command or second in command.

(d) An airline transport pilot may log instrument flight time as such only when he flies the aircraft solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions. He may not log over-the-top flying as instrument flight time.

(e) Each airline transport pilot shall furnish to the authorized airline medical examiner at the time of each physical examination a report of the amount and type of his aeronautical experience and any other information the Administrator may require covering the period since the last report of that pilot. Reports under this paragraph shall be forwarded to the Administrator.

§ 61.43 Medical certificates: Duration.

(a) A first-class medical certificate expires at the end of the last day of—

(1) The sixth month after the month in which it is issued, for operations requiring an airline transport pilot certificate;

(2) The 12th month after the month in which it is issued, for operations requiring only a commercial pilot certificate; and

(3) The 24th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(b) A second-class medical certificate expires at the end of the last day of—

(1) The 12th month after the month in which it is issued, for operations requiring a commercial pilot certificate; and

(2) The 24th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(c) A third-class medical certificate expires at the end of the last day of the 24th month after the month in which it is issued, for operations requiring a private, student, or free balloon pilot certificate.

§ 61.45 Operations during physical deficiency.

No person may act as pilot in command of an aircraft, and no person holding an airline transport pilot certificate may operate an aircraft, when he has a known physical deficiency, or increase of known physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

§ 61.47 Recent flight experience.

(a) *General.* No person may act as pilot in command of an aircraft carrying passengers unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop in an aircraft of the same category, class, and type. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(b) *Night experience.* No person may act as pilot in command of an aircraft carrying passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise (as published in the American Air Almanac) unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop during that period of the day. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(c) *Airline transport.* An airline transport pilot may not pilot an aircraft in operations for which an airline transport pilot certificate is required, if it carries any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that aircraft unless, within the preceding 90 days he has made at least three takeoffs, and three landings to a full stop, in an aircraft of the same category, class, and type.

(d) *Instrument.* A pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the preceding 6 calendar months, he has had at least 6 hours of instrument flight under actual or simulated instrument flight conditions. Not more than 3 hours in a synthetic instrument trainer acceptable to the Administrator may be substituted for 3 of the 6 hours of instrument flight time required. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(e) *Instrument; airline transport.* An airline transport pilot who has not had at least 2 hours of instrument flight time under instrument weather conditions or simulated instrument flight conditions within the preceding 6 months may not pilot an aircraft under those conditions in operations for which an airline transport pilot certificate is required until he has had at least 2 hours of flight time under those conditions, accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, and type rating for the aircraft concerned and an instrument rating.

(f) *Glider aero-tow flights.* No person may act as pilot in command of a glider carrying passengers in aero-tow flight unless, within the preceding 12 months, he has made at least six aero-tow flights totaling at least 1 hour, during which he met the requirements of paragraph (a) of this section.

§ 61.49 Cooperation during inspection or test.

Each applicant for an airline transport or lighter-than-air pilot certificate, and each person who holds such a cer-

tificate, shall cooperate fully in any inspection or tests made of him by the Administrator.

§ 61.51 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a pilot or instructor certificate shall notify the FAA Airman Certification Branch, Oklahoma City, Okla., in writing, of his new address.

Subpart B—Student Pilots

§ 61.61 Eligibility requirements: General.

(a) To be eligible for a student pilot certificate, a person must—

(1) Be at least 14 years of age for a certificate authorizing him to pilot a glider, or at least 16 years of age for a certificate authorizing him to pilot any other aircraft;

(2) Be able to read, speak, and understand the English language, or have such operating limitations on his student pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language; and

(3) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months, or, in the case of glider operations, certify that he has no known physical defect that makes him unable to pilot a glider.

(b) An unmarried applicant under 21 years of age who is not a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such an Armed Force, must submit with his application the written consent of either parent or his guardian. No consent is required for a married male applicant under 21 years of age. A married female applicant under 21 years of age must submit the written consent of her husband, regardless of his age.

(c) An applicant under 21 years of age who is a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such an Armed Force must state his membership and serial number on the application or attach to it a written statement from his commanding officer stating that he is a member of that Armed Force or is enrolled in that training program.

§ 61.63 Requirements for solo flight.

(a) A student pilot may not operate an aircraft in solo flight until—

(1) He is familiar with the general and visual flight rules of Part --- of this chapter [Present Part 60];

(2) He has had—

(i) In the case of an airplane category, flight instruction (from an appropriately rated flight instructor) in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; in taxiing, takeoff, landing, and parking; in traffic pattern procedures; level flight, turns, climbs, and glides; and in stalls and emergency landings;

(ii) In the case of a rotorcraft category, flight instruction (from an appro-

privately rated flight instructor) in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; taxiing, takeoff, hovering (helicopter class only), landing, and parking; in traffic pattern procedures; and in emergency procedures including engine failure; or

(iii) In the case of a glider category, flight instruction (from an appropriately rated flight instructor or a commercial glider pilot) in takeoff, landing, glide, and gliding turns; and in recovery from stalls entered into from all normally anticipated attitudes; and

(3) An appropriately rated flight instructor (or a commercial glider pilot in the case of gliders), finds that the student has complied with this section and is otherwise able to make solo flights, and has endorsed his student certificate to that effect.

(b) This section does not apply to student lighter-than-air pilots.

§ 61.65 Airplane operations: Flight area limitations.

A student pilot may not operate an airplane in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received flight instruction (from an appropriately rated flight instructor) in—

(1) Crosswind and simulated soft field takeoffs and landings;

(2) Climbing and gliding turns at minimum safe speeds;

(3) Cross-country navigation by reference to aeronautical charts;

(4) Safe operating procedures in simulated emergencies such as engine failure, loss of flying speed, marginal visibility, deteriorating weather, getting lost, and similar critical situations;

(5) Conforming with air traffic control instructions by radio and lights; and

(6) The proper use of two-way radio communications and VFR navigational procedures and techniques; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

If ground electronic equipment and navigation aids are not available within 100 miles of the base of operations, a synthetic trainer may be used for training in air traffic procedures, phraseology, and radio navigation.

§ 61.67 Rotorcraft operations: Flight area limitations.

A student pilot may not operate a rotorcraft in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received flight instruction (from an appropriately rated flight instructor) in—

(1) Pilotage by reference to aeronautical charts;

(2) Conforming to air traffic control instructions furnished by radio or lights, as appropriate; and

(3) Safe operating practice in simulated emergencies that might occur due to engine failure, deteriorating weather, getting lost, and similar situations; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

§ 61.69 Glider operations: Flight area limitations.

A student pilot may not operate a glider in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with obtaining and evaluating weather reports;

(b) He has received flight instruction (from an appropriately rated flight instructor or a commercial glider pilot) in cross-country navigation by reference to aeronautical charts; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor, or a commercial glider pilot, who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

§ 61.71 Lighter-than-air operations: Flight limitations.

(a) A student pilot (lighter-than-air) may not pilot an airship in solo flight until—

(1) He is familiar with, and passes a written test on as much of Part ---- [Present Part 60] of this chapter as relates to VFR flying, as certified to on his pilot certificate by his instructor;

(2) He has had six instruction flights, totaling at least six hours, in free balloons and has logged at least 1 hour of solo flight in a free balloon, as certified to on his certificate by his instructor; and

(3) He has had at least 35 hours of flight instruction in an airship, including level flight, right and left turns, landings and takeoffs, and is able to make a flight as pilot in command, as certified to on his certificate by his instructor.

Subparagraph (2) of this paragraph does not apply to a student pilot who has a free balloon pilot certificate.

(b) A student pilot (lighter-than-air) may not pilot a lighter-than-air aircraft carrying any person other than a commercial lighter-than-air pilot, a crew member, or another student lighter-than-air pilot whose presence in the aircraft is authorized by the instructor under whose direction the flight is being made.

(c) A student pilot (lighter-than-air) may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he has—

(1) Passed a written test on so much of Part ---- [Present Part 60] of this chapter as relates to VFR flying; and

(2) Except for an applicant for a certificate that is limited to operating hot-

air balloons, had at least six instruction flights, totaling at least six hours, in free balloons.

§ 61.73 General limitations.

(a) Except as provided in paragraph (b) of this section, a student pilot may not act as pilot in command of an aircraft—

(1) That is carrying a passenger;

(2) That is on an international flight;

(3) For compensation or hire;

(4) In furtherance of a business; or

(5) Other than the make and model endorsed on his certificate by his certificated flight instructor.

(b) Notwithstanding paragraph (a) (2) of this section, a student pilot may make international flights for the purpose of solo cross-country training from the Haines, Gustavus, or Juneau Airports, Alaska, to White Horse, Yukon Territory, over the Province of British Columbia, and return.

(c) A student pilot who has not acted as pilot in command of a powered aircraft within the preceding 90 days, may not pilot such an aircraft in solo flight until he has passed a flight check given by a certificated flight instructor who so endorses his student pilot logbook.

Subpart C—Private Pilots

§ 61.81 Eligibility requirements: General.

To be eligible for a private pilot certificate, a person must—

(a) Be at least 16 years of age for a glider rating, at least 18 years of age for a lighter-than-air rating, and at least 17 years of age for any other rating;

(b) Be able to read, speak, and understand the English language, or have such operating limitations placed on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months, or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

§ 61.83 Aeronautical knowledge.

An applicant for a private pilot certificate must pass a written test on—

(a) The regulations of this chapter governing private pilot privileges and limitations, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(b) Practical cross-country flying including, for airplane or rotorcraft rating, flight planning, map reading, pilotage, and radio communication procedures, and for airplane rating, radio navigation and emergency procedures;

(c) Recognizing dangerous weather conditions and evaluating weather reports; and

(d) General safety practices in operating airplanes, rotorcraft, or gliders, as the case may be.

§ 61.85 Airplane rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must hold a student pilot certificate endorsed for solo and cross-country flights and must have had—

(1) A total of at least 40 hours of flight instruction (from an appropriately rated flight instructor) and solo flight time;

(2) At least 20 hours of solo flight time of which at least 15 were in an airplane;

(3) At least 10 hours of solo cross-country flight time, during which each flight included a landing at a place more than 25 miles from the place of departure, and, except as provided in paragraph (b) of this section, during which at least one flight included a landing at a place more than 100 miles from the place of departure;

(4) At least 3 hours of flight instruction (from an appropriately rated flight instructor) after his first solo cross-country flight, including a review of procedures and maneuvers previously learned and additional instruction in preparation for the private pilot flight test; and

(5) Flight instruction, from a certificated flight instructor with an airplane rating, in controlling an airplane by instruments only, in an airplane with at least a sensitive altimeter, turn and bank indicator, and a means of simulating instrument flight.

The instrument instruction required by subparagraph (5) of this paragraph must be integrated with the flight instruction in primary flight maneuvers given before and after solo.

(b) That part of paragraph (a) (3) of this section requiring a flight including a landing at a place more than 100 miles from the place of departure does not apply to an applicant who shows, on the Island of Okinawa, Ryukyu Islands, that he is otherwise entitled to a private pilot certificate and has completed a solo cross-country flight between those airports on the Island of Okinawa that are the farthest apart. However, the pilot certificate issued to a person who qualifies under this paragraph must contain the following limitation:

The holder may not pilot any aircraft carrying passengers except on flights over the Island of Okinawa, within a radius of 40 miles of the airport of takeoff.

(c) The holder of a private pilot certificate with the limitation prescribed in paragraph (b) of this section, is entitled to have that limitation removed if he passes the test prescribed by § 61.87 (b) (3) and presents satisfactory evidence to an FAA inspector that he has complied with the 100-mile flight requirements of paragraph (a) (3) of this section.

§ 61.87 Airplane rating: Aeronautical skill.

(a) *General.* An applicant for a private pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in three phases, an oral operation test, a basic

piloting technique test, and a cross-country test.

(b) *Procedures and maneuvers.* The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test:

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic piloting technique test:

(i) Preflight operations.

(ii) Taxing or sailing and docking.

(iii) Normal and crosswind takeoffs and landings.

(iv) Climbs, level flight, and descents at normal speeds and at minimum controllable speeds.

(v) Stalls from all normally anticipated flight attitudes, with and without power.

(vi) 720° steep turns about a point.

(vii) Wheel landings in tailwheel-type airplanes, and full stall landings in tricycle-type airplanes.

(viii) Short field takeoff and power approach and landing.

(ix) Soft field takeoff and landing.

(x) Slips and a slip to a landing (if a three control airplane is used).

(xi) Emergency operation of airplane equipment.

(xii) Engine-out emergencies, if a multiengine airplane is used, including—

(a) Maneuvering with one engine out (feathered if possible);

(b) Engine-out minimum control speed demonstration;

(c) Use of engine-out best rate-of-climb speed;

(d) Effect on engine-out performance of failing to feather, extension of gear and flaps, and combinations of them; and

(e) Approach and landing with an engine set for zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—cross-country test:

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Cross-country emergencies (lost, weather, overheating engine, power failure, etc.).

(iv) Use of radio aids to VFR navigation.

(c) *Instrument flight.* In addition, during Phase III of the practical test, the applicant must demonstrate, in simulated instrument flight, his ability to safely control an aircraft manually solely by reference to instruments, including the following:

(1) Recovery from the start of a power-on spiral.

(2) Recovery from the approach to a climbing stall.

(3) Normal turns of at least 180° left and right to within $\pm 20^\circ$ of a preselected heading.

(4) Shallow climbing turns to a predetermined altitude.

(5) Shallow descending turns at reduced power to a predetermined altitude.

(6) Straight and level flight.

§ 61.89 Rotorcraft rating: Aeronautical experience.

An applicant for a private pilot certificate (rotorcraft) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) A total of 40 hours of flight instruction (from an appropriately rated flight instructor) and solo flight time;

(b) 15 hours of solo flight time in rotorcraft; and

(c) 3 hours of solo cross-country flying, including a landing at an airport that is more than 25 miles from the place of departure.

§ 61.91 Rotorcraft rating: Aeronautical skill.

(a) An applicant for a private pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques, and precision maneuvers. An applicant for a flight test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques:

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (if rotorcraft equipped to taxi on the surface).

(iv) Normal and crosswind takeoffs and landings.

(v) High altitude takeoffs and roll-on landings.

(vi) Climbs and descents.

(vii) Emergencies, including autorotative approaches.

(2) Phase II—precision maneuvers:

(i) Hovering—upwind, downwind, and crosswind.

(ii) Hovering turns—180° and 360°, right and left.

(iii) Turns with medium banks.

(iv) S turns.

(v) Pattern flying with constant heading.

(vi) Rapid flying decelerations (quick stops).

§ 61.93 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate (glider) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) 1 hour of flight instruction in a powered airplane or a glider in recovery from stalls entered into from all normally anticipated flight attitudes; and

(b) At least one of the following:

(1) 100 glider flights, including 25 flights during which a 360° turn was made;

(2) 10 hours of glider flight time, including 50 glider flights, or 30 glider flights in which aero tows were used; or

(3) 3 hours of instruction from an appropriately rated flight instructor in

light airplanes directed toward glider training and seven hours of glider flight time including 50 gliding flights.

If the instruction required by paragraph (a) of this section was received in a powered airplane, it must have been given by a flight instructor with an airplane instructor rating. If received in a glider, it must have been given by an appropriately rated flight instructor or a commercial glider pilot.

§ 61.95 Glider rating: Aeronautical skill.

(a) *General.* An applicant for a private pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is in two phases, basic techniques and special maneuvers.

(b) *Procedures and Maneuvers.* The applicant must perform the following procedures and maneuvers competently:

- (1) Phase I—basic techniques:
 - (i) Preflight check and oral equipment test.
 - (ii) Preflight operations.
 - (iii) Auto, pulley, or winch tow; or airplane tow.
 - (iv) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 200 feet beyond a designated mark.
- (2) Phase II—stalls and slow flight in a glider.

§ 61.97 Lighter-than-air rating: Aeronautical experience.

An applicant for a private pilot certificate (lighter-than-air) must have at least 50 hours of flight time at the controls of an airship, including at least 5 hours as pilot in command, at least 5 hours of cross-country flight, and at least 5 hours of flight time at the controls of an airship within the 60 days before the date he applies.

§ 61.99 Lighter-than-air rating: Aeronautical skill.

An applicant for a private pilot certificate (lighter-than-air) must—

(a) Exercise smoothness in required flight maneuvers and exercise reasonable judgment in them by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and

(b) Pass a flight test on the following maneuvers:

- (1) Ground handling and mooring.
- (2) Preflight checks.
- (3) Runups.
- (4) Takeoffs.
- (5) Ascents.
- (6) Turns (right and left) and figure eights.
- (7) Straight and level flight.
- (8) Descents.
- (9) Landings (positive static balance).
- (10) Landings (negative static balance).

§ 61.101 General privileges and limitations.

(a) *Compensation or hire.* Except as provided in paragraph (f) of this section,

a private pilot may not act as pilot in command of an aircraft for compensation or hire. However, an aircraft salesman who is a private pilot with at least 200 hours of flight time may demonstrate aircraft in flight to a prospective buyer.

(b) *Exception.* A private pilot may act as pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire.

(c) *Charitable organization airlift.* A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if—

(1) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days before the flight, and furnishes any essential information that the Office requests;

(2) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(3) He has logged at least 200 hours of flight time;

(4) No acrobatic or formation flights are conducted;

(5) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of § ____ of this chapter [Present § 43.221]; and

(6) The flight is made under VFR during the day. For the purposes of this paragraph, a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List, Organizations Described in section 170(c) of the Internal Revenue Code of 1954", as amended.

(d) *Category; class; type.* A private pilot may not serve as pilot in command of an aircraft carrying passengers, other than in an aircraft of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(e) *Exception.* Unless prohibited by a limitation on his certificate, a private pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers or remuneration.

(f) *Lighter-than-air.* A private pilot (lighter-than-air) may not give flight or instrument instruction in an airship. However, he may pilot a free balloon for compensation or hire and give instruction therein.

Subpart D—Commercial Pilots

§ 61.111 Eligibility requirements: General.

To be eligible for a commercial pilot certificate, a person must—

- (a) Be at least 18 years of age;
- (b) Be able to read, speak, and understand the English language, or have such operating limitations on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter during the preceding 12 months, or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

§ 61.113 Aeronautical knowledge.

(a) An applicant for a commercial pilot certificate must pass a written test on—

(1) The regulations in this chapter relating to the privileges and limitations of a commercial pilot, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(2) Meteorology, including recognizing basic weather conditions and trends, and acquiring and using weather information furnished by the U.S. Weather Bureau, such as hourly sequence reports, terminal forecasts, winds aloft reports, and reading and interpreting weather maps;

(3) Navigation, including pilotage and—

(i) For an airplane rating, dead reckoning, using instruments and radio aids to air navigation, proper radio frequency utilization, radiotelephone procedures and techniques, flight planning, emergency procedures, preflight and in-flight services for pilots, and notices to airmen;

(ii) For a rotorcraft rating or lighter-than-air rating, dead reckoning, and using instruments and radio aids to air navigation; and

(iii) For a glider rating, using navigational instruments; and

(4) Principles of safe flight operations, including flight theory, operating and maintaining airplanes, rotorcraft, gliders, or lighter-than-air aircraft, as the case may be, and (except for glider rating) general safety practices and procedures for emergencies and critical situations.

(b) An applicant for a commercial pilot certificate (lighter-than-air) must pass the written test prescribed in paragraph (a) of this section before taking the flight test required by § 61.129(a). However, an applicant who holds a heavier-than-air commercial pilot certificate is required to pass only that part of the test relating to instruments and the general servicing and operation of airships, or, if he also holds an instrument rating, he is required to pass only that part relating to the general servicing and operation of airships.

§ 61.115 Airplane rating: Aeronautical experience.

(a) *Flight time.* An applicant for a commercial pilot certificate (airplane) must have at least 200 hours of flight time, including at least—

(1) 100 hours of flight time in powered aircraft, including 50 hours in airplanes of which at least 15 hours were solo;

(2) 100 hours of flight time as pilot in command, including—

(i) 50 hours of cross-country, each flight including a landing more than 25 miles from the place of departure;

(ii) Takeoffs and landings from at least two different airports under two-way radio instruction from an airport control tower; and

(iii) One cross-country flight of at least 350 miles including landings at three points, one of which is at least 150 miles from the place of departure;

(3) 10 hours flight instruction in airplanes from an appropriately rated flight instructor, preparing for the commercial pilot flight test, within the six months immediately before the flight test, in addition to any flight instruction received before his private pilot certificate was issued to him; and

(4) 10 hours of instruction in operating an airplane by instruments only, including at least 5 hours of flight instruction from a rated instrument flight instructor and the remaining hours if any, from a flight instructor with an airplane rating.

The holder of a commercial pilot certificate who did not meet the requirements of subparagraph (4) of this paragraph, and whose certificate was endorsed to that effect, is entitled to have that endorsement removed if he presents written evidence showing that he has met those requirements and has passed the skill test prescribed by § 61.117(c).

(b) *ICAO requirements.* If an applicant for a commercial pilot certificate has not had at least 5 hours of flight time at night, including at least 10 takeoffs and 10 landings as pilot in command and as the only manipulator of the controls, his pilot certificate will be endorsed as follows:

Holder does not meet the night flight requirements of ICAO.

§ 61.117 Airplane rating: Aeronautical skill.

(a) *Practical test.* An applicant for a commercial pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in four phases, an oral operational test, basic techniques, precision maneuvers, and cross-country flight.

(b) *Procedures and maneuvers.* The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test:

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic techniques:

(i) Preflight operations.

(ii) Taxiing.

(iii) Takeoffs and landings including—

(a) A slip to a landing, if a three-control airplane is used;

(b) Crosswind takeoff and landing;

(c) Short field takeoff and power approach and landing;

(d) Soft field takeoff and landing;

(e) Wheel landings in a tailwheel-type airplane, or stall landings in a tri-cycle-type airplane; and

(f) Three accuracy landings within 200 feet beyond a designated mark (which may be integrated with any three of the landings required by (a) through (e) of this subdivision).

(iv) Airport traffic patterns.

(v) Forced landings (single-engine only) and simulated emergencies.

(vi) Emergency operation of airplane equipment.

(vii) Engine-out emergencies, if a multiengine airplane is used, including—

(a) Engine-out minimum control speed demonstration;

(b) Use of engine-out best rate-of-climb speed;

(c) Maneuvering with one engine out (feathered if possible, otherwise cut off and windmilling);

(d) Effect on engine-out performance of failure to feather, extension of gear and flaps, and various combinations of these; and

(e) Approach and landing with one engine set to zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—precision maneuvers:

(i) Gliding spirals about a point on the ground.

(ii) Three consecutive shallow on-pylon eights.

(iii) Three consecutive steep on-pylon eights.

(iv) One right and one left 720° steep power turn.

(v) Lazy eights.

(vi) Chandelles.

(vii) Maneuvering at minimum controllable airspeed.

(viii) Stalls from all normally anticipated flight attitudes with and without power.

(4) Phase IV—cross-country flight.

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Cross-country flying emergencies.

(iv) Use of radio aids to VFR navigation.

(v) Two-way communications.

(c) *Instrument flight.* In addition, during Phase IV of the practical test, the applicant must demonstrate in simulated instrument flight his ability to safely control an aircraft manually solely by reference to instruments, including the following:

(1) Recovery from a well-developed power-on moderate turn spiral in a medium banked attitude.

(2) Recovery from a high angle climb in a turn.

(3) Standard rate turns of 180° and 360° duration to within ±10° and ±20°, respectively, of proper heading and ±150 feet of altitude.

(4) Maximum safe performance climbing turns of 180° duration followed by continued straight climb to predetermined altitude requiring not less than one minute straight climb performed within ±10 knots of airspeed and ±10° of proper heading.

(5) Two consecutive descending 90° turns using normal approach power for reducing altitude performed within ±10°

of proper heading and at completion of first 90° turn continue straight descent for 1 minute, then complete second 90° descending turn and continue straight descent for 1½ minutes.

(6) Straight and level flight performed within ±10° of proper heading, 100 feet of altitude and 10 knots of airspeed.

§ 61.119 Rotorcraft rating: Aeronautical experience.

(a) An applicant for a commercial pilot certificate (rotorcraft) must have at least 150 hours of flight time, including at least—

(1) 100 hours in powered aircraft, including 50 hours in rotorcraft of which at least 15 hours were solo;

(2) 100 hours as pilot in command, including 20 hours of cross-country; and

(3) 10 hours of flight instruction, from an appropriately rated flight instructor, in rotorcraft preparing for the commercial pilot flight test.

(b) A commercial pilot certificate (rotorcraft) issued under this part to a pilot who either does not have at least 200 hours of flight time or has not graduated from an approved commercial rotorcraft pilot training course, will be endorsed as follows:

Holder does not meet the flight time requirements of ICAO.

§ 61.121 Rotorcraft rating: Aeronautical skill.

(a) An applicant for a commercial pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and precision maneuvers. An applicant for a flight test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques:

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (in rotorcraft equipped to taxi on the surface).

(iv) Normal takeoffs and landings.

(v) Crosswind takeoffs and landings.

(vi) High altitude takeoffs and roll-on landings.

(vii) Climbs and descents.

(viii) Emergencies, including autorotative approaches (landing optional, as appropriate).

(2) Phase II—precision maneuvers:

(i) Hovering upwind, downwind, and crosswind.

(ii) Pattern flying with constant and with changing headings.

(iii) Hovering turns—180° and 360°, right and left.

(iv) S turns.

(v) Turns with medium banks.

(vi) Rapid decelerations (quick stops).

§ 61.123 Glider rating: Aeronautical experience.

An applicant for a commercial pilot certificate (glider) must have at least

25 hours of flight time, including at least—

(a) 20 hours of flight time in gliders;
(b) 2 hours of flight instruction (from an appropriately rated flight instructor or a commercial glider pilot) preparing for the commercial pilot flight test;

(c) 100 flights in gliders as pilot in command; and

(d) 25 glider flights each of which includes a 360° turn.

§ 61.125 Glider rating: Aeronautical skill.

(a) *General.* An applicant for a commercial pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and special maneuvers.

(b) *Procedures and maneuvers.* The applicant must perform the following procedures and maneuvers competently:

(i) Phase I—basic techniques:
(1) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow.

(iv) Airplane tow; above, below, and to one side of slipstream.

(v) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 100 feet beyond a designated line or mark.

(2) Phase II—special maneuvers:

(i) Three-turn spirals, right and left, with bank at least 45°.

(ii) Stalls and slow flight (must be demonstrated in a glider).

§ 61.127 Lighter-than-air rating: Aeronautical experience.

An applicant for a commercial pilot certificate (lighter-than-air) must have at least 200 hours of flight time at the controls of an airship including—

(a) At least 5 hours within the 60 days before the date he applies;

(b) At least 50 hours as pilot in command;

(c) At least 10 hours of cross-country;

(d) At least 10 hours at night;

(e) At least 20 hours of instrument instruction and practice in flight, including, when approved by the Administrator, not more than 10 hours of instruction and practice under simulated conditions not in flight; and

(f) In place of not more than 50 hours of the 200-hour total flight requirement, an equal or greater amount of flight time as a crewmember, upon approval by the Administrator.

§ 61.129 Lighter-than-air rating: Aeronautical and radio skills.

(a) An applicant for a commercial pilot certificate (lighter-than-air) must—

(1) Exercise reasonable judgment in performing flight maneuvers by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and

(2) Pass a flight test on the following maneuvers:

(i) Ground handling and mooring.

(ii) Preflight check.

(iii) Runups.

(iv) Takeoffs.

(v) Ascents.

(vi) Turns (right and left) and figure eights.

(vii) Precision turns (180° and 360°).

(viii) Straight and level flight.

(ix) Climbing turns.

(x) Diving turns.

(xi) Descents.

(xii) In-flight ETA computations.

(xiii) Radio operation and tuning.

(xiv) Radio orientation.

(xv) Beam bracketing and tracking.

(xvi) Locating cone of silence.

(xvii) Traffic control and approach procedure.

(xviii) Landings (positive and negative static balance).

(b) In performing the maneuvers required by paragraph (a) (2) of this section that involve radio skills, the applicant need not follow final approach procedures for airplanes. He may elect to consider his initial approach as a final approach and go directly to the airport, if that procedure does not require more than 90° of turn over the station. He may make his orientation and approach using either LF or VHF range facilities.

§ 61.131 General privileges and limitations.

(a) Subject to paragraph (b) of this section, a commercial pilot may serve as pilot in command of an aircraft for compensation or hire.

(b) A commercial pilot may not serve as pilot in command of an aircraft carrying passengers or operated for remuneration other than one of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(c) Unless prohibited by a limitation on his certificate, a commercial pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers or remuneration.

(d) A commercial glider pilot may give flight instruction in gliders. A commercial lighter-than-air pilot may give flight instruction in lighter-than-air aircraft.

Subpart E—Airline Transport Pilots

§ 61.141 Eligibility requirements: General.

To be eligible for an airline transport pilot certificate, a person must—

(a) Be at least 23 years of age;

(b) Be of good moral character;

(c) Be able to read, write, and understand the English language and speak it without accent or impediment of speech that would interfere with two-way radio conversation;

(d) Be a high school graduate, or its equivalent in the Administrator's opinion, based on the applicant's general experience and aeronautical experience, knowledge, and skill;

(e) Have a first-class medical certificate issued under Part 67 of this chap-

ter within the 6 months before the date he applies; and

(f) Comply with the sections of this part that apply to the rating he seeks.

§ 61.143 Airplane rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§ 61.141 and 61.145, make a grade of at least 70 percent on a written test on—

(a) The sections of this part relating to airline transport pilots and Parts ____ of this chapter [Present Parts 1, 27, 40, and 60] and so much of Parts ____ and ____ of this chapter [Present Parts 4a and 4b] as relate to the operations of air carrier aircraft;

(b) The fundamentals of air navigation and use of formulas, instruments, and other navigational aids, both in aircraft and on the ground, that are necessary for navigating aircraft by instruments;

(c) The general system of weather collection and dissemination;

(d) Weather maps, weather forecasting, and weather sequence abbreviations, symbols, and nomenclature;

(e) Elementary meteorology, including knowledge of cyclones as associated with fronts;

(f) Cloud forms;

(g) Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations", as amended;

(h) Weather conditions, including icing conditions and upper-air winds, that affect aeronautical activities;

(i) Air navigation facilities used on Federal airways, including rotating beacons, course lights, radio ranges, and radio marker beacons;

(j) Information from airplane weather observations and meteorological data reported from observations made by pilots on air carrier flights;

(k) The influence of terrain on meteorological conditions and developments, and their relation to air carrier flight operations;

(l) Radio communication procedure in aircraft operations; and

(m) Basic principles of loading and weight distribution and their effect on flight characteristics.

§ 61.145 Airplane rating: Aeronautical experience.

(a) An application for an airline transport pilot certificate with an airplane rating must hold a commercial pilot certificate or a foreign airline transport pilot or commercial pilot license without limitations, issued by a member state of ICAO, or he must be a pilot in an Armed Force of the United States whose military experience qualifies him for a commercial pilot certificate under § 61.31.

(b) An applicant must have had—

(1) At least 250 hours of flight time as pilot in command, or as copilot performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, at least 100 hours of which

were cross-country time and 25 hours of which were night flight time; and

(2) At least 1200 hours of flight time as a pilot within the 8 years before the date he applies, including at least—

(i) 5 hours within the 60 days before the date he applies;

(ii) 500 hours of cross-country flight time;

(iii) 100 hours of night flight time; and

(iv) 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight.

Flight time used to meet the requirements of subparagraph (1) of this paragraph may also be used to meet the requirements of subparagraph (2) of this paragraph.

(c) If an applicant with less than 250 hours of pilot-in-command time otherwise meets the requirements of paragraph (b) (1) of this section, has certificate will be endorsed "Holder does not meet the pilot-in-command flight experience requirement of ICAO", as prescribed by article 39 of the "Convention on International Civil Aviation." Whenever he presents satisfactory written evidence that he has accumulated the 250 hours of pilot-in-command time, he is entitled to a new certificate without the endorsement.

§ 61.147 Airplane rating: Aeronautical skill.

(a) An applicant for an airline transport pilot certificate with a single engine or multiengine class rating must pass a flight test involving the following maneuvers:

- (1) Equipment test (oral).
- (2) Preflight check.
- (3) Taxiing, or sailing and docking.
- (4) Runups.
- (5) Takeoffs.
- (6) Climbs and climbing turns (if he does not hold an instrument rating).
- (7) Maneuvering at slow speed.
- (8) Stalls (single engine rating only) or approaches to stalls (multiengine rating only).
- (9) Airport traffic pattern.
- (10) Accuracy approaches and spot landings (single engine rating only).
- (11) Landing technique.
- (12) Cross-wind takeoff and landing.
- (13) Traffic control procedure.
- (14) Steep turns.
- (15) Timed turns (if he does not hold an instrument rating).
- (16) Recovery from unusual attitudes.
- (17) Use of radio equipment.
- (18) Orientation.
- (19) Beam bracketing.
- (20) Cone (station) identification.
- (21) Instrument approach procedures.
- (22) Missed approach procedures.
- (23) Use of directional radio.
- (24) Rapid descent and pullup.
- (25) Engine(s) -out procedure (multiengine rating only).
- (26) Maneuvering with engine(s) -out (multiengine rating only).
- (27) Maneuvering for landing at weather minimums.
- (28) Takeoff and landing with simulated engine(s) failure (multiengine rating only).
- (29) Emergencies.

(30) Smoothness and coordination.

(31) Judgment.

The maneuvers described in subparagraph (6), (7), (8), (14), (15), (16), (18) through (24), and (26) of this paragraph must be performed solely by reference to instruments.

(b) An applicant for an additional type rating to his airline transport pilot certificate with a multiengine rating must pass a flight test involving the maneuvers listed in subparagraphs (1) through (5), (7) through (9), (11) through (14), (16), (17), (21), (22), and (24) through (31) of paragraph (a) of this section.

(c) Any maneuver required by this section may be modified by the examining inspector as necessary for the reasonable and safe operation of the aircraft being used.

§ 61.149 Rotorcraft rating: General requirements.

An applicant for an airline transport pilot certificate with a rotorcraft rating authorizing the piloting of rotorcraft under VFR only, must meet the requirements of §§ 61.151 through 61.155 in place of those in §§ 61.143 through 61.147.

§ 61.151 Rotorcraft rating: Aeronautical knowledge.

An applicant for an airline transport pilot certificate with a rotorcraft rating must pass a written test on—

- (a) So much of this chapter as relates to air carrier rotorcraft operations;
- (b) Rotorcraft design, components, systems, and performance limitations;
- (c) Basic principles of loading and weight distribution and their effect on rotorcraft flight characteristics;
- (d) Air traffic control systems and procedures relating to rotorcraft;
- (e) Procedures for operating rotorcraft in potentially hazardous meteorological conditions; and
- (f) Flight theory as applicable to rotorcraft.

§ 61.153 Rotorcraft rating: Aeronautical experience.

(a) An applicant for an airline transport pilot certificate with a rotorcraft rating must hold a commercial pilot certificate, or its equivalent as determined by the Administrator.

(b) In addition, such an applicant must have had at least 1200 hours of flight time as a pilot within the 8 years before the date he applies including at least—

- (1) 5 hours in rotorcraft within the 60 days before that date;
- (2) 500 hours of cross-country flight time;
- (3) 100 hours at night, including at least 15 hours in rotorcraft; and
- (4) 200 hours in rotorcraft, including at least 75 hours as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof.

§ 61.155 Rotorcraft rating: Aeronautical skill.

An applicant for an airline transport pilot certificate with a rotorcraft rating must show his ability to satisfactorily

pilot rotorcraft by performing at least the following:

(a) Normal takeoffs and landings, crosswind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops.

(b) Simulated emergency procedures, including failure of an engine, or other component or system, fire, ditching, evacuation, and operating emergency equipment.

(c) Autorotative approaches and landings with simulated one engine inoperative.

(d) Any other maneuvers considered necessary to show his ability.

§ 61.157 Additional category ratings.

(a) *VFR rotorcraft rating.* The holder of an airline transport pilot certificate (airplane rating) who applies for a rating authorizing him to pilot a rotorcraft under VFR only, must comply with §§ 61.151 and 61.155 and—

(1) Have at least 100 hours, including at least 15 hours at night, of rotorcraft flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate rotorcraft rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of rotorcraft flight time as pilot in command, second in command, or as flight instructor from an appropriately rated flight instructor or an airline transport pilot, or any combination thereof, including at least 15 hours of night flight time.

(b) *Airplane rating.* The holder of an airline transport pilot certificate (rotorcraft rating) who applies for an airplane rating, must comply with §§ 61.143 through 61.147 and—

(1) Have at least 100 hours, including at least 15 hours at night, of airplane flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate airplane rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of airplane flight time as pilot in command, second in command, or as flight instructor from an appropriately rated flight instructor or an airline transport pilot, or any combination thereof, including at least 15 hours of night flight time.

§ 61.159 Aircraft ratings.

The category and class of aircraft and type, if it is a large aircraft, that an applicant for an airline transport pilot certificate is authorized to pilot are placed on his certificate. For unconventional aircraft the description must clearly define the aircraft that the applicant is authorized to pilot. He must show that he is able to pilot aircraft of

the category and class and, if appropriate, the type, for which he seeks a rating, by performing the maneuvers listed in § 61.147(b).

§ 61.161 Tests.

(a) Each applicant for an airline transport pilot certificate must pass each practical and theoretical test to the satisfaction of the Administrator. The minimum passing grade in each subject is 70 percent. Each flight maneuver is graded separately. Other tests are graded as a whole.

(b) Information collected incidentally to such a test shall be treated as a confidential matter by the persons giving the test and by employees of the FAA.

§ 61.163 Instruction in air transportation service.

An airline transport pilot may instruct other pilots in air transportation service in aircraft of the category, class, and type for which he is rated. However, he may not instruct for more than 8 hours in one day nor more than 36 hours in any 7-day period. He may instruct under this section only in aircraft with functioning dual controls. Unless he has a flight instructor certificate, an airline transport pilot may instruct only as provided in this section.

§ 61.165 General privileges and limitations.

(a) An airline transport pilot has the privileges of a commercial pilot with an instrument rating. The holder of a commercial pilot certificate who qualifies for an airline transport pilot certificate retains the ratings on his commercial pilot certificate, but he may exercise only the privileges of a commercial pilot with respect to them.

(b) An airline transport pilot may not operate any aircraft other than in accordance with the rating limitations on his pilot certificate.

However, he may pilot an airplane as a—

- (1) Second in command, without a class or type rating for that airplane; or
- (2) Pilot in command, without a class or type rating for that airplane, if the airplane does not carry any person other than members of its crew, certificated airman on board in furtherance of their duties, or certificated instructors rated for that airplane.

Subpart F—Flight Instructors

§ 61.171 Flight instructor certificate: Requirements.

(a) *General.* An applicant for a flight instructor certificate with an airplane, rotorcraft, glider, or instrument rating must—

- (1) Hold an airline transport pilot or commercial pilot certificate, or hold a private pilot certificate and meet the aeronautical knowledge, skill, and experience requirements of this part for a commercial pilot certificate;
- (2) Pass a written test on the fundamentals of flight instruction and the performance and analysis of flight training maneuvers, appropriate to the rating sought; and
- (3) Pass the test listed in paragraph (d) of this section, to show his ability

to give accurate, effective flight instruction, appropriate to the rating sought.

A certificate issued under this section bears the same number as the applicant's pilot certificate.

(b) *Additional category rating.* The holder of a flight instructor certificate may obtain additional category ratings on his flight instructor certificate by passing a written test on the performance and analysis of flight training maneuvers, and the tests listed in paragraph (d) of this section, appropriate to the rating he seeks.

(c) *Limited certificate.* A limited flight instructor certificate that is valid on October 31, 1962, is equal to a flight instructor certificate until it expires or is exchanged, as provided in § 61.9.

(d) *Flight tests.* The applicant must pass the following oral and applicable flight tests:

- (1) Oral test, all ratings:
 - (i) Application of effective flight instruction methods.
 - (ii) Knowledge of safe flying practices and principles.
 - (iii) Correctness and clarity of explanations.
 - (iv) Recognition of student errors (in flight and in postflight discussion).
 - (v) Cross-country flight planning.
- (2) Flight test, airplanes:
 - (i) Preflight check and oral equipment test.
 - (ii) Preflight operations.
 - (iii) Taxiing, or sailing and docking.
 - (iv) Straight flight and turns in climbs, glides, and level flight.
 - (v) Normal takeoffs and accuracy landings.
 - (vi) Crosswind takeoffs and landings.
 - (vii) Short-field takeoff and power approach with landing.
 - (viii) Soft-field takeoff and landing.
 - (ix) Slips to landings.
 - (x) Wheel landings in tailwheel type airplanes, or full stall landings in tri-cycle types.
 - (xi) Stalls from all normally anticipated flight attitudes, with and without power.
 - (xii) Maneuvering at minimum controllable airspeed.
 - (xiii) Spins, right and left.
 - (xiv) 720° power turns.
 - (xv) Chandelles.
 - (xvi) Lazy eights, shallow and steep.
 - (xvii) Pylon eights, shallow and steep.
 - (xviii) Airport traffic patterns—rectangular courses and S-turns.
 - (xix) Using radio for voice communication—traffic control procedures.
 - (xx) Emergency operation of airplane equipment; forced landings.
- (3) Flight test, rotorcraft:
 - (i) Preflight check and oral equipment test.
 - (ii) Preflight operations.
 - (iii) Taxiing (if rotorcraft used is appropriately equipped).
 - (iv) Normal takeoffs and landings.
 - (v) Crosswind takeoffs and landings.
 - (vi) High altitude takeoffs and roll-on landings.
 - (vii) Climbs and descents.
 - (viii) Hovering upwind, crosswind, and downwind.
 - (ix) Hovering 360° turns.

(x) Pattern flying with constant and with changing headings.

- (xi) S-turns.
- (xii) Rapid decelerations.
- (xiii) Autorotative landings.
- (xiv) Emergency operation of rotorcraft equipment.

(4) Flight test, gliders:

- (i) Preflight check and oral equipment test.
- (ii) Preflight operations.
- (iii) Auto, pulley, or winch tow.
- (iv) Airplane tow, above, below, and to one side of slipstream.
- (v) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 200 feet beyond a designated line or mark.

(vi) Three-turn spirals, right and left, at banks of at least 45°.

- (vii) Stalls and slow flight.
- (viii) Spins, right and left.
- (5) Flight test, instrument:
 - (i) Instrument flight planning.
 - (ii) Preparing and filing an instrument flight plan.
 - (iii) Aircraft performance, range, and fuel requirements.
 - (iv) Required instruments and equipment, and their proper use.
 - (v) Straight and level flight.
 - (vi) Turns, climbs and descents.
 - (vii) Stalls and maneuvering at approach speeds.
 - (viii) Steep turns.
 - (ix) Recovery from unusual attitudes.
 - (x) Engine-out procedures, if test is given in multiengine airplane.
 - (xi) Radio navigation, including orientation using LF, OMNI range, or ADF.
 - (xii) Using radio for voice communication.
 - (xiii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile) including holding procedures.
 - (xiv) Missed approach procedures.
 - (xv) Emergencies, such as radio or instrument malfunctions.
 - (xvi) Compliance with air traffic control instructions and procedures.

(e) *Substitution of dual instruction.* The inspector may omit the flight tests specified in subparagraphs (2) (xiii) and (4) (viii) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in spin entries and recoveries, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(f) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(g) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(h) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(i) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(j) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(k) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(l) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(m) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(n) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(o) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(p) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(q) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(r) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(s) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(t) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(u) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(v) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(w) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(x) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(y) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(z) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(aa) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(ab) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(ac) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(ad) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(ae) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(af) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(ag) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(ah) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

(ai) *Emergency procedures.* The inspector may omit the flight tests specified in subparagraphs (2) (xv) and (4) (xvi) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in emergency procedures, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

as he continues to be a flight instructor, or for 3 years, whichever is shorter.

§ 61.175 Flight instructor ratings.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may exchange it for a flight instructor certificate if he passes the appropriate test prescribed in § 61.171(d).

§ 61.177 Limitations.

(a) A flight instructor may endorse the certificate of a student pilot for solo flight or flight in a different make or model of aircraft only if he determines that the student can make the flight safely. He may endorse such a certificate for cross-country flight only if he determines that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass.

(b) A flight instructor may instruct only in the category of aircraft for which he is rated.

(c) A flight instructor may not exercise the privileges of his certificate unless, within the preceding 12 months, he has—

(1) Given at least 10 hours of flight instruction while appropriately rated; or

(2) Shown his continued proficiency to the Administrator.

(d) A flight instructor may not give more than 8 hours of flight instruction in a day nor more than 36 hours in any 7-day period.

Subpart G—Free Balloon Pilot Certificate

§ 61.181 General requirements.

(a) To be eligible for a free balloon pilot certificate, a person must—

(1) Hold a student lighter-than-air pilot certificate;

(2) Be at least 17 years of age;

(3) Be able to read, speak, and understand the English language;

(4) Hold at least a third-class medical certificate issued under Part 67 of this chapter;

(5) Within 24 months before his certificate is issued, pass a written test on the following by answering 45 out of 50 questions correctly within 1 hour:

(i) So much of Parts 1 and 60 of this chapter [Present Parts 1 and 60] as relate to his certificate.

(ii) Prevailing weather conditions in the United States that are met in flying and the forecasting thereof.

(iii) Analyzing weather maps and sequence reports furnished by the U.S. Weather Bureau.

(iv) Practical air navigation problems using maps.

(v) Navigation by terrain and by dead reckoning, including using instruments and other aids to navigation in visual contact flying.

(vi) The general operation of free balloons.

(6) Have made at least eight ascents averaging 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of a certificated free balloon pilot, one ascent in control to an altitude of 10,000 feet under that supervision and one solo ascent;

(7) Successfully perform the following maneuvers:

(i) Ground handling and mooring.

(ii) Preflight checks.

(iii) Takeoffs.

(iv) Ascents.

(v) Descents.

(vi) Landings (positive static balance); and

(8) Show his ability to satisfactorily pilot and maneuver a free balloon in solo flight.

Subparagraphs (5) and (6) of this paragraph do not apply to an applicant for a certificate that is limited to operating hot air balloons.

(b) The applicant must show his ability to exercise reasonable judgment in the flight maneuvers required by paragraph (a) (7) and (8) of this section, by complying with Part 60 of this chapter [Present Part 60], avoiding critical situations, and observing accepted good operating practices for the flight conditions encountered.

§ 61.183 Privileges and limitations.

The holder of a free balloon pilot certificate may not pilot any lighter-than-air aircraft except a free balloon. He may pilot a free balloon for hire carrying passengers or property and may give flight instruction in a free balloon.

PART 61—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
20.1	61.1	20.35-1(a) (1)	
20.2	(¹)	(1st sentence) and	
20.5	(²)	(3)	61.87
20.10(d)	61.19	20.35-1 (a) (1)	
20.10 (less		(less 1st sentence) and	
(d))	61.5	(2), and	
20.10-1	61.5	(b)	61.23
20.10-3	61.11	20.40	61.111
20.10-4	61.13	20.41	61.111
20.10-5	61.13	20.41-1	61.111
20.10-6	61.5	20.42	61.111
20.11(c)	61.7	20.42-1	61.111
20.11 (less		20.43	61.113
(c))	61.9	20.43-1	(¹)
20.11-1	61.11	20.44	61.115
20.11-2	61.9	20.44-1	(¹)
20.11-3	61.7	20.44-2	61.115
20.12	(³)	20.44-3	61.115
20.13	61.27	20.45	61.117
20.13-1	61.27	20.45-1 (a) (1)	
20.14	61.21	(1st sentence) and	
20.15	61.25	(3)	61.117
20.15-1	61.25	20.45-1 (a) (1)	
20.15-2	61.25	(less 1st sentence) and	
20.16	61.39	(2), and	
20.16-1	61.39	(b)	61.23
20.17	61.39	20.50-1	61.61
20.18	61.51	20.51	61.61
20.20	61.61	20.51-1	61.61
20.20-1	(¹)	20.52	61.61
20.20-2	61.61	20.52-1	61.61
20.20-3	61.61	20.53	61.63
20.21	61.61	20.54	61.67
20.21-1	61.61	20.60	61.81
20.22	61.61	20.61	61.81
20.22-1	61.61	20.61-1	61.81
20.23	61.63	20.62	61.81
20.24	61.65	20.62-1	61.81
20.30	61.81	20.63	61.83
20.31	61.81	20.63-1	(¹)
20.31-1	61.81	20.64	61.89
20.32	61.81	20.64-1	(¹)
20.32-1	61.81		
20.33	61.83		
20.33-1	(¹)		
20.34	61.85		
20.34-1	(¹)		
20.35	61.87		

See footnotes at end of table.

PART 61—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
20.65	61.91	20.112-2	61.33
20.65-1(a) (1)		20.120	61.15
(1st sentence) and		20.120-1	61.15
(3)	61.91	20.120-2	61.15
20.65-1(a) (1)		20.121	61.17
(less 1st sentence) and		20.121-1	61.17
(2), and		20.122	61.15
(b)	61.23	20.125	61.35
20.70	61.111	20.126	61.35
20.71	61.111	20.126-1	(¹)
20.71-1	61.111	20.127	61.35
20.72	61.111	20.127-1	61.35
20.72-1	61.111	20.127-2	(¹)
20.73	61.113	20.128	61.37
20.73-1	(¹)	20.128-1(a)	61.25
20.74	61.119	(1)	
20.74-1	(¹)	20.128-1(a) (2)	
20.74-2	61.119	(less 1st sentence) and	
20.75	61.121	and (3), and (b) (1st sentence)	61.23
20.75-1(a) (1)		20.128-1(a) (2)	
(1st sentence) and		(1st sentence) and	
(3)	61.121	(4), and	
20.75-1(a) (1)		(b) (less 1st sentence)	61.37
(less 1st sentence) and		20.130	61.171
(2), and		20.130-1	61.171
(b)	61.23	20.130-2	(¹)
20.80	61.61	20.131	61.9
20.80-1	61.61	20.136	61.173
20.80-2	61.61	20.136-1	61.173
20.81	61.61	20.138	61.175
20.81-1	61.61	20.138-1	61.175
20.82	61.61	21.1	(¹)
20.82-1	61.61	21.5	(¹)
20.83	61.63	21.6	61.13
20.84	61.69	21.9	61.141
20.90	61.81	21.10	61.141
20.90-1	61.81	21.11	61.141
20.91	61.81	21.12	61.141
20.91-1	61.81	21.13	61.141
20.92	61.81	21.14	61.141
20.92-1	61.81	21.15	61.143
20.93	61.83	21.15-1	61.21
20.93-1	(¹)	21.16	61.145
20.94	61.93	21.16-1 (less	
20.94-1	61.93	(b))	61.145
20.95	61.95	21.16-1(b)	61.147
20.95-1(a) (1)		21.16-2	61.145
(1st sentence) and		21.16-3	61.145
(3)	61.95	21.17	61.147
20.95-1(a) (1)		21.17-1(a)	61.21
(less 1st sentence) and		21.17-1 (less	
(2), and		(a))	61.147
(b)	61.23	21.18(a)	61.149
20.100	61.111	21.18(b) (1st sentence)	61.149
20.101	61.111	21.18(b) (less 1st sentence)	61.147
20.101-1	61.111	21.19	61.149
20.102	61.111	21.19a	61.151
20.102-1	61.111	21.19b	61.153
20.103	61.113	21.19c	61.155
20.103-1	(¹)	21.19d	61.157
20.104	61.123	21.20	61.159
20.105	61.125	21.20-1	61.159
20.105-1(a) (1)		21.21	61.5
(1st sentence) and		21.21-1	(¹)
(3)	61.125	21.21-2	(¹)
20.105-1(a) (1)		21.22 (introductory paragraph)	61.5
(less 1st sentence) and		21.22(a)	61.7
(2), and		21.22 (less introductory paragraph and less	
(b)	61.23	(a))	61.163
20.110	61.29	21.22-1	(¹)
20.111	61.31	21.23	61.3
20.111-1	61.31	21.24 (a) and	
20.111-2	61.31	(c))	61.9
20.111-3	61.31	21.24(b)	61.7
20.112 (last sentence)	61.9	21.24-1	61.11
20.112 (less last sentence)	61.33		
20.112-1	(¹)		

PART 61—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
21.25-----	(*)	22.13-1-----	61.181
21.26-----	61.45	22.13-2-----	61.181
21.27-----	61.9	22.13-3-----	61.181
21.28-----	61.27	22.13-4-----	61.181
21.28-1-----	61.27	22.13-5-----	61.181
21.28-2-----	61.27	22.13-6-----	61.21
21.29-----	61.51	22.20-----	61.5
21.30-----	61.25	22.20-1-----	(4)
21.31-----	61.141	22.21 (less	
21.32-----	61.19	(d))-----	61.9
21.33-----	61.25	22.21(d)-----	61.7
21.33-1-----	61.25	22.21-1-----	(4)
21.34-----	61.15	22.21-2-----	61.7
21.35-----	61.15	22.22-----	61.47
21.36-----	61.49	22.23-----	(1)
21.37-----	61.161	22.24(b) (less	
21.38-----	61.161	(2))-----	61.81
21.40 (less		22.24(b) (2))-----	61.111
(c))-----	61.165	22.24(c)-----	61.27
21.40(c)-----	61.43	22.24(d)-----	61.25
21.40-1 (last		22.24 (less	
sentence))-----	61.43	(b)-(d))-----	61.19
21.40-1 (less		22.24-1-----	(4)
last sen-		22.25-----	61.51
tence))-----	61.165	22.26-----	(1)
21.41-----	61.47	22.27-----	61.11
21.42-----	61.47	22.28-----	61.13
21.43-----	61.163	22.29-----	61.33
21.44-----	61.41	22.31(a)-----	61.71
22.1-----	(*)	22.31(b)-----	61.101
22.10-----	61.61	22.31(c)-----	61.131
22.10-1-----	(4)	22.31(d)-----	61.183
22.10-2-----	61.61	22.31(e)-----	61.43
22.10-3-----	61.61	22.32(a) (1)-----	61.43
22.10-4-----	61.61	22.32(a) (less	
22.11 (a)-(e)-----	61.81	(1))-----	61.3
22.11(f)-----	61.83	22.32(b)-----	61.9
22.11(g)-----	61.97	22.32(c)-----	61.45
22.11(b)-----	61.99	22.32(d)-----	61.49
22.11(i)-----	61.31	22.32(e)-----	(6)
22.11-1-----	61.81	22.32(f)-----	61.39
22.11-2-----	61.81	22.40-----	(6)
22.11-3 (1st		22.41-----	(6)
and last		22.42-----	(6)
sentences))-----	61.21	22.43-----	(6)
22.11-3 (less		22.44-----	(6)
1st and last		22.45-----	(6)
sentences))-----	61.83	43.40-----	61.3
22.11-5-----	61.97	43.41 (less 1st	
22.11-6-----	61.99	sentence))-----	61.43
22.11-7-----	61.99	43.41 (1st	
22.11-8-----	(4)	sentence))-----	61.3
22.11-9-----	61.31	43.41-1-----	61.43
22.11-10-----	61.31	43.42-----	61.45
22.11-11-----	61.31	43.52-----	61.73
22.12 (a)-(e)-----	61.111	43.55-----	61.73
22.12(f)-----	61.113	43.56-----	61.73
22.12(g)-----	61.127	43.60-----	61.101
22.12 (h) and		43.61-----	61.131
(i))-----	61.129	43.62-----	61.165
22.12(j)-----	61.31	43.63 (as ap-	
22.12-1-----	61.111	plicable to	
22.12-2-----	61.111	private	
22.12-3-----	61.113	pilots))-----	61.101
22.12-4(b)-----	61.21	43.63 (as ap-	
22.12-4 (less		plicable to	
(b))-----	61.113	commercial	
22.12-6-----	61.127	pilots))-----	61.131
22.12-7-----	61.129	43.64 (b), (c),	
22.12-8-----	61.129	and (d))-----	61.177
22.12-9-----	(4)	43.65-----	61.3
22.12-10-----	61.129	43.68(c)-----	61.179
22.12-11-----	61.31	43.68 (less	
22.12-12-----	61.31	(c))-----	61.47
22.12-13-----	61.31	SR 423-----	61.73
22.13-----	61.181	SR 434-----	61.85

* Executed.

* Transferred to Part 1.

* Surplusage.

* Not a rule.

* Obsolete.

* Transferred to Part 91.

PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS [NEW]

Subpart A—General

Sec.

- 63.1 Applicability.
- 63.3 Certificates required.
- 63.11 Application and issue.
- 63.13 Temporary certificate.
- 63.15 Duration of certificates.
- 63.17 Tests: General procedure.
- 63.19 Operations during physical deficiency.
- 63.21 Change of address.

Subpart B—Flight Engineers

- 63.31 Eligibility requirements: General.
- 63.33 Knowledge requirements.
- 63.35 Experience requirements.
- 63.37 Skill requirements.
- 63.39 Re-testing after failure.
- 63.41 Limited certificates.

Subpart C—Flight Navigators

- 63.51 Eligibility requirements: General.
- 63.53 Knowledge requirements.
- 63.55 Experience requirements.
- 63.57 Skill requirements.
- 63.59 Re-testing after failure.
- 63.61 Flight navigator courses.

AUTHORITY: §§ 63.1 to 63.61 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General

§ 63.1 Applicability.

This part prescribes the requirements for issuing flight engineer and flight navigator certificates and the general operating rules for holders of those certificates.

§ 63.3 Certificates required.

(a) No person may serve as a flight engineer assisting a pilot in the mechanical operation of an aircraft of U.S. registry as his primary assigned duty in flight in air commerce unless he has in his personal possession a current flight engineer certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(b) No person may serve as a flight navigator on an aircraft of U.S. registry in air commerce unless he has in his personal possession a current flight navigator certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(c) Each person who holds a flight engineer or flight navigator certificate shall present it or his medical certificate, or both, for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

§ 63.11 Application and issue.

(a) An application for a certificate under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate.

§ 63.13 Temporary certificate.

A certificate effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate for which he applied.

§ 63.15 Duration of certificates.

(a) A certificate issued under this part to a U.S. citizen is effective until it is surrendered, suspended, or revoked. A certificate issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date it is issued, but may be reissued without further proof of technical ability.

(b) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon request of the Administrator, return it to the Administrator.

§ 63.17 Tests: General procedure.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

§ 63.19 Operations during physical deficiency.

No person may serve as a flight engineer or flight navigator during a period of known physical deficiency, or increase in physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

§ 63.21 Change in address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this Part shall notify the FAA Airman Certification Branch, Oklahoma City, Okla., in writing of his new address.

Subpart B—Flight Engineers

§ 63.31 Eligibility requirements: general.

To be eligible for a flight engineer certificate, a person must—

- (a) Be at least 21 years of age;
- (b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his flight engineer certificate;
- (c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and
- (d) Comply with §§ 63.33, 63.35, and 63.37.

§ 63.33 Knowledge requirements.

(a) An applicant for a flight engineer certificate must pass a written test on the following, with respect to transport category aircraft with four or more engines or aircraft with four or more engines and a flight engineer station:

(1) The regulations of this chapter that apply to the duties of a flight engineer.

(2) The theory of flight and elementary aerodynamics.

(3) Aircraft performance and aircraft engine operation with respect to limitations.

(4) Mathematical computations of engine operation and fuel consumption.

(5) Basic meteorology with respect to engine operations.

(6) Aircraft loading and center of gravity computations.

(7) General aircraft maintenance and operating procedures.

(8) Emergency procedures.

(b) An applicant may take the test prescribed by this section before acquiring the 5 hours of flight training required by paragraph (a), (b), or (c) of § 63.35.

§ 63.35 Experience requirements.

An applicant for a flight engineer certificate must present satisfactory documentary evidence of one of the following:

(a) At least 3 years of diversified practical experience in aircraft and aircraft engine maintenance (of which at least 1 year was in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(b) Graduation from at least a 2-year specialized aeronautical training course in maintaining aircraft and aircraft engines (of which at least 6 calendar months were in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(c) A degree in aeronautical, electrical, or mechanical engineering from a recognized college, university, or engineering school; at least 6 calendar months of practical experience in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft; and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(d) At least 200 hours of flight time as pilot in command, of aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(e) At least 100 hours of flight experience in the duties of a flight engineer.

(f) Within the 90 days before the date he applies, successful completion of an approved course of instruction adequate for the training of a flight engineer.

§ 63.37 Skill requirements.

An applicant for a flight engineer certificate must pass a practical test on the duties of a flight engineer on a transport

category aircraft with four or more engines, or on an aircraft with four or more engines and a flight engineer station on the preflight inspection, servicing, starting, and pretakeoff run-up, of aircraft. In addition, he must—

(a) In flight, show that he can satisfactorily perform normal duties and procedures relating to the aircraft, aircraft engines, propellers, and appliances; and

(b) In flight, or in an approved synthetic trainer that accurately simulates the flight characteristics and performance of the aircraft, show that he can satisfactorily perform emergency duties and procedures, and recognize and take appropriate action for, malfunctioning of aircraft, aircraft engines, propellers, and appliances.

§ 63.39 Retesting after failure.

An applicant for a flight engineer certificate who fails a written or practical test for that certificate may apply for retesting—

(a) After 30 days after the date he failed that test; or

(b) Upon presenting a signed statement from a certificated flight engineer or an appropriately rated ground instructor, certifying that, in the case of a failure of a written test, he has given the applicant at least 5 hours of additional instruction in each of the subjects failed, or that, in the case of a failure of a practical test, he has given the applicant such additional instruction as the Administrator requires, and in either case, certifying that he considers that the applicant is ready for retesting.

§ 63.41 Limited certificates.

(a) A flight engineer certificate for an aircraft with less than four engines may be issued to an applicant if—

(1) The aircraft has a satisfactory flight engineer station;

(2) He complies with §§ 63.31, 63.33, 63.35, and 63.39, except that his experience does not have to include flight time in aircraft with more than two engines; and

(3) He passes a practical test as required by § 63.37 in an aircraft with less than four engines.

(b) Each certificate issued under this section contains an appropriate limitation that may be removed whenever the holder of the certificate passes the practical test prescribed in § 63.37 for an aircraft with four or more engines.

Subpart C—Flight Navigators

§ 63.51 Eligibility requirements; general.

To be eligible for a flight navigator certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, write, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with §§ 63.53, 63.55, and 63.57.

§ 63.53 Knowledge requirements.

(a) An applicant for a flight navigator certificate must pass a written test on—

(1) The regulations of this chapter that apply to the duties of a flight navigator;

(2) The fundamentals of flight navigation, including flight planning and cruise control;

(3) Practical meteorology, including analysis of weather maps, weather reports, and weather forecasts; and weather sequence abbreviations, symbols, and nomenclature;

(4) The types of air navigation facilities and procedures in general use;

(5) Calibrating and using air navigation instruments;

(6) Navigation by dead reckoning;

(7) Navigation by celestial means;

(8) Navigation by radio aids;

(9) Pilotage and map reading; and

(10) Interpretation of navigation aid identification signals.

(b) The test prescribed by paragraph (a) of this section is a multiple choice test in four sections—

(1) The regulations of this chapter;

(2) Fundamentals of air navigation;

(3) Meteorology; and

(4) Plotting and computing.

Each section is graded separately and the passing grade for each section is 70 percent.

(c) An applicant is not required to take section 3 of the test (meteorology), if he has—

(1) An airline transport pilot certificate;

(2) An instrument rating; or

(3) Satisfactorily completed, within the 24 months before the test, the subject of meteorology for such a certificate or rating.

(d) A report of the test is mailed to the applicant. A passing grade is evidence, for a period of 24 months after the test, that the applicant has complied with this section.

§ 63.55 Experience requirements.

(a) An applicant for a flight navigator certificate must be a graduate of a flight navigator course approved by the Administrator or present satisfactory documentary evidence of—

(1) Satisfactory determination of his position in flight at least 25 times by night by celestial observations and at least 25 times by day by celestial observations in conjunction with other aids; and

(2) At least 200 hours of satisfactory flight navigation, including celestial and radio navigation and dead reckoning.

A pilot who has logged 500 hours of cross-country flight time, of which at least 100 hours were at night, may be credited with not more than 100 hours for the purposes of subparagraph (2) of this paragraph.

(b) Flight time used exclusively for practicing long-range navigation methods, with emphasis on celestial navigation and dead reckoning, is considered to be satisfactory navigation experience for the purposes of paragraph (a) of this section. It must be substantiated by a logbook, by records of an armed force or a certificated air carrier, or by a letter signed by a certificated flight navigator and attached to the application.

§ 63.57 Skill requirements.

(a) An applicant for a flight navigator certificate must pass a practical test in operating flight navigation equipment, and must pass a practical test in navigating aircraft by—

- (1) Dead reckoning;
- (2) Celestial means; and
- (3) Radio aids to navigation.

(b) An applicant must pass the written test prescribed by § 63.53 before taking the test under this section. However, if a delay in taking the test under this section would inconvenience the applicant or an air carrier, he may take it before he receives the result of the written test, or after he has failed any part of the written test except the section on plotting and computing.

(c) The test requirements for this section are set forth in Appendix A of this part.

§ 63.59 Re-testing after failure.

(a) An applicant for a flight navigator certificate who fails a written or practical test for that certificate may apply for re-testing—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a signed statement, from a certificated flight navigator, certificated ground instructor, or any other qualified person approved by the Administrator, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and considers that the applicant is ready for re-testing.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is accepted, for the purposes of paragraph (a) (2) of this section, for all sections of the written test and for the ground and flight tests. A statement from a certificated ground instructor is accepted for section 1 of the written test if he is rated on the regulations in this chapter, and for section 3 of the written test if he is rated on meteorology. A statement from a supervising or check navigator with the armed forces is acceptable for sections 2, 3, and 4 of the written test and for the practical tests.

(c) If the applicant failed the flight test, the 5 hours of additional instruction must have been in flight.

§ 63.61 Flight navigator courses.

An applicant for approval of a flight navigator course must submit a letter to the Administrator requesting approval, and must also submit three copies of the course outline, a description of his facilities and equipment, and a list of the instructors and their qualifications. Requirements for the course are set forth in Appendix B to this part.

PART 63—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
34.1	63.1	34.7 (less (b))	63.15
34.2	(¹)	34.8	63.21
34.5	63.11	34.21	(²)
34.6(a)	63.11	34.22	63.51
34.6 (less (a))	63.13	34.23	63.51
34.6-1	63.13	34.24	63.17
34.7(b)	63.13	34.25	63.59

See footnotes at end of table.

PART 63—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
34.25-1	63.59	34.44	63.19
34.25-2	63.59	35.1	63.1
34.26	63.55	35.2	(¹)
34.27	63.51	35.5	63.11
34.27-1	63.51	35.6(a)	63.11
34.31	63.55	35.6 (less (a))	63.13
34.31-1	63.55	35.7(b)	63.13
34.31-2	63.55	35.7 (less (b))	63.15
34.31-3	63.55	35.8	63.21
34.31-4	63.55	35.21	(²)
34.31-5(a)	63.55	35.22	63.31
34.31-5(b)	63.61	35.23	63.31
34.31-5 (less (a) and (b))	(⁴)	35.24	63.17
34.32	63.53	35.25	63.39
34.32-1	63.53	35.26	63.35
34.33	63.57	35.27	63.31
34.33-1(a)	63.57	35.31	63.35
34.33-1 (less (a))	(³)	35.32	63.33
34.41	63.3	35.33	63.37
34.42	63.3	35.34	63.41
34.43	63.3	35.41	63.3
		35.42	63.3
		35.43	63.3
		35.44	63.19

¹ Transferred to Part 1.

² Surplusage.

³ Appendix A.

⁴ Appendix B.

PART 63—APPENDIX A

TEST REQUIREMENTS FOR FLIGHT NAVIGATOR CERTIFICATE

(a) *Demonstration of skill.* An applicant will be required to pass practical tests on the prescribed subjects. These tests may be given by FAA inspectors and designated flight navigator examiners.

(b) *The examination.* The practical examination consists of a ground test and a flight test as itemized on the examination check sheet. Each item must be completed satisfactorily in order for the applicant to obtain a passing grade. Items 5, 6, 7 of the ground test may be completed orally, and items 17, 22, 23, 34, 36, 37, 38, and 39 of the flight test may be completed by an oral examination when a lack of ground facilities or navigation equipment makes such procedure necessary. In these cases a notation to that effect shall be made in the "Remarks" space on the check sheet.

(c) *Examination procedure.* (1) An applicant will provide an aircraft in which celestial observations can be taken in all directions. Minimum equipment shall include a table for plotting, a drift meter or absolute altimeter, an instrument for taking visual bearings, and a radio direction finder.

(2) More than one flight may be used to complete the flight test and any type of flight pattern may be used. The test will be conducted chiefly over water whenever practicable, and without regard to radio range legs or radials. If the test is conducted chiefly over land, a chart should be used which shows very little or no topographical and aeronautical data. The total flight time will cover a period of at least four hours. Only one applicant may be examined at one time, and no applicant may perform other than navigator duties during the examination.

(3) When the test is conducted with an aircraft belonging to an air carrier, the navigation procedures should conform with those set forth in the carrier's operations manual. Items of the flight test which are not performed during the routine navigation of the flight will be completed by oral examination after the flight or at times during flight which the applicant indicates may be used for tests on those items. Since in-flight weather conditions, the reliability of the weather forecast, and the stability of the aircraft will have considerable effect on an applicant's performance, good judgement

must be used by the agent or examiner in evaluating the tests.

(d) *Ground test.* For the ground test, in the order of the numbered items on the examination check sheet, an applicant will be required to:

(1) Identify without a star identifier, at least six navigational stars and all planets available for navigation at the time of the examination and explain the method of identification.

(2) Identify two additional stars with a star identifier or sky diagrams and explain identification procedure.

(3) Precompute a time-altitude curve for a period of about 20 minutes and take 10 single observations of a celestial body which is rising or setting rapidly. The intervals between observations should be at least one minute. Mark each observation on the graph to show accuracy. All observations, after corrections, shall plot within 8 minutes of arc from the time-altitude curve, and the average error shall not exceed 5 minutes of arc.

(4) Take and plot one 3-star fix and 3 LOP's of the sun. Plotted fix or an average of LOP's must fall within 5 miles of the actual position of the observer.

(5) Demonstrate or explain the compensation and swinging of a liquid-type magnetic compass.

(6) Demonstrate or explain a method of aligning one type of drift meter.

(7) Demonstrate or explain a method of aligning an astro-compass or periscopic sextant.

(e) *Flight test.* For the flight test, in the order of the numbered items on the examination check sheet, an applicant will be required to:

(1) Demonstrate his ability to read weather symbols and interpret synoptic surface and upper air weather maps with particular emphasis being placed on winds.

(2) Prepare a flight plan by zones from the forecast winds or pressure data of an upper air chart and the operator's data.

(3) Compute from the operator's data the predicted fuel consumption for each zone of the flight, including the alternate.

(4) Determine the point-of-no-return for the flight with all engines running and the equitime point with one engine inoperative. Graphical methods which are part of the company's operations manual may be used for these computations.

(5) Prepare a cruise control (howgozit) chart from the operator's data.

(6) Enter actual fuel consumed on the cruise control chart and interpret the variations of the actual curve from the predicted curve.

(7) Check the presence on board and operating condition of all navigation equipment. Normally a check list will be used. This check will include a time tick or chronometer comparison. Any lack of thoroughness during this check will justify this item being graded unsatisfactory.

(8) Locate emergency equipment, such as, the nearest fire extinguisher, life preserver, life rafts, exits, axe, first aid kits, etc.

(9) Recite the navigator's duties and stations during emergencies for the type of aircraft used for the test.

(10) Demonstrate the proper use of a flux gate compass or gyrosyn compass (when available), with special emphasis on the caging methods and the location of switches, circuit breakers, and fuses. If these compasses are not part of the aircraft's equipment, an oral examination will be given.

(11) Be accurate and use good judgment when setting and altering headings. Erroneous application of variation, deviation, or drift correction, or incorrect measurement of course on the chart will be graded as unsatisfactory.

(12) Demonstrate or explain the use of characteristics of various chart projections

	<i>Classroom hours</i>	
<i>Subject</i>		
Federal Aviation Agency-----		5
To include Parts 63, _____, _____, _____, and ---- of the chapter [Present Parts 40, 41, 42, 43 and 60.]		
Meteorology -----		40
To include:		
Basic weather principles.		
Temperature.		
Pressure.		
Winds.		
Moisture in the atmosphere.		
Stability.		
Clouds.		
Hazards.		
Air masses.		
Front weather.		
Fog.		
Thunderstorms.		
Icing.		
World weather and climate.		
Weather maps and weather reports.		
Forecasting.		

Subject	Classroom hours
International Morse code: Ability to receive code groups of letters and numerals at a speed of eight words per minute.	
Navigation instruments (exclusive of radio and radar)-----	20
To include: Compasses. Pressure altimeters. Airspeed indicators. Driftmeters. Bearing indicators. Aircraft octants. Instrument calibration and alignment.	
Charts and pilotage-----	15
To include: Chart projections. Chart symbols. Principles of pilotage.	
Dead reckoning-----	30
To include: Air plot. Ground plot. Calculation of ETA. Vector analysis. Use of computer. Search.	
Absolute altimeter with: Applications-----	15
To include: Principles of construction. Operating instructions. Use of Bellamy's formula. Flight planning with single drift correction.	
Radio and long-range navigational aids.-----	35
To include: Principles of radio transmission and reception. Radio aids to navigation. Government publications. Airborne D/F equipment. Errors of radio bearings. Quadrantal correction. Plotting radio bearings. ICAO Q code for direction finding. Loran. Consol.	
Celestial navigation-----	150
To include: The solar system. The celestial sphere. The astronomical triangle. Theory of lines of position. Use of the Air Almanac. Time and its applications. Navigation tables. Precomputation. Celestial line of position approach. Star identification. Corrections to celestial observations.	
Flight planning and cruise control-----	25
To include: The flight plan. Fuel consumption charts. Methods of cruise control. Flight progress chart. Point-of-no-return. Equitime point.	
Long-range flight problems-----	15
Total (exclusive of final examinations)-----	350

(3) *Flight course outline.* (i) A minimum of 150 hours of supervised flight training shall be given, of which at least 50 hours of flight training must be given at night, and celestial navigation must be used during flights which total at least 125 hours.

(ii) A maximum of 50 hours of the required flight training may be obtained in acceptable types of synthetic flight navigator training devices.

(iii) Flights should be at least four hours in length and should be conducted off civil airways. Some training on long-range flights is desirable, but is not required. There is no limit to the number of students that may be

trained on one flight, but at least one astro-dome or one periscopic sextant mounting must be provided for each group of four students.

(iv) *Training* must be given in dead reckoning, pilotage, radio navigation, celestial navigation, and the use of the absolute altimeter.

(b) *Equipment.* (1) Classroom equipment shall include one table at least 24" x 32" in dimensions for each student.

(2) Aircraft suitable for the flight training must be available to the approved course operator to insure that the flight training may be completed without undue delay.

The approved course operator may contract or obtain written agreements with aircraft operators for the use of suitable aircraft. A copy of the contract or written agreement with an aircraft operator shall be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instruction given during flight.

(c) *Instructors.* (1) Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors. Any ratio in excess of 20 to 1 will be considered unsatisfactory.

(2) At least one ground instructor must hold a valid flight navigator certificate, and be utilized to coordinate instruction of ground school subjects.

(3) Each instructor who conducts flight training must hold a valid flight navigator certificate.

(d) *Revision of training course.* (1) Requests for revisions to course outlines, facilities, and equipment shall follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

(2) The list of instructors may be revised at any time without request for approval, provided the minimum requirement of paragraph (e) of this section is maintained.

(e) *Credit for previous training and experience.* (1) Credit may be granted by an operator to students for previous training and experience which is provable and comparable to portions of the approved curriculum. When granting such credit, the approved course operator should be fully cognizant of the fact that he is responsible for the proficiency of his graduates in accordance with subdivision (1) of subparagraph (3) of this paragraph.

(2) Where advanced credit is allowed, the operator shall evaluate the student's previous training and experience in accordance with the normal practices of accredited technical schools. Before credit is given for any ground school subject or portion thereof, the student must pass an appropriate examination given by the operator. The results of the examination, the basis for credit allowance, and the hours credited shall be incorporated as a part of the student's records.

(3) Credit up to a maximum of 50 hours toward the flight training requirement may be given to pilots who have logged at least 500 hours while a member of a flight crew which required a certificated flight navigator or the Armed Forces equivalent. A similar credit may also be given to a licensed deck officer of the Maritime Service who has served as such for at least one year on ocean-going vessels. One-half of the flight time credited under the terms of this paragraph may be applied toward the 50 hours of flight training required at night.

(f) *Students records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instruction, subjects covered and course examinations and grades, and unless he prepares and transmits

to the local Aviation Safety district office not later than January 31 of each year, a report containing the following information for the previous calendar year:

(1) The names of all students graduated, together with their school grades for ground and flight subjects.

(2) The names of all students failed or dropped, together with their school grades and reasons for dropping.

(g) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as flight navigators.

(h) *Statement of graduation.* Each student who successfully completes an approved flight navigator course shall be given a statement of graduation.

(i) *Inspections.* Approved course operations will be inspected by authorized representatives of the Administrator as often as deemed necessary to insure that instruction is maintained at the required standards, but the period between inspections shall not exceed 12 months.

(j) *Change of ownership, name, or location.*—(1) *Change of ownership.* Approval of a flight navigator course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local Aviation Safety district office. A letter of approval under the new name will be issued by the regional office.

(3) *Change in location.* An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local Aviation Safety District office, which will inspect the facilities to be used. If they are found to be adequate, a letter of approval showing the new location will be issued by the regional office.

(k) *Cancellation of approval.* (1) Failure to meet or maintain any of the requirements set forth in this section for the approval or operation of an approved flight navigator course shall be considered sufficient reason for cancellation of the approval.

(2) If an operator should desire voluntary cancellation of his approved course, he should submit the effective letter of approval and a written request for cancellation to the Administrator through the local Aviation Safety district office.

(l) *Duration.* The authority to operate an approved flight navigator course shall expire 24 months after the last day of the month of issuance.

(m) *Renewal.* Application for renewal of authority to operate an approved flight navigator course may be made by letter to the local Aviation Safety district office at any time within 60 days before to the expiration date. Renewal of approval will depend upon the course operator meeting the current conditions for approval and having a satisfactory record as an operator.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS [NEW]

Subpart A—General

Sec.	
65.1	Applicability.
65.11	Application and issue.
65.13	Temporary certificate.
65.15	Duration of certificates.
65.17	Tests: General procedure.
65.19	Re-testing after failure.
65.21	Change of address.

Subpart B—Air-Traffic Control-Tower Operators**Sec.**

- 65.31 Eligibility requirements: General.
- 65.33 Knowledge requirements.
- 65.35 Ratings.
- 65.37 Skill requirements: Junior rating.
- 65.39 Skill requirements: Senior rating.
- 65.41 Performance of duties.
- 65.43 Maximum hours.
- 65.45 General operating rules.
- 65.47 Recent experience.

Subpart C—Aircraft Dispatchers

- 65.51 Certificate required.
- 65.53 Eligibility requirements: General.
- 65.55 Knowledge requirements.
- 65.57 Experience requirements.
- 65.59 Skill requirements.
- 65.61 Aircraft dispatcher courses.

Subpart D—Mechanics

- 65.71 Eligibility requirements: General.
- 65.73 Ratings.
- 65.75 Knowledge requirements.
- 65.77 Experience requirements.
- 65.79 Skill requirements.
- 65.81 General privileges and limitations.
- 65.83 Recent experience requirements.
- 65.85 Airframe rating; additional privileges.
- 65.87 Powerplant rating; additional privileges.
- 65.89 Display of certificate.
- 65.91 Inspection authorization.
- 65.93 Inspection authorization; renewal.
- 65.95 Inspection authorization; privileges and limitations.

Subpart E—Repairmen

- 65.101 Eligibility requirements: General.
- 65.103 Repairman certificate; Privileges and limitations.
- 65.105 Display of certificate.

Subpart F—Parachute Riggers

- 65.111 Certificate required.
- 65.113 Eligibility requirements: General.
- 65.115 Senior parachute rigger certificate: Experience, knowledge, and skill requirements.
- 65.117 Military riggers or former military riggers: Special certification rule.
- 65.119 Master parachute rigger certificate: Experience, knowledge, and skill requirements.
- 65.121 Type ratings.
- 65.123 Additional type ratings: Requirements.
- 65.125 Certificates: Privileges.
- 65.127 Facilities and equipment.
- 65.129 Performance standards.
- 65.131 Records.
- 65.133 Seal.

AUTHORITY: §§ 65.1 to 65.133 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General**§ 65.1 Applicability.**

This part prescribes the requirements for issuing the following certificates and associated ratings and the general operating rules for the holders of those certificates and ratings:

- (a) Air-traffic control-tower operators.
- (b) Aircraft dispatchers.
- (c) Mechanics.
- (d) Repairmen.
- (e) Parachute riggers.

§ 65.11 Application and issue.

(a) An application for a certificate and rating, or for an additional rat-

ing, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate and rating.

§ 65.13 Temporary certificate.

A certificate and ratings effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate and ratings for which he applied.

§ 65.15 Duration of certificates.

(a) Except for repairman certificates, a certificate or rating issued under this part to a U.S. citizen if effective until it is surrendered, suspended, or revoked.

(b) Except for repairman certificates, a certificate or rating issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date on which it is issued, but may be reissued without further proof of technical ability. However, an applicant for the reissue of a mechanic certificate and associated ratings must satisfactorily prove that he meets the recent experience requirements of § 65.83.

(c) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon the request of the Administrator, return it to the Administrator.

(d) Unless it is sooner surrendered, suspended, or revoked, a repairman certificate is effective until the holder is relieved from the duties for which he was employed and certificated. The holder of such a certificate that is no longer effective shall return it to the Administrator.

§ 65.17 Tests: General procedure.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

§ 65.19 Retesting after failure.

An applicant who fails a written, oral, or practical test for a certificate and rating, or for an additional rating, under this part may apply for retesting—

(a) After 30 days after the date he failed the test; or

(b) Upon presenting a statement from whichever of the following persons is applicable, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and now considers that the applicant is ready for retesting:

(1) For the air-traffic control-tower operator certificate—a certificated and appropriately rated ground instructor or air-traffic control-tower operator.

(2) For the aircraft dispatcher certificate—a certificated and appropriately rated ground instructor or a certificated aircraft dispatcher.

(3) For the mechanic certificate—a certificated and appropriately rated me-

chanic or ground instructor, or a certificated repairman who is experienced in the subject failed.

(4) For any parachute rigger certificate—a certificated and appropriately rated master parachute rigger or a person holding an appropriate military rating.

§ 65.21 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this part shall notify the FAA Airman Certification Branch, Oklahoma City, Oklahoma, in writing, of his new address.

Subpart B—Air Traffic Control Tower Operators**§ 65.31 Eligibility requirements: General.**

To be eligible for an air traffic control tower operator certificate, a person must—

(a) Be at least 21 years of age or, in the case of a member of the Armed Forces of the United States, at least 18 years of age;

(b) Be of good moral character;

(c) Be able to read, write, and understand the English language, and speak it without accent or impediment of speech that would interfere with two-way radio conversations;

(d) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(e) Comply with § 65.33.

A certificate that is held by a member of an Armed Force who is less than 21 years of age is valid only while he is serving as a member in a control tower operated by an Armed Force.

§ 65.33 Knowledge requirements.

(a) Each applicant for a certificate must pass a test on—

(1) The air traffic rules in Part ____ of this chapter [Present Part 60];

(2) Airport traffic control procedures, and this subpart;

(3) En route traffic control procedures;

(4) Radio frequencies and procedures used for airport traffic control;

(5) Using radio aids to air navigation;

(6) The making of weather observations; and

(7) Applicable regulations of the Federal Communications Commission.

Subparagraph (7) of this paragraph does not apply to a person who has a restricted radio telephone operator license, or higher grade of radio telephone operator license, issued by the Federal Communications Commission.

(b) This section does not apply to a person who has passed the written test for an Air Traffic Control Specialist Certificate.

§ 65.35 Ratings.

The holder of an air traffic control tower operator certificate is entitled to a junior or senior rating, based on his qualifications to perform the duties of an operator at a particular airport.

§ 65.37 Skill requirements: Junior rating.

For a junior rating, an air traffic control tower operator must pass a practical test on—

- (a) The control tower, including equipment, its use, and hazards to operations;
- (b) The airport, including rules, facilities and their use, and hazards to operations;
- (c) The control zone, including prominent objects, reporting points, traffic patterns, and hazards to operations;
- (d) Notices to airmen;
- (e) Weather facilities and procedures, including weather stations, sequence reports, forecasts, and visibility check points; and
- (f) Controlling air traffic under VFR conditions.

§ 65.39 Skill requirements: Senior rating.

(a) For a senior rating, an air traffic control tower operator must pass the test for a junior rating, meet the requirements of paragraphs (b) and (c) of this section, and pass a practical test on—

- (1) The tower, the center, and the airways serving the airport;
- (2) Air navigation facilities, including beacons, ranges, fan markers, compass locators, and instrument landing systems and ground controlled approach if these procedures or facilities have been established;
- (3) Using the Airman's Guide;
- (4) Using the Flight Information Manual;
- (5) Holding procedures;
- (6) The standard instrument approach procedures and tower approach control procedures, if approach control has been established;
- (7) Missed approaches;
- (8) Alternate airports;
- (9) Search and rescue procedures; and
- (10) Controlling air traffic under IFR conditions.

(b) An applicant for a senior rating must have satisfactorily served—

- (1) As an operator with a senior rating for at least 6 months;
 - (2) As an operator with a junior rating, for at least the 6 months before the date he applies for the rating, at the airport for which he seeks a ratings;
 - (3) As an air traffic control trainee for at least 6 months in the service of the United States; or
 - (4) As an operator with a junior rating, at an airport other than the one for which he seeks a rating or as an operator at a landing area under the jurisdiction of an Armed Force of the United States, for at least 1 of the 2 years before the date he applies for the rating.
- (c) An applicant for a senior rating must show that he can satisfactorily supervise and manage all activities of the airport control tower, including preparing such reports as may be required by the airport manager or the Administrator.

§ 65.41 Performance of duties.

- (a) An air traffic control tower operator shall perform his duties in accordance with the limitations on his

certificate and rating and the procedures and practices prescribed in air traffic control manuals of the FAA, to provide for the safe, orderly, and expeditious flow of air traffic.

(b) Whenever weather conditions are at least as good as the basic minimums prescribed for VFR flight by Part ---- of this chapter [Present Part 60], an operator with either a senior or junior rating may control traffic at the airport concerned. However, if the character or volume of the air traffic, the type and equipment of aircraft using the airport, or the airport facilities, require that an operator with a junior rating be supervised, an operator with a senior rating shall supervise the controlling of all air traffic at the airport.

(c) Whenever weather conditions are below the basic minimums prescribed for VFR flight by Part ---- of this chapter [Present Part 60], an operator with a senior rating shall supervise the controlling of all air traffic at the airport concerned. However, he may not issue an air traffic clearance for flight without advance authority from the appropriate air route traffic control center.

(d) In an emergency, an operator with a senior rating may delegate his authority to an operator with a junior rating.

§ 65.43 Maximum hours.

Except in an emergency, a certificated air traffic control tower operator must be relieved of all duties for at least 24 consecutive hours at least once during each 7 consecutive days. Such an operator may not serve or be required to serve—

- (a) For more than 10 consecutive hours; or
- (b) For more than 10 hours during a period of 24 consecutive hours, unless he has a rest period of at least 8 hours at or before the end of the 10 hours of duty.

§ 65.45 General operating rules.

(a) The holder of an air traffic control tower operator certificate shall keep it readily available when performing duties under it, and must show it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(b) No person may act as an air traffic control tower operator under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter.

(c) An air traffic control tower operator may not perform duties under his certificate during any period of known physical deficiency that would make him unable to meet the physical requirements for his current medical certificate. However, if the deficiency is temporary, he may perform duties that are not affected by it whenever another certificated and qualified operator is present and on duty.

(d) A certificated air traffic control tower operator may not control air traffic with facilities that the Administrator has found to be inadequate.

(e) The holder of an air traffic control tower operator certificate, or an applicant for one, shall, upon the reasonable request of the Administrator, cooperate fully in any test that is made of him.

§ 65.47 Recent experience.

The holder of an air traffic control tower operator certificate may not perform any duties under that certificate unless—

(a) In the case of a junior operator, he has served for at least 3 of the preceding 12 months as an operator at the airport to which his rating applies;

(b) In the case of a senior operator, he has served for at least 3 of the preceding 6 months as an operator at the airport to which his rating applies; or

(c) He has shown to the satisfaction of the Administrator that he meets the standards for his certificate and rating.

Subpart C—Aircraft Dispatchers**§ 65.51 Certificate required.**

(a) No person may serve as an aircraft dispatcher (exercising responsibility with the pilot in command in the operational control of a flight) in connection with any civil aircraft in air commerce unless he has in his personal possession a current aircraft dispatcher certificate issued under this subpart.

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

§ 65.53 Eligibility requirements: General.

To be eligible for an aircraft dispatcher certificate, a person must—

- (a) Be at least 23 years of age;
- (b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his certificate;
- (c) Comply with §§ 65.55, 65.57, and 65.59.

§ 65.55 Knowledge requirements.

(a) An applicant for an aircraft dispatcher certificate must pass a written test on—

- (1) The regulations of this chapter that apply to the duties of an aircraft dispatcher;
- (2) The general system of collecting and disseminating weather information;
- (3) Interpreting aviation weather reports, including abbreviations and symbols, as prescribed in Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations," as amended;
- (4) The fundamentals of meteorology as applied to aircraft operations, particularly as to—

- (i) Surface and upper air weather maps and general characteristics of air masses, pressure systems, and frontal systems, including their symbols and nomenclature;
- (ii) Cloud forms and their significance; and

(iii) Icing, turbulence, thunderstorms, fog and low ceilings, winds aloft, pressure pattern flying, the influence of terrain on meteorological conditions, and general principles of forecasting and analysis;

(5) Principles of aircraft navigation with particular respect to instrument operation and procedures;

(6) Communications facilities and procedures;

(7) Air navigation facilities and procedures; and

(8) Air traffic control procedures.

(b) A report of the test is sent to the applicant. A passing grade is evidence, for a period of 24 months after the date the test is given, that the applicant has complied with this section.

§ 65.57 Experience requirements.

An applicant for an aircraft dispatcher certificate must present documentary evidence satisfactory to the Administrator that he has the experience prescribed in any one of the following paragraphs:

(a) A total of at least 2 of the 3 years before the date he applies, in scheduled air carrier operations, scheduled military aviation operations, or any other aircraft operations that the Administrator finds provides equivalent experience—

(1) As a pilot member of a flight crew;

(2) As a flight radio operator or ground radio operator;

(3) As a flight navigator;

(4) As a meteorologist;

(5) Performing the duties of an aircraft dispatcher or his assistant; or

(6) Performing other duties that the Administrator finds provide equivalent experience.

(b) A total of at least 2 of the 3 years before the date he applies, as an air route traffic controller or a certificated air-traffic control-tower operator.

(c) A total of at least 1 of the 2 years before the date he applies, as an assistant in dispatching scheduled air carrier aircraft performing the duties of an aircraft dispatcher under the direct supervision of a certificated dispatcher.

(d) Within 90 days before the date he applies, successful completion of a course of instruction approved by the Administrator as adequate for the training of an aircraft dispatcher. An applicant is entitled to credit any combination of experience in paragraph (a), or paragraphs (a) and (b), of this section, if the aggregate of that experience is at least 2 years.

§ 65.59 Skill requirements.

An applicant for an aircraft dispatcher certificate must pass a practical test—

(a) With respect to any one type of large aircraft used in air carrier operations, on—

(1) Weight and balance limitations;

(2) Performance operating limitations;

(3) Using cruise control charts;

(4) Fuel and oil capacities and rates of consumption; and

(5) Using the operations manual;

(b) On the characteristics of air routes and airports with particular reference to—

(1) Landing areas;

(2) Lighting facilities; and

(3) Approach and landing facilities and procedures;

(c) On the use and limitations of sensitive-type altimeters;

(d) On applying available weather forecasts and reports to determine whether a flight can be made safely;

(e) On using the Airman's Guide and the Flight Information Manual;

(f) On dispatching and assisting a flight under adverse weather conditions; and

(g) On emergency procedures.

§ 65.61 Aircraft dispatcher courses.

An applicant for approval of an aircraft dispatcher course shall submit a letter to the Administrator requesting approval, and shall also submit three copies of the course outline, a description of his equipment and facilities and a list of the instructors and their qualifications. Requirements for the course and the outline are set forth in Appendix A to this part.

Subpart D—Mechanics

§ 65.71 Eligibility requirements: General.

(a) To be eligible for a mechanic certificate and associated ratings, a person must—

(1) Be at least 18 years of age;

(2) Be able to read, write, speak, and understand the English language, or in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a U.S. air carrier, have his certificate endorsed "Valid only outside the United States";

(3) Have passed all of the prescribed tests within a period of 24 months; and

(4) Comply with the sections of this subpart that apply to the rating he seeks.

(b) A certificated mechanic who applies for an additional rating must meet the requirements of § 65.77 and, within a period of 24 months, pass the tests prescribed by §§ 65.75 and 65.79 for the additional rating sought.

(c) Notwithstanding paragraph (a) (3) of this section, an applicant for any certificate or rating under this subpart who, before May 29, 1962, has passed any part of the prescribed tests for that certificate or rating, may be credited with passing that part for a period of 24 months after that date.

§ 65.73 Ratings.

(a) The following ratings are issued under this subpart:

(1) Airframe.

(2) Powerplant.

(b) A mechanic certificate with an aircraft or aircraft engine rating, or both, that was issued before, and was valid on, June 15, 1952, is equal to a mechanic certificate with an airframe or powerplant rating, or both, as the case may be, and may be exchanged for such a corresponding certificate and rating or ratings.

§ 65.75 Knowledge requirements.

(a) Each applicant for a mechanic certificate or rating must pass a written test covering the construction and main-

tenance of aircraft appropriate to the rating he seeks, the regulations in this subpart, and the applicable provisions of Parts ____ and ____ of this chapter [Present Parts 18 and 43]. The basic principles covering the installation and maintenance of propellers is included in the powerplant test. A study guide for the written tests is contained in the "Airframe and Powerplant Mechanics Examination Guide" available from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., at a price of 20 cents.

(b) The applicant must pass each section of the test before applying for the oral and practical tests prescribed by § 65.79. A report of the test is sent to the applicant.

§ 65.77 Experience requirements.

Each applicant for a mechanic certificate or rating must present either an appropriate graduation certificate from a certificated mechanic school or documentary evidence, satisfactory to the Administrator, of—

(a) At least 18 months of practical experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in constructing, maintaining, or altering airframes, or powerplants appropriate to the rating sought; or

(b) At least 30 months of practical experience concurrently performing the duties appropriate to both the airframe and powerplant ratings.

§ 65.79 Skill requirements.

Each applicant for a mechanic certificate or rating must pass an oral and a practical test on the rating he seeks. The tests cover the applicant's basic skill in performing practical projects on the subjects covered by the written test for that rating. An applicant for a powerplant rating must show his ability to make satisfactory minor repairs to, and minor alterations of, propellers.

§ 65.81 General privileges and limitations.

(a) A certificated mechanic may perform or supervise the maintenance or alteration of an aircraft or appliance, or a part thereof, for which he is rated (but excluding major repairs to, and major alterations of, propellers, and any repair to, or alteration of, instruments), and may perform additional duties in accordance with §§ 65.85, 65.87, 65.95, and ----- [Present §§ 18.10, 18.11, 18.12]. However, he may not supervise the maintenance or alteration of, or approve and return to service, any aircraft or appliance, or part thereof, for which he is rated unless he has satisfactorily performed the work concerned at an earlier date. If he has not so performed that work at an earlier date, he may show his ability to do it by performing it to the satisfaction of the Administrator or under the direct supervision of a certificated and appropriately rated mechanic, or a certificated repairman, who has had previous experience in the specific operation concerned.

(b) A certificated mechanic may not exercise the privileges of his certificate and rating unless he understands the

current instructions of the manufacturer, and the maintenance manuals, for the specific operation concerned.

§ 65.83 Recent experience requirements.

A certificated mechanic may not exercise the privileges of his certificate and rating unless, within the preceding 24 months—

(a) The Administrator has found that he is able to do that work; or

(b) He has, for at least 6 months—

(1) Served as a mechanic under his certificate and rating;

(2) Technically supervised other mechanics;

(3) Supervised, in an executive capacity, the maintenance or alteration of aircraft; or

(4) Been engaged in any combination of subparagraphs (1), (2), or (3) of this paragraph.

§ 65.85 Airframe rating: Additional privileges.

A certificated mechanic with an airframe rating may approve and return to service an airframe, or any related part or appliance, after he has performed, supervised, or inspected its maintenance or alteration (excluding major repairs and major alterations). In addition, he may perform the 100-hour inspection required by Part ____ of this chapter [Present Part 43] on an airframe, or any related part or appliance, and approve and return it to service.

§ 65.87 Powerplant rating: additional privileges.

A certificated mechanic with a powerplant rating may approve and return to service a powerplant or propeller or any related part or appliance, after he has performed, supervised, or inspected its maintenance or alteration (excluding major repairs and major alterations). In addition, he may perform the 100-hour inspection required by Part ____ of this chapter [Present Part 43] on a powerplant or propeller, or any part thereof, and approve and return it to service.

§ 65.89 Display of certificate.

The holder of a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

§ 65.91 Inspection authorization.

(a) An application for an inspection authorization is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this section is entitled to an inspection authorization.

(c) To be eligible for an inspection authorization, an applicant must—

(1) Be a certificated mechanic who has held both an airframe rating and a powerplant rating for at least 3 years before the date he applies;

(2) Have been actively engaged, for at least the 2-year period before the date he applies, in maintaining aircraft certificated and maintained in accordance with this chapter;

(3) Have a fixed base of operations at which he may be located in person or by telephone during a normal working week, but it need not be the place where he will exercise his inspection authority;

(4) Have available to him the equipment, facilities, and inspection data necessary to properly inspect airframes, powerplants, propellers, or any related part or appliance; and

(5) Pass a written test on his ability to inspect according to safety standards for returning aircraft to service after major repairs and major alterations and periodic and progressive inspections performed under Part ____ of this chapter [Present Part 18].

An applicant who fails the test prescribed in subparagraph (5) of this paragraph may not apply for retesting until at least 90 days after the date he failed the test.

(d) Each inspection authorization expires on March 31 of each year.

§ 65.93 Inspection authorization: Renewal.

(a) To be eligible for renewal of an inspection authorization for a one-year period an applicant must present evidence at an FAA General Aviation District Office or an International Field Office during the month of March that he still meets the requirements of § 65.91(c) (1) through (4), and by showing that during the current period that he held the inspection authority he—

(1) Has performed at least one periodic inspection for each 90 days that he held the current authority;

(2) Has performed inspections of at least two major repairs or major alterations for each 90 days that he held the current authority; or

(3) Has performed or supervised and approved at least one progressive inspection in accordance with standards prescribed by the Administrator.

(b) The holder of an inspection authorization that, on the date it must be renewed, has been in effect for less than 90 days need not comply with paragraph (a) (1) through (3) of this section.

§ 65.95 Inspection authorization: Privileges and limitations.

(a) The holder of an inspection authorization may—

(1) Inspect and approve and return to service any aircraft, or related part or appliance (except aircraft operated under Parts ____, ____, or __ of this chapter [Present Parts 40, 41, or 46], or large aircraft operated under Part ____ of this chapter [Present Part 42]) after a major repair or a major alteration to it in accordance with Part ____ of this chapter [Present Part 18]; and

(2) Perform a periodic, or perform or supervise a progressive inspection according to § ____ of this chapter [Present § 18.30].

(b) When he exercises the privileges of an inspection authorization, the

holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), the Administrator, or an authorized representative of the Civil Aeronautics Board.

(c) If the holder of an inspection authorization changes his fixed base of operation, he may not exercise the privileges of the authorization until he has notified the FAA General Aviation District Office or International Field Office for the area in which the new base is located, in writing, of the change.

Subpart E—Repairmen

§ 65.101 Eligibility requirements: General.

To be eligible for a repairman certificate a person must—

(a) Be at least 18 years of age;

(b) Be specially qualified to perform maintenance on aircraft or components thereof, appropriate to the job for which he is employed;

(c) Be employed for a specific job requiring those special qualifications by a certificated repair station or by a certificated air carrier that is required by its operating certificate or approved operations specifications to provide a continuous airworthiness maintenance program according to its maintenance manuals;

(d) Be recommended for certification by his employer, to the satisfaction of the Administrator, as able to satisfactorily maintain aircraft or components, appropriate to the job for which he is employed;

(e) Have at least 18 months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the maintenance duties of the specific job for which he is to be employed and certificated; and

(f) Be able to read, write, speak, and understand the English language, or, in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a certificated repair station or by a certificated United States air carrier described in paragraph (c) of this section, have his certificate endorsed "Valid only outside the United States".

§ 65.103 Repairman certificate: Privileges and limitations.

(a) A certificated repairman may perform or supervise the maintenance of aircraft or components thereof, appropriate to the job for which he was employed and certificated, but only in connection with duties for the repair station or air carrier by whom he was employed and recommended.

(b) A certificated repairman may not perform or supervise duties under his certificate unless he understands the current instructions of the air carrier or manufacturer of the article on which he is to perform or supervise those duties and the maintenance manuals relating to the specific operation concerned.

§ 65.105 Display of certificate.

The holder of a repairman certificate shall keep it within the immediate area

where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

Subpart F—Parachute Riggers

§ 65.111 Certificate required.

(a) No person may pack, maintain, or alter any personnel-carrying parachute intended for emergency use in connection with civil aircraft of the United States (including the auxiliary parachute of a dual parachute pack to be used for intentional jumping) unless he holds an appropriate current certificate and type rating issued under this subpart and complies with §§ 65.127 through 65.133.

(b) No person may pack, maintain, or alter any main parachute of a dual parachute pack to be used for intentional jumping in connection with civil aircraft of the United States unless he has an appropriate current certificate issued under this subpart. However, a person who does not hold such a certificate may pack the main parachute of a dual parachute pack that is to be used by him for intentional jumping.

(c) The holder of a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(d) The following parachute rigger certificates are issued under this part:

- (1) Senior parachute rigger.
- (2) Master parachute rigger.

(e) Sections 65.127 through 65.133 do not apply to parachutes packed, maintained, or altered for the use of the armed forces.

§ 65.113 Eligibility requirements: General.

(a) To be eligible for a parachute rigger certificate, a person must—

- (1) Be at least 18 years of age;
- (2) Be able to read, write, speak, and understand the English language, or, in the case of a citizen of Puerto Rico, or a person who is employed outside of the United States by a U.S. air carrier, and who does not meet this requirement, be issued a certificate that is valid only in Puerto Rico or while he is employed outside of the United States by that air carrier, as the case may be; and
- (3) Comply with the sections of this subpart that apply to the certificate and type rating he seeks.

(b) Except for a master parachute rigger certificate, a parachute rigger certificate that was issued before, and was valid on, October 31, 1962, is equal to a senior parachute rigger certificate, and may be exchanged for such a corresponding certificate.

§ 65.115 Senior parachute rigger certificate: Experience, knowledge, and skill requirements.

Except as provided in § 65.117, an applicant for a senior parachute rigger certificate must—

(a) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of each type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating;

(b) Pass a written test on the following, with respect to one type of parachute in common use:

- (1) Its construction, packing, and maintenance.
- (2) Its use.
- (3) The manufacturer's instructions.
- (4) The regulations of this subpart; and

(c) Pass an oral and practical test showing his ability to pack and maintain at least one type of parachute in common use, appropriate to the type rating he seeks.

§ 65.117 Military riggers or former military riggers: Special certification rule.

In place of the procedure in § 65.115, an applicant for a senior parachute rigger certificate is entitled to it if he passes a written test on the regulations of this subpart and presents satisfactory documentary evidence that he—

(a) Is a member or civilian employee of an Armed Force of the United States, is a civilian employee of a regular armed force of a foreign country, or has, within the 12 months before he applies, been honorably discharged or released from any status covered by this paragraph;

(b) Is serving, or has served within the 12 months before he applies, as a parachute rigger for such an Armed Force; and

(c) Has the experience required by § 65.115(a).

§ 65.119 Master parachute rigger certificate: Experience, knowledge, and skill requirements.

An applicant for a master parachute rigger certificate must—

(a) Present evidence satisfactory to the Administrator that he has had at least 5 years of experience as a parachute rigger and has satisfactorily packed at least 100 parachutes of each of two types in common use;

(b) Pass an oral test on the following, with respect to two types of parachutes in common use:

- (1) Their construction, packing, and maintenance.
- (2) Their use.
- (3) The manufacturer's instructions; and

(c) Pass a practical test showing his ability to pack and maintain two types of parachutes in common use, and showing that he can satisfactorily supervise other persons in these operations.

§ 65.121 Type ratings.

(a) The following type ratings are issued under this subpart:

- (1) Seat.
- (2) Back.
- (3) Chest.
- (4) Lap.

(b) The holder of a senior parachute rigger certificate who qualifies for a

master parachute rigger certificate is entitled to have placed on his master parachute rigger certificate the ratings that were on his senior parachute rigger certificate.

§ 65.123 Additional type ratings: Requirements.

A certificated parachute rigger who applies for an additional type rating must—

(a) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of the type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating; and

(b) Pass a practical test, to the satisfaction of the Administrator, showing his ability to pack and maintain the type of parachute for which he seeks a rating.

§ 65.125 Certificates: Privileges.

(a) A certificated senior parachute rigger may pack or maintain (except for major repair) any type of parachute for which he is rated.

(b) A certificated master parachute rigger may—

- (1) Pack, maintain, or alter any type of parachute for which he is rated; and
- (2) Instruct or supervise other persons in the proper methods and procedures of constructing, packing, maintaining, altering, and using the type of parachutes for which he is rated.

(c) A certificated parachute rigger need not comply with §§ 65.127 through 65.133 (relating to facilities, equipment, performance standards, records, recent experience, and seal) in packing, maintaining, or altering (if authorized) the main parachute of a dual parachute pack to be used for intentional jumping.

§ 65.127 Facilities and equipment.

No certificated parachute rigger may exercise the privileges of his certificate unless he has at least the following facilities and equipment available to him:

(a) A smooth top table at least three feet wide by 40 feet long.

(b) A compartment for hanging parachutes vertically for drying and airing.

(c) Enough packing tools and other equipment to pack and maintain the types of parachutes that he services.

(d) Adequate housing facilities to perform his duties and to protect his tools and equipment.

§ 65.129 Performance standards.

No certificated parachute rigger may—

(a) Pack, maintain, or alter any parachute unless he is rated for that type;

(b) Pack a parachute that is not safe for emergency use;

(c) Pack a parachute that has not been thoroughly dried and aired;

(d) Alter a parachute in a manner that is not specifically authorized by the Administrator or the manufacturer;

(e) Pack, maintain, or alter a parachute in any manner that deviates from procedures approved by the Administrator or the manufacturer of the parachute; or

(f) Exercise the privileges of his certificate and type rating unless he understands the current manufacturer's instructions for the operation involved and has—

(1) Performed duties under his certificate for at least 90 days within the preceding 12 months; or

(2) Shown the Administrator that he is able to perform those duties.

§ 65.131 Records.

(a) Each certificated parachute rigger shall keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him. He shall keep in that record, with respect to each parachute worked on, a statement of—

(1) Its type and make;

(2) Its serial number;

(3) The name and address of its owner;

(4) The kind and extent of the work performed;

(5) The date when and place where the work was performed; and

(6) The results of any drop tests made with it.

(b) Each person who makes a record under paragraph (a) of this section shall keep it for at least 2 years after the date it is made.

(c) Each certificated parachute rigger who packs a parachute shall write, on the parachute packing record attached to the parachute, the date and place of the packing and a notation of any defects he finds on inspection. He shall sign that record with his name and the number of his certificate.

§ 65.133 Seal.

Each certificated parachute rigger must have a seal with an identifying mark prescribed by the Administrator, and a seal press. After packing a parachute he shall seal the pack with his seal in accordance with the manufacturer's recommendation for that type of parachute.

PART 65—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
24.0	65.1	24.22	65.73
24.1	(¹)	24.30	65.75
24.5	65.11	24.30-1	65.75
24.5-1	65.75	24.31	65.77
24.6(a)	65.11	24.32	65.77
24.6 (less		24.33	65.79
(a))	65.13	24.33-1	65.79
24.7(a)	65.15	24.40	65.81
24.7 (less		24.40-1	65.81
(a))	65.13	24.41	65.85
24.7-1	65.15	24.42	65.87
24.8	65.73	24.43(b)	65.91
24.8-1	65.73	24.43 (less	
24.8-2	65.73	(b))	65.95
24.9	65.89	24.43-1 (less	
24.9-1	65.89	(c) and	
24.11	65.21	(e))	65.91
24.15	65.71	24.43-1(c)	65.95
24.16	65.71	24.43-1(e)	65.93
24.17	65.71	24.43-2	65.95
24.17-1	65.81	24.50	65.81
24.18(a)	65.17	24.51	63.83
24.18 (less		24.100	65.101
(a))	65.71	24.101	65.11
24.19	65.19	24.102	65.15
24.19-1	65.19	24.103	65.105
24.20	65.71	24.103-1	65.105
24.21	65.77	24.105	65.21

¹ Transferred to Part 1.

PART 65—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
24.110	65.101	26.3-2	65.33
24.111	65.101	26.6	65.35
24.112	65.101	26.7	65.37
24.120	65.101	26.7-1	65.37
24.121	65.101	26.8	65.39
24.130	65.103	26.8-1	65.39
24.140	65.103	26.12	65.17
25.0	65.1	26.13	65.31
25.1	(¹)	26.14	65.19
25.5	65.11	26.18	65.15
25.6(a)	65.11	26.19	65.13
25.6 (less		26.20	65.21
(a))	65.13	26.25	65.41
25.7(c)	65.13	26.26	65.41
25.7 (less		26.27	65.41
(c))	65.15	26.28	65.43
25.9	65.111	26.29	65.45
25.10	65.21	26.30	65.45
25.21	65.113	26.31	65.45
25.22	65.113	26.32	65.45
25.23	65.113	26.34	65.45
25.24	65.17	26.35	65.45
25.25	65.19	26.36	65.47
25.26	65.121	27.1	65.1
25.27	65.123	27.2	(¹)
25.28	65.115	27.5	65.11
	65.119	27.6(a)	65.11
	65.123	27.6 (less	
25.40	65.115	(a))	65.13
25.41	65.115	27.7(b)	65.13
25.42	65.115	27.7 (less	
25.43	65.115	(b))	65.15
25.44	65.117	27.8	65.21
25.45	65.125	27.21	65.53
25.60	65.119	27.22	65.53
25.61	65.119	27.23	65.53
25.62	65.119	27.24	65.17
25.63	65.119	27.25	65.19
25.64	65.125	27.26	65.57
25.80 (less		27.31	65.57
last proviso		27.31-1	65.61
of (b))	65.111	27.32	65.55
25.80 (last		27.33	65.59
proviso of		27.33-1(a)	
(b))	65.125	(less 1st 3	
25.81	65.127	sentences)	65.55
25.82	65.129	27.33-1(a)	
25.83	65.133	(1st 3 sen-	
25.84	65.131	tences) and	
25.85	65.129	(b))	65.59
26.1	65.31	27.41	65.51
26.2	65.31	27.42	65.51
26.3	65.33		

PART 65—APPENDIX A

AIRCRAFT DISPATCHER COURSES

(a) *Training course outline.* It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of headings and subheadings will be satisfactory provided all the subjects listed in this section are included. Each general subject of the outline shall be broken down, in detail, showing the items to be covered. Additional subjects, especially those which are not closely associated with the training of aircraft dispatchers, may be listed so long as the hourly requirements devoted to the subjects are not included as a part of the basic minimum hours.

(b) *Format of the training outline and course requirements.* The course outline submitted for approval must be in looseleaf form, must include a table of contents and minimum coverage of the course material, and must include the following:

Subject	Classroom hours
Civil Air Regulations	15
Subpart C of Part 65 of this chapter.	
Parts _____, _____, _____, _____, and _____ of this chapter [Present Parts 4b, 40, 41, 42, 43, 49, and 60].	
Part 320 of the Civil Aeronautics Board's Safety Investigation Regulations—Notification and Reporting of Aircraft Accidents and Overage Aircraft.	

PART 65—APPENDIX A—Continued

AIRCRAFT DISPATCHER COURSES—continued

Subject	Classroom hours
Meteorology	75
Basic properties of the atmosphere:	
Composition.	
Density.	
Measurement.	
General circulation.	
Solar heating.	
Clouds:	
Formation.	
Condensation.	
Precipitation.	
Use of cloud knowledge in forecasting.	
Stability and instability.	
Air mass analysis:	
Classification.	
Flying conditions to be encountered.	
Use of air mass knowledge in forecasting.	
Analysis of fronts:	
Structure and characteristics.	
Cloud sequences in fronts.	
Establishing position of front by cloud types.	
Fronts in North America and seasonal variations.	
Flying weather in fronts.	
Cyclones and anticyclones.	
Fog:	
Types.	
Cause and formation.	
Ice:	
Type.	
Cause and formation.	
Thunderstorms, hurricanes, tornados:	
Causes.	
Methods of forecasting.	
Structure and complexity of internal winds.	
Hail, its cause and formation.	
Turbulence:	
Cause.	
Determining the smooth level of flight.	
Interpreting weather data:	
Weather sequences and symbols.	
Weather map symbols.	
Drawing a weather map.	
Reading a weather map.	
Upper-level charts.	
Adiabatic charts.	
Winds-aloft charts.	
Instruments used to gather and record the weather.	
Weather forecasting:	
Extrapolation.	
Movement of fronts and air masses.	
Isobars.	
Barometric tendency.	
Application of weather knowledge:	
Planning a flight.	
Navigation	30
Study of the earth as a planet (charts, maps, and projections):	
Mercator projections.	
Gnomonic projections.	
Lambert projections.	
Polyconic projections.	
Chart reading:	
Symbols, landmarks, etc.	
Dead reckoning:	
Magnetic variation, compass deviation terms, winds and vectors.	
Correction angle.	
Findings wind drift-off course.	
Off course problems.	
Wind velocity by single and double drift.	
Interception problems.	
Radius of action—problems.	
Search problems.	
Computer use—problems.	
Radio navigation:	
Principles of the radio range, radio compass direction finder, marker beacons, ILS, CCA, radio altimeter, LORAN, and any other.	
Navigation instruments:	
Altimeter, air-speed indicator, compass, drift and rate of climb indicator.	

PART 65—APPENDIX A—Continued

AIRCRAFT DISPATCHER COURSES—continued

Subject	Classroom hours
Aircraft.....	15
Weight and balance:	
Center of gravity.	
How determined.	
Center of gravity limits.	
Problem in loading.	
Engine specifications—Powerplant:	
Operating limits.	
Fuel consumption.	
Accessories.	
Operating manual.	
Airplane specifications:	
Operational equipment.	
Flight controls, landing gear hydraulic system, electrical system, loading characteristics, fuel capacity heating and ventilating system, and deicing equipment.	
Performance:	
Effect of weight, wind, air density, and runway surfaces on take-off performance of aircraft.	
Power setting and cockpit procedure.	
Types of cruise control.	
Communications.....	8
Radio-telephone rules and regulations.	
FCC rules and regulations.	
Company communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
FAA communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
Simulated instrument flight.....	10
Instrument familiarization.	
Bracketing.	
Orientation.	
Holding procedure.	
Let-down procedure.	
Missed-approach procedure.	
Air Traffic Control.....	30
Air route traffic control procedures and equipment.	
Airport traffic control procedures and equipment.	
Practical Dispatching.....	15
Preflight:	
Safety.	
Economic advantage.	
Crew.	
Notams.	
The course and distance.	
Horizontal and vertical extent of the weather.	
Winds.	
Forecast.	
Minimum safe altitude.	
The cruising altitude.	
Flight plan.	
The alternate plan.	
Clearances, company air traffic control.	
The fuel.	
The load.	
The departure time.	
In-flight:	
Position report.	
Altimeter settings.	
Weather reports.	
Changes in forecast.	
Changing instrument altitude.	
Changing from VFR to IFR.	
Additional clearances.	
Emergency procedures.	
Post-flight:	
Arrival report.	
Differences between the forecasted and actual weather encountered for subsequent flights.	

(c) *Facilities, equipment, and material.* An applicant for authority to operate an approved aircraft dispatcher course of study must have the following facilities, equipment, and materials:

(1) *Facilities.* Suitable classrooms, adequate to accommodate the largest number of students scheduled for attendance at any one time. Such classrooms shall be properly heated, lighted, and ventilated.

(2) *Equipment and materials.* Suitable devices for the teaching of simulated instrument flight, navigation, and meteorology, acceptable textbooks, operations manuals, wall maps, charts, blackboards, and visual aids of a quantity which will provide for each student the theoretical and practical aspects of aircraft dispatching.

(d) *Instructors.* (1) The number of instructors available for conducting the course of study shall be determined according to the needs and facilities of the applicant. However, the ratio of students per instructor may not exceed 25 students for one instructor.

(2) At least one instructor who possesses a currently effective aircraft dispatcher certificate must be available for coordination of the training course instruction.

(e) *Revision of training course.* Requests for revision of course outlines, facilities, and equipment shall be accomplished in the same manner established for securing approval of the original course of study. Revisions must be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revision.

The list of instructors may be revised at any time without request for approval, provided the minimum requirements are maintained and the local inspector is notified.

(f) *Credit for previous experience or training.* A course operator may evaluate an entrant's previous experience or training and where the training or experience is provable and comparable to portions of the approved course curriculum, may, as each individual case warrants, allow credit for such, commensurate with accepted training practices. Where credit is allowed, the basis for allowance and the total hours credited must be incorporated as a part of the student's records, provided for in paragraph (g) of this Appendix.

(g) *Student records and reports.* Approval of a course may not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades, and unless he prepares and transmits to the FAA not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with school grades for aircraft dispatcher courses.

(2) The names of all students failed or dropped, together with school grades and reasons for dropping.

(h) *Quality of instruction.* Approval of a course may not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as aircraft dispatchers.

(i) *Statement of graduation.* Each student who successfully completes the approved aircraft dispatcher course shall be given a statement of graduation.

(j) *Change of ownership, name, or location—(1) Change of ownership.* Approval of an aircraft dispatcher course may not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedures prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership remains valid if the change is reported by the approved course operator to the local inspector who will issue a letter of approval under the new name.

(3) *Change in location.* An approved course remains in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local inspector who will inspect the facilities to be used in the new location and, if they are found to be adequate, issue a letter of approval showing the new location.

(k) *Cancellation of approval.* (1) Failure to meet or maintain any of the standards set forth herein for the approval or operation of an approved aircraft dispatcher course is considered to be a sufficient reason for discontinuing approval of the course.

(2) If an operator desires voluntary cancellation of his approved course, he shall send a letter requesting cancellation to the Administrator of the Federal Aviation Agency through the local inspector.

(l) *Duration.* The authority to operate an approved aircraft dispatcher course of study expires 24 months after the last day of the month of issuance.

(m) *Renewal.* Application for renewal of an approved aircraft dispatcher course shall be made by letter addressed to the Administrator of the Federal Aviation Agency through the local inspector at any time within 60 days of the expiration date. Renewal of approval will depend on the course operator's meeting the current conditions of course approval and having a satisfactory record as a course operator.

PART 67—MEDICAL STANDARDS AND CERTIFICATION [NEW]

Subpart A—General

Sec.	
67.1	Applicability.
67.11	Issue.
67.13	First-class medical certificate.
67.15	Second-class medical certificate.
67.17	Third-class medical certificate.
67.19	Special issue: Operational limitations.

Subpart B—Certification Procedures

67.21	Applicability.
67.23	Medical examinations; Who may give.
67.25	Delegation of authority.
67.27	Denial of medical certificate.
67.29	Medical certificates by senior flight surgeons of armed forces.
67.31	Medical records.

AUTHORITY: §§ 67.1 to 67.31 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General

§ 67.1 Applicability.

This subpart prescribes the medical standards for issuing medical certificates for airmen.

§ 67.11 Issue.

An applicant who meets the medical standards prescribed in this part, based on medical examination and evaluation of his history and condition is entitled to an appropriate medical certificate.

§ 67.13 First-class medical certificate.

(a) To be eligible for a first-class medical certificate, an applicant must meet the requirements of paragraphs (b) through (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those

glasses while exercising the privileges of his airman certificate.

(2) Near vision of at least $v=1.00$ at 18 inches with each eye separately, with or without corrective glasses.

(3) Normal color vision.

(4) Normal fields of vision.

(5) No acute or chronic pathological condition of either eye or adenexae that might interfere with its proper function, might progress to that degree, or might be aggravated by flying.

(6) Bifoveal fixation and vergence-ophoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoria, six prism diopters of esophoria, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergence-ophoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:

(1) Ability to—

(i) Hear the whispered voice at a distance of at least 20 feet with each ear separately; or

(ii) Demonstrate a hearing acuity of at least 50 percent of normal in each ear throughout the effective speech and radio range as shown by a standard audiometer.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) If the applicant has passed his thirty-fifth birthday but not his fortieth, he must, on the first examination after his thirty-fifth birthday, show an absence of myocardial infarction on electrocardiographic examination.

(3) If the applicant has passed his fortieth birthday, he must annually show an absence of myocardial infarction on electrocardiographic examination.

(4) Unless the adjusted maximum readings apply, the applicant's reclining blood pressure may not be more than the maximum reading for his age group in the following table:

Age group	Maximum readings (reclining blood pressure in mm)		Adjusted maximum readings (reclining blood pressure in mm) ¹	
	Systolic	Diastolic	Systolic	Diastolic
20-29-----	140	88	-----	-----
30-39-----	145	92	155	98
40-49-----	155	96	165	100
50 and over--	160	98	170	100

¹ For an applicant at least 30 years of age whose reclining blood pressure is more than the maximum reading for his age group and whose cardiac and kidney conditions, after complete cardiovascular examination, are found to be normal.

(5) If the applicant is at least 40 years of age, he must show a degree of circulatory efficiency that is compatible with the safe operation of aircraft at high altitudes.

An electrocardiogram, made according to acceptable standards and techniques within the 90 days before an examination for a first-class certificate, is accepted at the time of the physical examination as meeting the requirements of subparagraphs (2) and (3) of this paragraph.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control.

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified medical judgment relating to the condition involved.

§ 67.15 Second-class medical certificate.

(a) To be eligible for a second-class medical certificate, an applicant must meet the requirements of paragraphs (b) through (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without

correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) Enough accommodation to pass a test prescribed by the Administrator based primarily on ability to read official aeronautical maps.

(3) Normal fields of vision.

(4) No pathology of the eye.

(5) Ability to distinguish aviation signal red, aviation signal green, and white.

(6) Bifoveal fixation and vergence-ophoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoria, six prism diopters of esophoria, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergence-ophoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:

(1) Ability to hear the whispered voice at 8 feet with each ear separately.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

No established medical history or clinical diagnosis of—

(1) Myocardial infarction; or

(2) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control.

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

§ 67.17 Third-class medical certificate.

(a) To be eligible for a third-class medical certificate, an applicant must meet the requirements of paragraphs (b) through (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/50 or better in each eye separately, without correction; or if the vision in either or both eyes is poorer than 20/50 and is corrected to 20/30 or better in each eye with corrective glasses, the applicant may be qualified on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) No serious pathology of the eye.

(3) Ability to distinguish aviation signal red, aviation signal green, and white.

(c) Ears, nose, throat, and equilibrium:

(1) Ability to hear the whispered voice at 3 feet.

(2) No acute or chronic disease of the internal ear.

(3) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(4) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following—

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the

privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control;

(2) No other organic, functional or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

§ 67.19 Special issue: Operational limitations.

(a) A medical certificate of the appropriate class may, in the discretion of the Civil Air Surgeon, be issued to an applicant who does not meet the medical standards of this Part, if the applicant shows to the satisfaction of the Civil Air Surgeon by operational experience, special practical testing, flight testing, or as otherwise required, that he can perform his duties under the airman certificate he holds, or for which he is applying, in a manner that will not endanger safety in air commerce during the period the certificate would be in effect.

(b) Any operational limitation on, or limit on the duration of, a certificate issued under this section that the Civil Air Surgeon determines is needed for safety shall be specified on the airman or medical certificate held by, or issued to, the applicant.

(c) An applicant who has taken a practical or flight test for a medical certificate under this section, and who has had a medical certificate issued to him under this section as a result of that test, need not take the test again during later physical examinations unless the Civil Air Surgeon determines that his physical deficiency has become enough more pronounced to require such an additional test.

(d) This section does not apply to an applicant who fails to meet the require-

ments of §§ 67.13 (d) (1), (e) (1), or (f) (1), 67.15 (d) (1), (e), or (f) (1), or 67.17 (d) (1), (e), or (f) (1).

Subpart B—Certification Procedures

§ 67.21 Applicability.

This subpart prescribes the general procedures that apply to the issue of medical certificates for airmen.

§ 67.23 Medical examinations: Who may give.

(a) *First class.* Any aviation medical examiner who is specifically designated for the purpose may give the examination for the first class certificate. Any interested person may obtain a list of these aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

(b) *Second class and third class.* Any aviation medical examiner may give the examination for the second or third class certificate. Any interested person may obtain a list of aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

§ 67.25 Delegation of authority.

(a) The authority of the Administrator, under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422), to issue or deny medical certificates is delegated to the Civil Air Surgeon, to the extent necessary to—

(1) Examine applicants for and holders of medical certificates for compliance with applicable medical standards; and

(2) Issue, renew, or deny medical certificates to applicants and holders based upon compliance or noncompliance with applicable medical standards.

Subject to limitations in this chapter, the authority delegated in subparagraphs (1) and (2) of this paragraph is also delegated to aviation medical examiners and to authorized representatives of the Civil Air Surgeon within the FAA.

(b) The authority of the Administrator, under subsection 314(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1355 (b)), to reconsider the action of a medical examiner is delegated to the Civil Air Surgeon, and his authorized representatives within the FAA. However, any action taken under this paragraph by such a representative is subject to reconsideration by the Civil Air Surgeon.

(c) The authority of the Administrator, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), to re-examine any civil airman, to the extent necessary to determine an airman's qualification to continue to hold an airman medical certificate, is delegated to the Civil Air Surgeon and his authorized representatives within the FAA.

§ 67.27 Denial of medical certificate.

(a) Any person who is denied a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon may, within 30 days after the date of the denial, apply in writing to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., for re-

consideration of that denial. He must send with his application a copy of it addressed to the aviation medical examiner, or representative of the Civil Air Surgeon, concerned. If he does not apply for reconsideration during 30 days after the date of denial, he is considered to have withdrawn his application for a medical certificate.

(b) The denial of a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon is not a denial by the Administrator under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422). The denial of a medical certificate by the Civil Air Surgeon is considered to be a denial by the Administrator under that section.

§ 67.29 Medical certificates by senior flight surgeons of armed forces.

(a) The FAA has designated senior flight surgeons of the armed forces on specified military posts, stations, and facilities, as aviation medical examiners.

(b) An aviation medical examiner described in paragraph (a) of this section may give physical examinations to applicants for FAA medical certificates who are on active duty or who are, under Department of Defense medical programs, eligible for FAA medical certification as civil airmen. In addition, such an examiner may issue or deny an appropriate FAA medical certificate in accordance with the regulations of this chapter and the policies of the FAA.

(c) Any interested person may obtain a list of the military posts, stations, and facilities at which a senior flight surgeon has been designated as an aviation medical examiner, from the Surgeon General of the armed force concerned or from the Chief of the Aeromedical Certification Division, AM-300, Federal Aviation Agency, Oklahoma City, Oklahoma.

§ 67.31 Medical records.

Whenever the Administrator finds that additional medical history is necessary to determine whether an applicant for or the holder of a medical certificate meets the physical standards for it, he requests that person to authorize any clinic, hospital, doctor, or other person to release to the Administrator any available information or records concerning that medical history. If the applicant, or holder, refuses to authorize the release, the Administrator may suspend, modify, or revoke any medical certificate that he holds or may, in the case of an applicant, refuse to issue a medical certificate to him.

PART 67—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
29.1-----	67.11	406.12(c)	(1)
29.2-----	67.13	and (2)-----	67.23
29.3-----	67.15	406.12(d)	67.25
29.4-----	67.17	406.12(e)	67.27
29.5-----	67.19	406.12 (less	
406.12(a)	(1)	(a)-(f))-----	67.29
and (2)-----	67.23	406.31	67.31
406.12(b)	(1)		
and (2)-----	67.23		

[F.R. Doc. 62-7961; Filed, Aug. 9, 1962; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-359]

PART 200—DEFINITIONS AND INSTRUCTIONS

Definition of "Supplemental Air Carrier"

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August 1962.

The term "supplemental air carrier" as used in the Board's regulations and orders includes carriers holding operating authority under Order E-9744 of November 15, 1955 (22 C.A.B. 853), and certificate authority under Orders E-13436 of January 28, 1959, and E-14196 of July 8, 1959. Pursuant to section 8(b) of Public Law 87-528 (76 Stat. 143), enacted July 10, 1962, these operating authorizations will terminate on August 9, 1962. Carriers which held such operating authorizations, or held interim operating authority under paragraph (2) of the first section of Public Law 86-661 of July 14, 1960 (74 Stat. 527), may qualify under section 8(a) for statutory operating authority, for a period of ninety days from the enactment of Public Law 87-528. Thereafter such carriers, as well as former all-cargo carriers covered by the provisions of section 7(c) of Public Law 87-528, may receive a new interim certificate or new interim authority pursuant to section 7 (a), (b), or (c) of said Public Law. Eventually, such carriers as well as new applicants may receive certificate authority under new section 401(d) (3) of the Federal Aviation Act of 1958, as amended.

The carriers operating under any of the afore-cited provisions or under authority conferred by the Board pursuant to these provisions will, in substance, be "supplemental air carriers" within the intent of the Board's regulations and orders. However, in order to remove any doubt, it appears expedient to make these regulations and orders applicable to such carriers by express provision. For this purpose, the Board will add to Part 200 of its Economic Regulations a definition of "supplemental air carrier" which encompasses carriers holding operating authority under or pursuant to the afore-cited provisions.

Since this regulation is interpretative in nature, does not impose any regulatory burdens on persons to whom such burdens are not applicable at this time, and is required in the public interest by August 10, 1962, notice and public procedure thereon are not required, and this amendment may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 200 of its Economic Regulations (14 CFR Part 200) by adding thereto a new § 200.8, effective August 10, 1962, to read:

§ 200.8 Supplemental air carrier.

Unless the context otherwise requires, the term "supplemental air carrier" as used in existing or future regulations and orders of the Board includes persons holding operating authority con-

ferred upon them by section 8(a) of Public Law 87-528 of July 10, 1962; persons holding operating authority conferred upon them by the Board pursuant to section 7 (a), (b), or (c), of said Public Law 87-528; and persons holding certificate authority conferred upon them by the Board pursuant to section 401(d) (3) of the Federal Aviation Act of 1958, as amended. These persons shall also be deemed included in the term "air carrier" where that term, in the context, includes supplemental air carriers.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324, Interpret or apply secs. 401, 403, 404, 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 1002(1) of the Federal Aviation Act of 1958, as amended; secs. 7 and 8 of Public Law 85-528, 72 Stat. 754, 758, 760, 766, 767, 768, 769, 770, 771, 788; 76 Stat. 143, 146, 147; 49 U.S.C. 1371, 1373, 1374, 1377, 1378, 1379, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1482)

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 62-8032; Filed, Aug. 9, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-130]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On May 30, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5098) stating that the Federal Aviation Agency was considering alteration of a segment of Intermediate altitude VOR Federal airway No. 1547 between Myton, Utah, and Casper, Wyo., and alteration of a segment of low altitude VOR Federal airways Nos. 4 and 6 north alternates between Rock Springs, Wyo., and Cherokee, Wyo.

The Air Transport Association of America submitted a comment which concurred with the proposed alterations. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

1. Section 600.1547 (14 CFR 600.1547): In the text "Cherokee, Wyo., VOR;" is deleted and "Rock Springs, Wyo., VOR;" is substituted therefor.

2. In the text of § 600.6004 (14 CFR 600.6004, 27 F.R. 1595, 4809, 6672) "Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station, including a north alternate;" is deleted and "Rock Springs, Wyo., VORTAC; Cherokee, Wyo., VOR, including a N alternate via the INT of the Rock Springs VORTAC 053" and the Cherokee VOR 286° radials;" is substituted therefor.

3. In the text of § 600.6006 (14 CFR 600.6006, 27 F.R. 1354, 5655) "Ogden, Utah, omnirange station; Fort Bridger, Wyo., omnirange station, including a north alternate via the intersection of the Ogden omnirange 052° True and the Fort Bridger omnirange 278° True radials; Rock Springs, Wyo., omnirange station, including a north alternate via the intersection of the Fort Bridger omnirange 064° True and the Rock Springs omnirange 284° True radials; Cherokee, Wyo., omnirange station, including a north alternate;" is deleted and "Ogden, Utah, VOR; Fort Bridger, Wyo., VOR, including a N alternate via the INT of the Ogden VOR 052° and the Fort Bridger VOR 278° radials; Rock Springs, Wyo., VORTAC including a N alternate via the INT of the Fort Bridger VOR 064° and the Rock Springs VORTAC 284° radials; Cherokee, Wyo., VOR, including a N alternate via the INT of the Rock Springs VORTAC 053° and the Cherokee VOR 286° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 6, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7966; Filed, Aug. 9, 1962;
8:45 a.m.]

[Airspace Docket No. 62-EA-12]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On May 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4702) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 266 between Franklin, Va., and Norfolk, Va.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In the text of § 600.6266 (14 CFR 600.6266) "point of INT of the Franklin VOR 087° radial with the Norfolk, Va., VOR direct radial to the Cofield, N.C., VOR;" is deleted.

This amendment shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7967; Filed, Aug. 9, 1962;
8:45 a.m.]

[Airspace Docket No. 62-SO-40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6035 of the regulations of the Administrator is to redefine the segment of the west alternate of VOR Federal airway No. 35 in the vicinity of the Miami International Airport, Florida.

The description of this segment of the airway utilizes reference to the west course of the Miami International Airport ILS for two intersections in defining this portion of Victor 35 west alternate. This ILS, which serves Runway 9 right, will be relocated to serve Runway 27 left and will be commissioned approximately November 15, 1962. A new ILS has been commissioned to serve Runway 9 left. With the above ILS installation and relocation of the existing ILS, there will be two ILS west courses. Therefore, action is taken herein to identify the west course of the ILS serving Runway 9 left in this description.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 600.6035 (14 CFR 600.6035, 27 F.R. 562, 2046, 4244) is amended as follows: In the text insert "Runway 9 left" after "Miami International Airport" in the two places it appears.

This amendment shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 6, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7968; Filed, Aug. 9, 1962;
8:45 a.m.]

[Airspace Docket Nos. 60-WA-204,
60-WA-279]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Description; Correction

On July 10, 1962, Airspace Docket No. 60-WA-204 and No. 60-WA-279 were published in the FEDERAL REGISTER (27 F.R. 6493) and amended in part § 600.101 of the regulations of the Administrator by altering the description of Amber Federal airway No. 1. This action is to become effective August 23, 1962.

In altering the text of § 600.101, the current status of special use airspace affecting Amber 1 was not reflected in the airway description. Corrective action is taken herein.

Since this alteration is editorial in nature and imposes no additional burden

on any person, compliance with section 4, of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-204 and No. 60-WA-279, Item 2, is amended to read:

In the text of § 600.101 (14 CFR 600.101, 26 F.R. 572, 8375, 11485, 27 F.R. 2452) "That airspace over United States territory from the Sandspit, British Columbia, radio range station via the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Sitka (Birorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, RR. The airspace within R-2201 and R-6703 shall be used only after obtaining prior approval from appropriate authority." is deleted and "From the Sandspit, B.C., Canada, RR via the INT of the NW course of the Sandspit RR and the SW course of the Annette Island, Alaska RR; Sitka, Alaska RR; Yakutat, Alaska RR; INT of the NW course of the Yakutat RR and the SE course of the Hinchinbrook, Alaska, RR; Hinchinbrook RR; INT of the NW course of the Hinchinbrook RR and the SE course of the Anchorage, Alaska RR; Anchorage RR; INT of the NW course of the Anchorage RR and the SE course of the Skwentna, Alaska RR; Skwentna RR; Puntilla Lake, Alaska RBN; Farewell, Alaska RR; McGrath, Alaska RR; Unalakleet, Alaska RR; to the Nome, Alaska RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Sandpit RR to the McGrath RR, but excluding the portion under the jurisdiction of Canada. The airspace within R-2201, R-2203, and R-6703 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7969; Filed, Aug. 9, 1962;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MISCELLANEOUS AMENDMENTS

In § 21.113, paragraphs (b) (5), (e) (1) and (2), and (g) are amended to read as follows:

§ 21.113 Overpayments of subsistence allowance and other benefits.

(b) *Liability of institution on account of outstanding overpayments to veterans pursuant to section 7, Public Law 610, 81st Congress.* (This does not cover damages for breach of contract).

(5) The determination as to liability will be made after notice to the school of intent to apply the liability provisions of section 7, Public Law 610 (as saved from repeal by section 12(a) of Public Law 85-857), or, if the school files written request for a hearing within 30 days of receipt of such notice, after such formal hearing has been afforded.

(e) *Administrative review.* (1) There is established in the Compensation and Pension Service a specially constituted Liability Review Section which will be comprised of three members, one of whom is to be designated by the Director, Compensation and Pension Service, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Director, Compensation and Pension Service, who will designate one member to preside over the meetings of said section to be known as chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of the decisions of the regional Committee on Waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school and received by the Veterans Administration regional office within 60 days from the date notice of the decision holding the school liable for the overpayment is mailed to the school, or within 90 days, if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committee but no expenses of claimant

or his witnesses, if any, are payable by the Veterans Administration.

(iii) Any case in which an administrative review is requested by the regional office Manager of the office concerned or by the Director, Vocational Rehabilitation and Education Service, within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the Director, Compensation and Pension Service determines that an administrative review is warranted.

(v) Any case involving an amount in excess of \$2,500.

(2) The review section will notify the Veterans Administration regional office of jurisdiction and the school of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the Regional Committee on Waivers, in any case where the review section in the Compensation and Pension Service reverses a finding made by the regional committee that the school was liable.

(g) *Contracts between a State or political subdivision of a State and the Veterans Administration.* Notwithstanding the criteria contained in paragraphs (a) through (f) of this section for determination of liability of an institution, it is provided by Public Law 149, 83d Congress, that under any contract between a State, or any political subdivision of a State, and the Veterans Administration providing for the furnishing of instruction in a course of institutional on-farm or other training under part VIII of Veterans Regulation No. 1 (a) as amended (PL 346, 78th Cong., as amended) (as saved from repeal by section 12(a) of Public Law 85-857), liability by reason of payments of subsistence allowance which were illegal because of failure of the veteran or the course to comply with the applicable statutory, regulatory, or contractual requirements shall not be applied to the contracting State or political subdivision, unless the Veterans Administration, after investigation, finds that an employee or representative of such State or political subdivision conspired with the veteran by, or was guilty of fraud or gross negligence in, falsely reporting to the Veterans Administration that the veteran was in a proper course of training, failing to report unauthorized or excessive absences from, or interruption or discontinuance of, his course of training, or not discovering the failure of the veteran to comply with the applicable statutory, regulatory, or contractual requirements and not promptly terminating the course of training of the veteran. The provisions of this paragraph shall be effective as to overpayments of subsistence allowance occurring for periods of training subsequent to July 12, 1950, and prior to July 1, 1954, but shall not require repayment of any funds heretofore properly recovered by agreement of the parties to any such contract, and shall not be applicable to any other lia-

bilities or agreements pursuant to such contract.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 10, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-7998; Filed, Aug. 9, 1962; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 55—GRANTS FOR WATER POLLUTION CONTROL

Subpart B—Grants for Construction of Treatment Works

GRANT LIMITATIONS

Notice of proposed rule making having been published on May 18, 1962, at 27 F.R. 4740-4741, and no objections or public comments having been received, the proposed amendments to the regulations relating to grants for projects for treatment works the need for which is due in part to Federal institutions or Federal construction activity, as set forth and published with said notice of proposed rule making, are hereby adopted without change and shall be effective immediately as provided in said notice.

Dated: August 3, 1962.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

Section 55.25(a) (8) is amended to read as follows:

(8) Whenever a State has funds subject to reallocation under § 55.22(b), prior to such reallocation additional grants may be made for any projects in that State where the Surgeon General finds that the need for the projects is due in part to any Federal institution or Federal construction activity which have added to the Applicants' requirements for sewage treatment works. Such additional grants shall be limited to additional identifiable costs of construction attributable to such Federal institution or Federal construction activity. Applicants for additional grants must support their claims that the need for their projects is due in part to any Federal institution or Federal construction activity by showing that at least five percent of the population contributing wastes to the project are, as of the date of filing the application for the additional grant, in one or more of the following categories: (i) Federal personnel and their families residing on or at a Federal institution as hereinafter defined, as well as occupants, patients, and inmates of such institutions; (ii) Federal personnel and their families working on or at but residing at other than a Federal institution as herein-after defined; (iii) non-Federal personnel and their families working on Fed-

eral construction projects involving a Federal institution as hereinafter defined. Necessary supporting information submitted by Applicants shall be used as the basis for computing a project's additional grant entitlement as follows: For category (i), 100 percent of the product of the per capita cost of the project and the number represented in this category; for either category (ii) or (iii), 50 percent of the product of the per capita cost of the project and the number represented by such category: *Provided*, That in any case the additional grant entitlement with respect to any category shall be reduced by the amount of any Federal contribution by any other Federal agency toward the capital cost of the approved project made on behalf of such category. The total of the sums of the above calculations shall be the maximum entitlement of an individual project for an additional grant. If the total of all entitlements for additional grants exceed the funds available to a State for such grants, the available funds will be pro-rated over all eligible applicants for such grants in the State. In any instance where a grantee community claims its need for a project is due in part to any Federal institution or Federal construction activity but because of exceptional circumstances is not measureable by the criteria set out above, a request for special consideration may be made to the Surgeon General. Notwithstanding the provisions of this section, the Surgeon General may waive the percentage requirements set out above in the case of an application for an additional grant whenever, in his judgment, exceptional circumstances exist or existed which make such action necessary to avoid inequity and avoid defeating the purposes of this section. In any event, no additional grant may be made in an amount which, together with the amount of the basic grant, will exceed the total eligible project cost. As used in this section, the term "Federal institution" shall mean any Federal institution, reservation, installation, base, project, or other similar Federal establishment used by the Federal Government primarily for the performance of functions other than the provision of services to the area in which such establishment is situated; and the term "Federal construction activity" shall mean the construction of any "Federal institution" as herein defined.

(Sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466i. Interpret or apply sec. 6, 70 Stat. 502, as amended; 33 U.S.C. 466e)

[F.R. Doc. 62-8007; Filed, Aug. 9, 1962; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 7—EMPLOYEE INVENTIONS

Revision

Part 7, entitled "Employee Inventions," of Subtitle A, entitled "Department of

Health, Education, and Welfare, General Administration" of Title 45 of the Code of Federal Regulations (20 F.R. 6748) is hereby revised as follows:

Sec.

- 7.0 Who are employees.
- 7.1 Duty of employee to report inventions.
- 7.2 Determination as to patentability.
- 7.3 Determination as to domestic rights.
- 7.4 Option to acquire foreign rights.
- 7.5 Determination as to patenting.
- 7.6 Department review and determination.
- 7.7 Notice to employee of determination.
- 7.8 Employee's right of appeal.

AUTHORITY: §§ 7.0 to 7.8 issued under Reg. Plan No. 1 of 1953, 18 F.R. 2053; 3 CFR, 1953 Supp. E.O. 10096, 15 F.R. 391; 3 CFR, 1950 Supp. and E.O. 10930, 26 F.R. 2583; 3 CFR 1961 Supp.

§ 7.0 Who are employees.

As used in this part, the term "Government employee" means any officer or employee, civilian or military, except such part-time employees or part-time consultants as may be excluded therefrom by a determination made in writing by the head of the employee's office or constituent organization, pursuant to an exemption approved by the Commissioner of Patents that to include him or them would be impracticable or inequitable, giving the reasons therefor. A person shall not be considered to be a part-time employee or part-time consultant for this purpose unless the terms of his employment contemplate that he shall work for less than the minimum number of hours per day, or less than a minimum number of days per week, or less than the minimum number of weeks per year, regularly required of full-time employees of his class.

§ 7.1 Duty of employee to report inventions.

Any Department employee is required to report promptly to the constituent organization in which he is employed any invention made by him (whether or not jointly with others) which bears any relation to his official duties or which was made in whole or in any part during working hours, or with any contribution of Government facilities, equipment, material, funds, or information, or of time or services of other Government employees on official duty. Reports of inventions (except for cases as to which it is decided by the appropriate office or constituent organization, with the concurrence of the Department Patents Officer, that it does not appear they are or may be patentable) shall be forwarded through appropriate channels to the head of the office or constituent organization having administrative jurisdiction over the inventor at the time the invention was made. Thereafter they shall be forwarded with the related administrative recommendations and determinations to the Department Patents Officer.

§ 7.2 Determination as to patentability.

Upon receiving a report of an employee invention, the head of the appropriate office or constituent organization shall make in writing the decision on behalf of the Department as to whether the results of the research, development, or

other activity constitute an invention or inventions which may be patentable.

§ 7.3 Determination as to domestic rights.

The determination of the ownership of the domestic right, title, and interest in and to an invention which is or may be patentable, made by a Government employee while under the administrative jurisdiction of the Department, shall be made in writing by the head of the appropriate office or constituent organization, in accordance with the provisions of Executive Order 10096 and Government-wide regulations issued thereunder by the Commissioner of Patents as follows:

(a) The Government as represented by the Secretary shall obtain the entire domestic right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in paragraph (a) of this section, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under paragraph (a) of this section, the Department, subject to the approval of the Commissioner, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof or where applicable in the terms required by 35 U.S.C. 266 to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b) of this section, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (1) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (2) to conduct or perform research, development work, or both, (3) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (4) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, falls within the provisions of paragraph (a) of this section, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b) of this section. Either presumption may be re-

butted by a showing of the facts and circumstances and shall not preclude a determination that these facts and circumstances justify leaving the entire right, title and interest in and to the invention in the Government employee, subject to law.

(d) In any case wherein the Government neither (1) obtains the entire domestic right, title and interest in and to an invention pursuant to the provisions of paragraph (a) of this section, nor (2) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant licenses for all governmental purposes, pursuant to the provisions of paragraph (b) of this section, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

§ 7.4 Option to acquire foreign rights.

In any case where it is determined that all domestic rights should be assigned to the Government, it shall further be determined, pursuant to Executive Order 9865 and Government-wide regulations issued thereunder, that the Government shall reserve an option to require the assignment of such rights in all or in any specified foreign countries. In case where the inventor is not required to assign the patent rights in any foreign country or countries to the Government or the Government fails to exercise its option within such period of time as may be provided by regulations issued by the Commissioner of Patents, any application for a patent which may be filed in such country or countries by the inventor or his assignee shall nevertheless be subject to a nonexclusive, irrevocable, royalty-free license to the Government for all governmental purposes, including the power to issue sublicenses for use in behalf of the Government and/or in furtherance of the foreign policies of the Government.

§ 7.5 Determination as to patenting.

When the head of the appropriate office, or constituent organization determines in accordance with the provisions of §§ 7.3 and 7.4, that the Government has rights in a patentable invention:

(a) He shall also determine whether the Department should seek to obtain a domestic patent thereon, or whether it shall be published or other action taken in the public interest, giving his reasons therefor; and

(b) He shall further recommend in writing whether the invention should receive foreign patent protection or be published abroad, and, if affirmative, should specify the foreign jurisdictions in which action is recommended, giving

reasons therefor, and should indicate, if possible, its immediate or future industrial, commercial, or other value, including particularly its value to public health.

§ 7.6 Department review and determination.

The determination by the head of an office or constituent organization of the ownership of domestic or foreign rights in an invention by a Department employee shall constitute the decision of the Department unless, upon review, the Department Patents Officer questions the consistency of the determination with applicable law or regulations or with Department policy. Any question, unresolved after consultation with the originating unit, will be submitted by the Department Patents Officer to the Department Patents Board which shall either affirm or reverse the determination or return the same to the head of the constituent organization or office for further action. If the Board proposes to determine, or to approve a determination, that the invention shall be required to be assigned to the Government, it may in its discretion afford the employee an opportunity of a hearing.

§ 7.7 Notice to employee of determination.

The appropriate office or constituent organization shall notify each employee-inventor in writing, of the Department's determination and of his right of appeal, if any. In the case of determinations made by the Department Patents Board, the notification shall be made by the Department Patents Officer. Notice need not be given if the employee stated in writing that he would agree to the determination of ownership which was in fact made.

§ 7.8 Employee's right of appeal.

An employee who is aggrieved by a determination of the Department may appeal to the Commissioner of Patents, pursuant to section 4(d) of Executive Order 10096, as amended by Executive Order 10930, and regulations issued thereunder, by filing a written appeal with the Commissioner, in duplicate, and a copy of the appeal with the Department Patents Officer, within 30 days (or such longer period as the Commissioner may, for good cause, fix in any case) after receiving written notice of such determination.

Dated: August 3, 1962.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-8006; Filed, Aug. 9, 1962;
8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Colusa National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,180 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

- (a) Species permitted to be taken: Ring-necked pheasant.
- (b) Open season: 8:00 a.m. to 4:30 p.m., November 10, 11, 14, 17, 18, 21, 22, 24, and 25, 1962.
- (c) Bag limits: Two (2) cocks.
- (d) Methods of hunting:
 1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three (3) shells) may be used.
 2. Dogs: Not to exceed two (2) per hunter may be used.

- (e) Other provisions:
 1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.
 2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking station and obtain State hunting permit.
 3. The provisions of this special regulation are effective to November 26, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1962.

[F.R. Doc. 62-7972; Filed, Aug. 9, 1962;
8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-WA-219]

POSITIVE CONTROL AREAS

Proposed Alteration

In a notice of proposed rule making published as Airspace Docket No. 61-WA-219 in the FEDERAL REGISTER on February 13, 1962 (27 F.R. 1323), it was stated that the Federal Aviation Agency proposed to designate a positive control area, within the continental control area, encompassing the approximate area of radar coverage of the Sacramento, Oakland and Paso Robles, Calif., long range radar facilities and extending from Flight Level 240 to Flight Level 600 inclusive.

Subsequent to the publication of this notice, it was determined that the eastern boundary of the proposed positive control area was not described as had been intended in that the advisory area associated with Jet Route No. 5 was not entirely included. Accordingly, action is taken herein to amend the notice by changing the eastern boundary of the Oakland, Calif., Positive Control Area to begin at latitude 40°45'00" N., longitude 119°35'00" W.; thence to latitude 39°35'00" N., longitude 119°15'00" W.; thence to latitude 38°14'00" N., longitude 118°35'00" W.; thence to latitude 26°00'00" N., longitude 118°35'00" W.; thence to the previously described southern boundary.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 27, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-219 is extended to August 27, 1962. Communications should be submitted in triplicate to Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on August 6, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7965; Filed, Aug. 9, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113, as amended, and Order No. 946 (7 CFR Part 946).

This marketing order regulates the handling of Irish potatoes grown in Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

§ 946.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and this part to enable such committee to perform its functions, pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1963, will amount to \$22,963.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 113 and this part shall be three-eighths of one cent (\$0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7988; Filed, Aug. 9, 1962; 8:47 a.m.]

[7 CFR Part 990]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING; HANDLING

Proposed Disposition

Notice is hereby given that the Secretary has under consideration a proposal to amend the Subpart—Administrative Rules and Regulations (27 F.R. 3158) by the addition of a new § 990.162 pertaining to handlers' shares of setaside offered for release into normal outlets. Said subpart is effective under the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed amendatory action was requested by the Grape Crush Administrative Committee to implement the provisions of §§ 990.57 and 990.62(b) regarding the participation by handlers in a Committee offer to sell setaside to handlers for resale into normal (free tonnage) outlets. Pursuant to § 990.57, a handler from whose premises setaside is removed by the Committee at his request forfeits, to the extent of the removed volume, his pro rata share in any offer of the Committee to sell setaside. Hence, his pro rata share must arise from a setaside holdings position without regard to such removal. The fact that the handler is not holding setaside as a result of such removal does not eliminate the computation of a pro rata share for such handler pursuant to § 990.62(b). In fact, § 990.57 further provides for the allocation, to the successor storing handler, of such computed pro rata share, or applicable portion thereof. It is thus contemplated by the order that all or a portion of a handler's pro rata share in any such offer for resale into normal outlets is not required to be based upon the quantity of the setaside then being held by the handler. In this connection, the Committee stresses that handlers' pro rata shares in any such offer should not be such as to alter, except as is caused by a handler request pursuant to § 990.57, handlers' relative positions (in terms of volumes for normal outlet sale). In other words, these computations should not take into account quantities of setaside released by the Committee for disposition into nonnormal outlets as these could cause gross distortion of shares of normal outlet quantities and, in consequence, of the ability to hold trade positions.

Consequently, to reasonably preserve handlers' relative positions and permit equity of participation in any offer of setaside for resale into normal outlets

consistent with the order, each handler's actual share in any offer for resale into normal outlets should be based upon his pro rata share (as determined by holdings necessary to satisfy his setaside obligation), adjusted as to his holdings position resulting from removals or additions pursuant to § 990.57.

Where the physical holdings of a handler are less than his share of such offer, and such handler desires to purchase in excess of such holdings, the Committee should permit, to the extent practicable, such handler to receive the applicable volume by transferring setaside from any handlers with holdings exceeding their share. Thus handlers participating in non-normal outlet dispositions could continue to reasonably maintain their positions in normal outlets.

Since a provision of the program is designed to permit all handlers to participate in a mandatory release pursuant to § 990.62(b) at a common acquisition cost of \$1.50 per proof gallon equivalent, the Committee should bear any normal cost of transfer as between premises of different handlers. Failing to do so would cause the cost to some handlers in a deficit position to be increased by hauling charges and thus to exceed that of their competitors. However, the Committee should not be required to bear the cost involved in a transfer of less than 100 proof gallons, or the equivalent, so as to avoid excessive hauling charges per gallon.

Where a handler voluntarily disposes of his share, or a portion thereof, to another handler, the Committee should be under no obligation to initiate any transfer of gallonage as between premises or to bear the cost thereof. Moreover, such costs may be part of the negotiated terms between the handlers and transfers may be held to a minimum by the receiving handler taking delivery through direct movement into his sales outlet. However, such arrangements should be subject to the approval of the Committee so that it may be currently informed regarding the compliance by handlers with their respective setaside obligations, and in order that its records can reflect accurate information as to the handlers whose setaside is to be released, and as to the handlers to whom the setaside is to be sold and from whom payment is to be received.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal under consideration is as follows:

§ 990.162 Disposition.

Whenever, pursuant to § 990.62(b), the Committee offers to sell setaside of a particular crop year for resale into normal outlets, handlers shall have the first option to purchase their pro rata shares, with adjustments caused by removals pursuant to § 990.57, of such of-

fer. Each handler's pro rata share shall be proportional to the holdings necessary to meet the handler's setaside obligation for such crop year. However, in computing the shares of any offer to be reserved to handlers, such holdings shall reflect all quantities of setaside removed from or added to their setaside storage pursuant to § 990.57. In the event the physical holdings of any handler are less than the quantity so allocated, and the difference is at least the equivalent of 100 proof gallons, the Committee shall transfer sufficient setaside, to the extent practicable, from handlers with physical holdings exceeding their shares, to satisfy the deficit in the quantity which said handler chooses to purchase. Any handler desiring to purchase quantities in excess of his reserved share may, during the period of such reservation and with the approval of the Committee, negotiate directly with another handler for any unpurchased portion of his reserved share but any transfer of gallonage incident thereto shall be at no cost to the Committee.

Dated: August 7, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 62-7986; Filed, Aug. 9, 1962;
8:46 a.m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA; HANDLING

Notice of Proposed Expenses of Prune Administrative Committee for 1962-63 Crop Year and Rate of Assessment for Such Crop Year

Consideration is being given to a proposal regarding approval of expenses of the Prune Administrative Committee for the 1962-63 crop year and the fixing of a rate of assessment for that crop year. Such action is to be taken pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Prune Administrative Committee (established under the aforesaid marketing agreement and order) has unanimously recommended, for the 1962-63 crop year beginning August 1, 1962, a budget of expenses in the total amount of \$70,000 and an assessment rate of 50 cents for each ton of assessable prunes. Such amount of expenses and assessment rate are specified in the proposal, hereinafter set forth. The assessable tonnage is estimated by the Committee at 140,000 tons.

Consideration will be given to any written data, views or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Wash-

ington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 993.313 Expenses of the Prune Administrative Committee and rate of assessment for the 1962-63 crop year.

(a) *Expenses.* Expenses in the amount of \$70,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1962, for its maintenance and functioning, and for such other purposes as the Secretary may determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of the marketing agreement, as amended, and this part, an assessment at the rate of 50 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1962, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: August 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[F.R. Doc. 62-7987; Filed, Aug. 9, 1962;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of tolerances for residues of the insecticide 1-naphthyl N-methylcarbamate in or on beet tops, blackberries, boysenberries, chinese cabbage, collards, dandelions, dewberries, endive (escarole), kale, loganberries, mustard greens, parsley, raspberries, salsify tops, spinach, swiss chard, turnip tops, and watercress, at 25 parts per million; and in or on garden beets, horseradish, parsnips, radishes, rutabagas, salsify roots, and turnips at 10 parts per million. The petition also proposes an increase from 10 parts per million to 25 parts per million in the tolerance for residues of this insecticide on lettuce.

The analytical method proposed in the petition for determining residues of 1-naphthyl N-methylcarbamate consists of

extraction with methylene chloride. The cleaned up residue is hydrolyzed with potassium hydroxide and the 1-naphthol formed is determined colorimetrically at 475 millimicrons after reacting with *p*-nitrobenzene-diazonium fluoroborate.

Dated: August 3, 1962.

ROBERT S. ROE,
Director, Bureau of
Biological and Physical Sciences.

[F.R. Doc. 62-8004; Filed, Aug. 9, 1962;
8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 886) has been filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, proposing the issuance of a regulation to provide for the safe use of acetylated monoglycerides in food.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-8001; Filed, Aug. 9, 1962;
8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 874) has been filed by The Aluminum Foil Division, The Aluminum Association, 420 Lexington Avenue, New York 17, New York, proposing the amendment of § 121.2531 *Surface lubricants used in the manufacture of metallic articles*, as follows:

1. By changing paragraph (b)(1) to read:

(1) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed:

(i) 0.015 milligram per square inch in the case of articles fabricated directly from foil or sheet stock; or

(ii) 0.5 milligram per square inch in the case of articles produced by further processing such as drawing, stamping, or forming foil or sheet stock.

2. By adding to paragraph (c) the following new items:

Acetylated mono- and diglycerides.

Butyl stearate.

Dibutyl sebacate.

Diethyl sebacate.

Epoxidized soybean oil.

Fatty acids derived from animal or vegetable fats and oils.

Petrolatum.
Waxes, petroleum.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-8002; Filed, Aug. 9, 1962;
8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 884) has been filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, proposing the issuance of a regulation to provide for the safe use of glyceryl lacto esters of fats and fatty acids in food.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-8003; Filed, Aug. 9, 1962;
8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 887) has been filed by Knudsen Creamery Company of California, Santee Street at Twenty-first, Los Angeles 54, California, proposing the issuance of a regulation to provide for the safe use of dried *Saccharomyces fragilis* yeast in food.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-8005; Filed, Aug. 9, 1962;
8:49 a.m.]

[21 CFR Part 130]

NEW DRUGS FOR INVESTIGATIONAL USE

Proposed Exemptions

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, 1055; 21 U.S.C. 355, 371) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the new-drug regulations (21 CFR 130.3) as hereinafter set forth. The Commissioner hereby offers an opportunity to all interested persons to submit their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independ-

ence Avenue SW., Washington 25, D.C., within 60 days from the date of publication of this notice in the *FEDERAL REGISTER*. Views and comments should be submitted in quintuplicate.

It is proposed to amend § 130.3 to read as follows:

§ 130.3 New drugs for investigational use; exemptions from section 505(a).

(a) A shipment or other delivery of a new drug shall be exempt from section 505(a) of the act if all the following conditions are met:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal (or United States) law to investigational use."

(2) The person seeking the exemption has filed with the Food and Drug Administration a completed and signed "Notice of Claimed Investigational Exemption for a New Drug" in triplicate, with the following information:

Form FD 1571.

Department of Health, Education, and Welfare, Food and Drug Administration.

NOTICE OF CLAIMED INVESTIGATIONAL EXEMPTION FOR A NEW DRUG

Name of sponsor -----
Address -----

Name of investigational drug -----

TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
For the Commissioner of Food and Drugs,
Washington 25, D.C.

DEAR SIR: The undersigned ----- submits this notice of claimed investigational exemption for a new drug under the provisions of section 505(1) of the Federal Food, Drug, and Cosmetic Act and § 130.3. Attached hereto are:

1. Name of drug and description of dosage form.

2. Complete list of components of drug.

3. Complete statement of quantitative composition of drug.

4. Description of source and preparation of any new-drug substances used as components, including the name and address of each supplier or processor, other than the undersigned, of each new-drug substance.

5. A brief statement of the methods, facilities, and controls used for the manufacturing, processing, and packing of the new drug to establish and maintain appropriate standards of identity, strength, quality, and purity as needed to give significance to clinical investigations made with the drug. If any of these operations are performed by a person other than the undersigned, each such person is identified and his signed statement covering the part of the operations he performed is attached.

6. Adequate information about the pre-clinical investigations, including studies made on laboratory animals, which show that it is reasonably safe to initiate clinical investigations with the drug. Such information should include identification of the person who conducted each investigation; identification and qualification of the individuals who evaluated the results and concluded that it is reasonably safe to initiate clinical investigations with the drug; and an explanation of where the investigations were conducted and where the records are available for inspection. The preclinical investigations shall not be considered adequate to justify clinical testing unless they give proper attention to the conditions of proposed clinical testing such as, for example, whether the drug is

for short- or long-term administration or whether it is to be tested or used in infants, children, pregnant women, premenopausal women, or geriatric patients.

7. Five copies of all informational material to be supplied to each investigator. This shall include an accurate description of the prior investigations and experience and their results pertinent to the safety and possible usefulness of the drug under the conditions of the investigation. It shall not represent that the safety or usefulness of the drug has been established for the purposes to be investigated. It shall describe all relevant hazards, contraindications, side-effects, and precautions suggested by prior investigations and experience with the drug for the information of clinical investigators.

8. The scientific training and experience considered appropriate by the sponsor to qualify the investigators as suitable experts to investigate the safety of the drug, bearing in mind the pharmacological action of the drug and the conditions of use contemplated by the plan of clinical investigation.

9. The names and a summary of the training and experience of each investigator and of the individual charged with monitoring the progress of the investigation and evaluating the evidence of safety of the drug as it is received from the investigators; together with a statement that the sponsor has obtained from each investigator a completed and signed form, as provided in subparagraph (12) of this paragraph and that the investigator is qualified by scientific training and experience as an appropriate expert to investigate the safety of the investigational drug under the criteria outlined in section 8 of the "Notice of Claimed Investigational Exemption for a New Drug."

10. An outline of the planned clinical investigations of the drug including the following:

a. Planned stages of investigation, if any, that will be completed and evaluated prior to determining whether the next stage or stages will be initiated.

b. The names of the investigators to be engaged in each stage and kind of investigation.

c. The specific nature of the investigations to be conducted in each stage, together with the specific information or forms showing the scope and detail of the clinical observations and clinical laboratory tests to be made and reported.

d. The approximate number and any specific criteria as to the selection of patients by age, sex, and condition, to be employed in each stage of the investigation.

e. The estimated duration of the clinical investigation by stage, and the intervals, not exceeding 1 year, at which progress reports showing the results of the investigations will be submitted to the Food and Drug Administration. (This part of the statement may be limited to the plan for one or more stages of the investigations, provided that shipments or deliveries of the drug for use in additional stages of the investigations are not made until a supplemental statement recording results of the prior investigations and outlining the plan for following stages of investigations has been submitted to the Food and Drug Administration.)

Ordinarily a plan of investigation will not be regarded as reasonable unless, among other things, it provides for more than one independent competent investigator to maintain complete case histories of an adequate number of patients, designed to record observations and permit evaluation of any and all discernible effects of the drug on each individual treated, and comparable records on any individuals employed as controls. These records shall be individual patient records maintained to include full information pertaining to each individual, including age, sex, conditions treated, dosage, frequency of

administration of the drug, results of all clinical observations and laboratory examinations made, full information concerning any other treatment given and a full statement of any adverse effects and useful results observed, together with an opinion as to whether such effects or results are attributable to the drug under investigation.

11. A statement as to whether or not the drug will be sold; and if so, a full explanation why sale is required and should not be regarded as the commercialization of a new drug for which an application is not effective.

Very truly yours,

Per _____ (Sponsor)

(Indicate authority)

(3) Each shipment or delivery is made in accordance with the commitments in the "Notice of Claimed Investigational Exemption for a New Drug."

(4) The sponsor maintains complete records showing the investigator to whom shipped, date, quantity, and batch or code mark of each such shipment and delivery, until 2 years after a new-drug application becomes effective for the drug; or, if an application does not become effective, until 2 years after shipment and delivery of the drug for investigational use is discontinued and the Food and Drug Administration has been so notified. Upon the request of any officer or employee of the Department at reasonable times, the sponsor makes the records referred to in this subparagraph and in subparagraph (2) of this paragraph available for inspection, and upon written request submits such records or copies of them to the Food and Drug Administration.

(5) The sponsor closely monitors the progress of the investigations and currently evaluates the evidence relating to the safety of the drug as it is obtained from the investigators. Accurate progress reports of the investigations and significant findings shall be submitted to the Food and Drug Administration at reasonable intervals, not exceeding 1 year. All reports of the investigation shall be retained until 2 years after a new-drug application becomes effective for the drug; or, if an application does not become effective, until 2 years after shipment and delivery of the drug for investigational use is discontinued. Upon request of any officer or employee of the Department, at reasonable times, these reports shall be made available for inspection, and on written request copies of these reports shall be submitted to the Food and Drug Administration.

(6) The sponsor shall immediately report to the Food and Drug Administration and to all investigators any findings associated with use of the drug that may suggest hazards, contraindications, side-effects, and precautions pertinent to the safety of the drug.

(7) If the investigations adduce facts showing that there is substantial doubt that they may be continued safely, the sponsor shall promptly discontinue the investigation, notify all investigators and the Food and Drug Administration, recall all stocks of the drug outstanding, and furnish the Food and Drug Administration a full report of the reason for discontinuing the investigation.

(8) The sponsor shall discontinue shipments or deliveries of the new drug to any investigator who fails to maintain or make available complete records or reports of his investigations.

(9) The sponsor shall not unduly prolong distribution of the drug for investigational use but shall submit an application for the drug pursuant to section 505(b) of the act or a statement that the investigation has been discontinued and the reasons therefor:

(i) With reasonable promptness after finding that the results of such investigation appear to establish the safety of the drug; or

(ii) Within 60 days after receipt of a written request for such an application from the Commissioner of Food and Drugs.

(10) Neither the sponsor nor any person acting for or on behalf of the sponsor shall disseminate any labeling, advertising, public relations statements, or news releases, representing the drug to be safe or useful for the purposes for which it is offered for investigation.

(11) The sponsor shall not commercially distribute nor test-market the drug until a new-drug application has become effective pursuant to section 505(b) of the act.

(12) The sponsor shall obtain from each investigator a signed statement in the following form:

Form FD 1572.

Department of Health, Education, and Welfare,
Food and Drug Administration

STATEMENT OF INVESTIGATOR

Name of investigator _____
Date _____
Name of drug _____
To supplier of drug: _____
Name _____
Address _____

DEAR SIR: The undersigned _____ submits this statement as required by section 505(i) of the Federal Food, Drug, and Cosmetic Act and § 130.3 of the regulations as a condition for receiving and conducting clinical investigations with a new drug limited by Federal (or United States) law to investigational use.

1. The following is a statement of my education and experience:

a. Colleges, universities, and medical schools attended, with dates of attendance, degrees, and dates degrees were awarded.

b. Postgraduate medical training: Dates, names of institutions, and nature of training.

c. Teaching or research experience: Dates, institutions, brief description of experience.

d. Experience in medical practice: Dates, institutional affiliations, nature of practice.

e. Medical publications: Titles of articles, names of publications and volume, page number, and date.

2. The following facilities will be used for investigating the safety of the new drug (including a statement of hospital, institutional, and clinical laboratory facilities, etc., which are available and will be employed in connection with the investigation) _____:

3. The investigational drug will be used by the undersigned or under his supervision in accordance with the plan of investigation described as follows:

(Outline the plan of investigation, including approximation of the number of patients to be treated with the drug and the number to be employed as controls, if any; clinical

uses to be investigated; characteristics of patients by age, sex, and condition; the kind of clinical observations and laboratory tests to be undertaken prior to, during, and after administration of the drug; the estimated duration of the investigation; and a description or copies of report forms to be used to maintain a complete record of the observations and test results obtained.)

4. The undersigned understands that the following conditions, generally applicable to new drugs for investigational use govern his receipt and use of this investigational drug:

a. The sponsor is required to supply the investigator full information concerning the preclinical investigations that justify clinical trials, together with fully informative material describing any prior investigations and experience and any possible hazards, contraindications, side-effects, and precautions to be taken into account in the course of the investigation.

b. The investigator is required to maintain complete records of the disposition of all receipts of the drug, including dates, quantities, and use by patients.

c. The investigator is required to prepare and maintain complete and accurate case histories designed to record all observations and other data pertinent to the investigation on each individual treated with the drug or employed as a control in the investigation.

d. The investigator is required to furnish his reports to the sponsor of the drug who is responsible for collecting and evaluating the results obtained by various investigators. The sponsor is required to present progress reports at appropriate intervals not exceeding 1 year. Any adverse effect associated with use of the new drug shall be reported to the sponsor immediately. A complete report of the investigation should be furnished to the sponsor shortly after completion of the investigation.

e. The investigator shall maintain the records of disposition of the drug and the case histories described above for a period of 2 years following the date a new-drug application becomes effective for the drug; or if the application does not become effective, until 2 years after the investigation is discontinued. Upon the request of any officer or employee of the Department, at reasonable times, the investigator will make such records available for inspection and copying.

Very truly yours,

(Name of Investigator)

(Address)

(b) A shipment or other delivery of a new drug that is being imported or is offered for importation into the United States shall be exempt from the requirements of section 505(a) of the act if the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal (or United States) law to investigational use";

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter residing in the United States, which agent and exporter have prior to such shipments and deliveries completed and submitted signed copies to the Food and Drug Administration of the "Notice of Claimed Investigational Exemption for a New Drug"; and

(3) The agent acts as the sponsor of the clinical investigation to assure compliance with the conditions prescribed by paragraph (a) of this section; or

(4) The drug is shipped directly to a scientific institution with facilities and qualified personnel to conduct the investigation and is intended solely for investigational use in such institution.

(c) Whenever there is submitted to the Commissioner the name of an investigator who has previously failed to comply with the conditions of these exempting regulations, the Commissioner will notify the sponsor that the investigator is not entitled to receive investigational-use drugs, and such investigator shall not be supplied any investigational-use drug until adequate assurance is provided to and accepted by the Commissioner that the conditions of the exemption will be met.

(d) If the Commissioner of Food and Drugs finds that:

(1) The submitted "Notice of Claimed Investigational Exemption for a New Drug" contains an untrue statement of a material fact or omits material information required by said notice; or

(2) The results of prior investigations made with the drug are inadequate to support a conclusion that it is reasonably safe to initiate or continue the intended clinical investigations with the drug; or

(3) There is substantial evidence to show that the drug is unsafe for the purposes for which it is offered for investigational use; or

(4) The methods, facilities, and controls used for the manufacturing, processing, and packing of the investigational drug are inadequate to establish and maintain appropriate standards of identity, strength, quality, and purity as needed to give significance to clinical investigations made with the drug; or

(5) The plan for clinical investigations of the drug described under section 10 of the "Notice of Claimed Investigational Exemption for a New Drug" is not a reasonable plan in whole or in part, solely for a bona fide scientific investigation to determine whether or not the drug is safe for use; or

(6) The clinical investigations are not being conducted in accordance with the plan submitted in the "Notice of Claimed Investigational Exemption for a New Drug"; or

(7) The drug is not intended solely for investigational use, since it is or is to be sold or otherwise distributed for commercial purposes not justified by the requirements of the investigation; or

(8) The labeling submitted for the drug as required by section 7 of the "Notice of Claimed Investigational Exemption for a New Drug" or any other labeling of the drug disseminated within the United States by or on behalf of the person who signed such notice fails to contain an accurate description of prior investigations or experience and their results pertinent to the safety and possible usefulness of the drug, including all relevant hazards, contraindications, side-effects, and precautions; or any labeling, advertising, public relations statements, or news releases disseminated within the United States by or on behalf of the sponsor contains any representation or suggestion that the drug is safe or that its usefulness has been

established for the purposes for which it is offered for investigations; or

(9) The person who signed the "Notice of Claimed Investigational Exemption for a New Drug" fails to submit accurate reports of the progress of the investigations with significant findings at intervals not exceeding 1 year; or

(10) The person who signed the "Notice of Claimed Investigational Exemption for a New Drug" fails to promptly inform the Food and Drug Administration and all investigators of newly found serious hazards, contraindications, side-effects, and precautions pertinent to the safety of the drug;

he shall notify the sponsor and invite his immediate correction. If the conditions of exemption are not immediately met, the Commissioner shall notify the sponsor of the termination of the exemption.

(e) Where drugs are under investigation on man on the date of publication of this notice of proposed rule making, the sponsor shall, within 60 days after these regulations become effective, submit the completed "Notice of Claimed Investigational Exemption for a New Drug" to the Food and Drug Administration. Failure to do so shall automatically terminate the exemption.

(f) A shipment or other delivery of a new drug for laboratory research or animal tests only shall be exempt from section 505(a) of the act if it is labeled: "Caution: New drug—Limited by Federal (or United States) law to laboratory research and tests on animals. Not for human use." No animals used in such tests shall be used for food purposes.

Dated: August 7, 1962.

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F.R. Doc. 62-7997; Filed, Aug. 9, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 14690]

NONCOMMERCIAL EDUCATIONAL TV AND FM STATIONS OPERATING ON RESERVED CHANNELS

Revision of Forms; Order Extending Time for Filing Comments and Reply Comments

1. In a petition, filed August 1, 1962, the National Association of Educational Broadcasters requests that the time to file comments and reply comments in the above-captioned proceeding be extended to October 1, 1962, and October 16, 1962, respectively.

2. Petitioner states that it is in the process of securing the comments of various educational institutions in the country with respect to the proposals made by the Commission in this docket, but that, because of the educational summer recess, it has been unable to secure the necessary information to supply to the Commission. It appears that

this information cannot be obtained until the fall.

3. We are of the opinion that the petitioner has shown good cause for an extension of time, but in view of the need for expeditious resolution of this matter, the requested two-month extension is too long.

4. In view of the foregoing: *It is ordered*, This 3d day of August 1962, That the "Request for Extension of Time to File Comments" filed by the National Association of Educational Broadcasters is granted in part, and is denied in part, and that the time for filing comments in this proceeding is extended from August 1, 1962, to and including September 11, 1962, and the time for filing reply comments is extended from August 16, 1962, to and including September 25, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission rules.

Released: August 7, 1962.

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

[F.R. Doc. 62-8016; Filed, Aug. 9, 1962;
8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 698]

ASSISTANT DIRECTOR, ADMINISTRATION ET AL.

Delegation of Authority, Contracts and Leases

AUGUST 3, 1962.

SECTION 1. *Authority of certain offices to enter into contracts and leases.* (a) Pursuant to the authority contained in 200 DM 3.2; 205 DM 11.1 A and B, 205 DM 11.4 A(3); and section 52 of Secretary's Order 2509, as amended, the classes of employees listed in subparagraph (5) below:

(1) Are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount¹ as provided in 205 DM 11.1 A and B; and enter into leases of space in real estate as provided in section 52 of Secretary's Order 2509, as amended.

(2) Are authorized under 205 DM 11.4A to negotiate contracts without advertising under 302(c) (1) of the Federal Property and Administrative Services Act of 1949, as amended, subject to the limitations set out in 205 DM 11.4 A (2) and (3).

(3) Are authorized under 205 DM 11.4B to negotiate contracts without advertising under paragraphs (2), (3), (4) and (5) of section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended.

(4) Are authorized under 205 DM 11.4C to negotiate contracts of section 302(c) (14) of the Federal Property and Administrative Services Act of 1949, as amended.

(5) Those authorized to exercise the authority delegated by this section are: Assistant Director—Administration, Chief, Division of Administrative Services.

Field Administrative Officers.

(b) (1) The Managers of the local offices of the Bureau located at St. Paul, Minnesota, and New Orleans, Louisiana, are authorized to enter into such contracts when the amount in any such contract does not exceed \$2,000.

(2) Hearing Examiners appointed to conduct hearings in accordance with the Federal Range Code (43 CFR Part 161) or the Department's rules of practice (43 CFR Part 221) are authorized to issue purchase orders for reporter's services, not to exceed \$2,500 in cost for any

¹Two days advance telegraphic notice must be given to the Secretary of the Interior prior to the announcement of a pending award of any contract in excess of \$10,000.

one order, under any applicable contracts for stenographic reporting awarded by the Department or the General Services Administration; and to make open market purchases for such services not to exceed \$1,500. Hearing Examiners are also authorized to enter into contracts for supplies and equipment when the amount in any such contract does not exceed \$500 and the supplies and equipment purchases are non-capitalized in nature.

SEC. 2. *Redelegation of authority.* (a) The Field Administrative Officers, Chief, Division of Administrative Services and State Directors may, in writing, redelegate to any qualified employees under their jurisdiction the authority granted under Sec. 1 above. Each redelegation shall be published in the FEDERAL REGISTER.

(b) Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

(c) This authority shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. *Revocation.* Bureau Order 679 of June 27, 1961, and its subsequent amendments are hereby revoked.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 62-7973; Filed, Aug. 9, 1962;
8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

AUGUST 3, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 071237 for the withdrawal of the lands described below, from all prospecting, location, entry, and purchase under the general mining laws, subject to existing valid claims. The applicant desires the land for use by the Forest Service for experimental watershed, reforestation and rehabilitation areas, and for public campgrounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 4201 U.S. Courthouse and Federal Building,

650 Capitol Avenue, Sacramento 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO BASE AND MERIDIAN,
CALIFORNIA

TAHOE NATIONAL FOREST

Dog Valley Experimental Watershed Area

T. 20 N., R. 17 E.,
Sec. 21: E½E½;
Sec. 28: E½E½.

TOIYABE NATIONAL FOREST

Dog Valley Reforestation and Rehabilitation Area

T. 19 N., R. 17 E.,
Sec. 2: W½ Lot 2 of NW¼.
T. 20 N., R. 17 E.,
Sec. 22: SE¼;
Sec. 24: NE¼NW¼, W½NW¼, NW¼SE¼;
Sec. 26: NW¼NW¼;
Sec. 34: W½NW¼.

Dog Valley Experimental Watershed Area

T. 20 N., R. 17 E.,
Sec. 15: SW¼;
Sec. 22: W½;
Sec. 27: W½.

Sawmill Forest Campground

T. 20 N., R. 17 E.,
Sec. 14: SE¼SW¼.

Switchback Forest Camp

T. 20 N., R. 17 E.,
Sec. 34: NE¼NE¼.

The areas described above aggregate 1,678.10 acres of public land.

The applicant agency has cancelled its application insofar as it involved the lands described below, which were included in its application. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on September 7, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO BASE AND MERIDIAN,
CALIFORNIA

TOIYABE NATIONAL FOREST

Dog Valley Reforestation and Rehabilitation Area

T. 19 N., R. 17 E.,
Sec. 2: W½ Lots 1 and 2 of NE¼, NW¼ SE¼.
T. 20 N., R. 17 E.,
Sec. 14: S½SE¼;
Sec. 34: SW¼NE¼.

WALTER E. BECK,
Manager,
Land Office, Sacramento.

[F.R. Doc. 62-7974; Filed, Aug. 9, 1962;
8:46 a.m.]

[Group No. 459]

CALIFORNIA

Notice of Filing of Plats of Survey

AUGUST 2, 1962.

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Riverside, Calif., effective at 10 a.m., of August 10, 1962:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 23 E.,
 Sec. 13: Lots 1 to 4 incl., $W\frac{1}{2}SW\frac{1}{4}$,
 $SE\frac{1}{4}SW\frac{1}{4}$;
 Sec. 14: Lots 5 to 9 incl., $SE\frac{1}{4}NE\frac{1}{4}$,
 $E\frac{1}{2}SE\frac{1}{4}$;
 Sec. 23: Lots 5 to 8 incl., $NE\frac{1}{4}NE\frac{1}{4}$;
 Sec. 24: Lots 1 to 6 incl., $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$;
 Sec. 25: Lots 3 to 8 incl., $SE\frac{1}{4}SW\frac{1}{4}$;
 Sec. 26: Lot 3;
 Sec. 35: Lots 3 and 4;
 Sec. 36: Lots 3 to 12 incl., $W\frac{1}{2}NE\frac{1}{4}$,
 $E\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$.

The area described aggregates 1860.12 acres.

T. 4 S., R. 23 E.,
 Sec. 1: Lots 1 and 2, $NW\frac{1}{4}NW\frac{1}{4}$;
 Sec. 2: Lots 9 to 11 incl.;
 Sec. 11: Lots 5 to 8 incl.;
 Sec. 12: Lot 1;
 Sec. 13: Lots 1 to 4 incl.;
 Sec. 14: Lots 5 to 8 incl., $E\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$;
 Sec. 23: Lots 5 to 8 incl.;
 Sec. 24: Lots 1 and 2;
 Sec. 25: Lots 1 to 4 incl., $W\frac{1}{2}SW\frac{1}{4}$;
 Sec. 26: Lots 5 to 8 incl.;
 Sec. 35: Lots 5 to 8 incl.;
 Sec. 36: Lots 2 to 6 incl., $W\frac{1}{2}NW\frac{1}{4}$,
 $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$.

The area described aggregates 1413.83 acres.

T. 5 S., R. 23 E.,
 Sec. 1: Lots 7 to 10 incl.;
 Sec. 12: Lots 3 and 4.
 T. 5 S., R. 24 E.,
 Sec. 6: Lots 1 to 5 incl., $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$,
 $SW\frac{1}{4}SE\frac{1}{4}$;
 Sec. 7: Lots 1 to 4 incl., $NW\frac{1}{4}NE\frac{1}{4}$,
 $N\frac{1}{2}NW\frac{1}{4}$.

The area described aggregates 813.57 acres.

2. The plats for T. 3S., R. 23E., T. 4S., R. 24E., and Ts. 5S., Rs. 23 and 24E., represent the survey of accretion lands not shown on previous official plats.

3. All of the lands covered by the above-described plats lie within First Form Reclamation Withdrawals "F" of October 20, 1931, and "F" of February 25, 1929.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of applicable laws, rules, and regulations.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414-8th St., Riverside, Calif.

ROLLEE E. CHANDLER,
 Manager.

[F.R. Doc. 62-7999; Filed, Aug. 9, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-193]

RHODE ISLAND AND PROVIDENCE PLANTATIONS ATOMIC ENERGY COMMISSION

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to Rhode Island and Providence Plantations Atomic Energy Commission a construction permit substantially in the form set forth below. This license authorizes construction of a one megawatt (thermal) pool-type nuclear reactor at Fort Kearney in Narragansett, Rhode Island.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this construction permit may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Director of Regulation will issue the construction permit fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of August 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
 Acting Assistant Director, Facilities Licensing, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated December 21, 1961, and amendments thereto dated January 19, 1962, May 2, 1962, and June 29, 1962 (hereinafter collectively referred to as "the application") Rhode Island and Providence Planta-

tions Atomic Energy Commission requested a Class 104 license, authorizing construction and operation at Fort Kearney in Narragansett, Rhode Island, of a one megawatt (thermal) pool-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. Rhode Island and Providence Plantations Atomic Energy Commission is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. Rhode Island and Providence Plantations Atomic Energy Commission, in conjunction with its contractors, is technically qualified to design and construct the reactor;

E. Rhode Island Providence Plantations Atomic Energy Commission has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that the omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Rhode Island and Providence Plantations Atomic Energy Commission will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Rhode Island and Providence Plantations Atomic Energy Commission to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is twelve months after issuance of the construction permit. The latest date for completion of the reactor is fifteen months after issuance of the construction permit. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at Fort Kearney in Narragansett, Rhode Island, as specified in the application.

C. It shall be experimentally determined that the reactor enclosure can be maintained at a minimum negative differential pressure of $1\frac{1}{2}$ inches of water with the emergency fan exhausting air at approximately 7 CFM.

D. The log-N-period channel should be designed and installed so that it is operable at power levels up to and beyond the high power level scram trip point.

E. An in-core flow monitor shall be provided.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Rhode Island and Providence Plantations Atomic Energy Commission has sub-

mitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis of operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3.A" above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Rhode Island and Providence Plantations Atomic Energy Commission pursuant to section 104c of the Act, which license shall expire forty (40) years after the date of this construction permit.

For the Atomic Energy Commission.

[F.R. Doc. 62-8071; Filed, Aug. 9, 1962
9:50 a.m.]

[Docket No 115-1¹]

ELK RIVER DEMONSTRATION REACTOR PROGRAM PROJECT

Order and Notice of Hearing

1. The Commission has under consideration a Motion to Reconvene Hearing filed on August 6, 1962 by counsel for the AEC Regulatory Staff. It appears that the parties concur in the motion. The facility involved is a nuclear power reactor located near Elk River, Minnesota.

2. Hearings pertaining to the issuance of a provisional operating authorization for the facility involved were commenced at St. Paul, Minnesota in March of 1961 upon issues set out in the Commission's notice of hearing dated November 17, 1960 and published at Volume 25, page 11042 of the FEDERAL REGISTER on November 19, 1960. The 1961 hearing was recessed to be reconvened upon order and notice which is now sought and is herein granted. All reports and documents relating to this matter are available for public inspection at the AEC's Public Document Room and also in the Office of the Clerk of the United States District Court in St. Paul, Minnesota. Certain present and anticipated procedural aspects of this matter require comment in this order and notice of hearing.

3. Hearing upon the proposal herein will be resumed and conducted pursuant to the applicable provisions of Part 115 of the Commission's rules and regulations, published at 26 F.R. 4321, which were effective on June 17, 1961. Initial published notice of hearing was effected, consistently with § 115.46(b), by the No-

vember 1960 action as noted above; publication of this order and notice is made in conformity with the adjourning order stated on the hearing record. The issues for hearing remain as stated in the notice of hearing issued in 1960, although the scope and subjects for further inquiry may encompass particular matters not heretofore specified, but within the declared broad issues.

4. Intervention and participation by persons not parties to the proceeding may be sought as provided in §§ 2.714 and 2.715 of the Commission's rules of practice (27 F.R. 377). Petitions to intervene shall comply with § 2.714(a), and must be received in the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C. or in the AEC Public Document Room, 1717 H Street NW., Washington 25, D.C. not later than Tuesday, August 21, 1962. Persons desiring to make a limited appearance pursuant to § 2.715(a) may submit requests for leave to do so, in writing or orally on the record, at the commencement of the hearing. Rulings will be made upon such petitions or requests and objections thereto, if any, on the record and as a preliminary matter at the commencement of the hearing.

5. It is to be noted that § 115.80(a) states that certain provisions of the Commission's rules of practice are applicable to this proceeding, and particular attention is invited to §§ 2.701, 2.712, 2.713 and §§ 2.730-2.733. It is expected that each party to this proceeding will submit all of the direct testimony of its witnesses in written form, as stated in § 2.743(b) and as herein specified. Copies of the proposed written testimony shall be served on all parties, and shall be filed in duplicate in the Office of the Clerk of the United States District Court, Federal Courts Building at 6th and St. Peter Streets in St. Paul, Minnesota on or before Tuesday, August 21, 1962. Likewise, each party shall similarly serve and publicly file copies of all documents and exhibits which it proposes to offer in evidence at the hearing, except for such documents and exhibits as have been heretofore filed and publicly available in Washington and in St. Paul as provided for in the procedural orders made upon the hearing record on March 9, 1961. It is expected that the prehearing notification procedures herein specified and referred to will enable (1) the parties in advance of the hearing to prepare such cross-examination and rebuttal as they may desire to present, and (2) any other interested persons to be prepared at the commencement of the hearing to present such questions of witnesses or statements of views or evidentiary matters as they deem to be appropriate.

6. Upon the commencement of the hearing as hereinafter ordered consideration will be given to preliminary and procedural matters for the purpose of clarifying and defining the methods and practices to be observed in the conduct of the hearing so as to develop in an orderly and expeditious manner a hearing record on the basis of which the issues herein will be determined. It is expected that the previously notified

written testimony and exhibits referred to above will be offered in evidence at the hearing in conjunction with the testimony under oath of identifying and authenticating responsible witnesses who will be available for and subject to such further questioning on direct and cross-examination as the nature of the proceedings then may warrant.²

Accordingly, and pursuant to the rules provisions hereinabove cited and §§ 2.703, 2.751 and 2.718 of the rules of practice: *It is ordered*, This 8th day of August 1962 that the Motion to Reconvene Hearing is granted and notice is hereby given that the hearing will be reconvened at 10 a.m. local time on Tuesday, August 28, 1962 in Courtroom No. 1 on the third floor of the Federal Courts Building at 6th and St. Peter Streets in St. Paul, Minnesota for the purpose of considering the matters set forth in the statement of issues set out in the 1960 notice of hearing as shown at 25 F.R. 11042; and

It is further ordered, That any party may file an answer to this Order and Notice of Hearing with the Commission and in the Office of the Clerk of the United States District Court in St. Paul, Minnesota as hereinabove set out on or before Tuesday, August 21, 1962; and

It is further ordered, That this order shall be published in the FEDERAL REGISTER and served upon the persons entitled to notice of hearing under the Commission's applicable rules and policies; and

It is further ordered, That the hearing herein notified may be recessed and adjourned from time to time and from place to place until completed.

Issued: August 8, 1962, Germantown, Md.

U.S. ATOMIC ENERGY
COMMISSION,
J. D. BOND,
Presiding Officer.

[F.R. Doc. 62-8089; Filed, Aug. 9, 1962;
11:18 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has filed an application for continuation of a waiver, previously granted under the provision of section 804 of the Merchant Marine Act, 1936, as amended, to permit Delta Steamship Lines, Inc., to continue to operate a feeder service on the West Coast of Africa in the area bounded by Monrovia,

²At the hearing the reading of direct testimony by the witnesses may be omitted—although the statements will be embodied in the hearing transcript—for the reason that the prehearing notification of such testimony will have informed all interested persons fully of the content of that testimony. In addition, it is expected that copies in quantity of the written testimony will be available to interested members of the public at the hearing.

¹A change has occurred in the docket number. The proceedings herein will be a continuation of the hearing which was commenced in March of 1961 as Docket Number PP-1.

Liberia on the north, and Port Gentil, French Equatorial Africa on the south, with a chartered feeder vessel registered under the Norwegian-flag, without soliciting or transacting any passenger or cargo business for any foreign flag vessel.

Any person, or firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on August 17, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Administrator.

Dated: August 6, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-7975; Filed, Aug. 9, 1962;
8:46 a.m.]

Office of the Secretary

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No Change.

B. Additions: No Change.

This statement is made as of August 1, 1962.

FRANK R. BAILEY.

AUGUST 1, 1962.

[F.R. Doc. 62-7994; Filed, Aug. 9, 1962;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 13849, 11592; Order No. E-18664]

AMERICAN AIRLINES

Amendment of Certificate for Route 4 and Order Authorizing Temporary Suspension of Service at Richmond, Virginia; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1962.

In the proceeding under section 401 of the Federal Aviation Act of 1958, as amended for the amendment of the certificate of American Airlines, Inc., Docket 1384; for route 4; in the matter of the application of American Airlines, Inc., Docket 11592; for an order authorizing temporary suspension of service at Richmond, Virginia.

On August 31, 1960, the Board granted American Airlines, Inc. (American) au-

thority to suspend service at Richmond, Virginia, on its route 4, for a period of two years.¹ In taking its action, the Board considered, inter alia, American's representations that its share of the traffic in the Richmond markets to which it had access had been steadily declining, that its Richmond services could not be expected to continue to be profitable, and that the elimination of its services could not help but reduce the need of Piedmont Aviation, Inc. (Piedmont), which was providing service between Richmond and the Washington, D.C., gateway, for Federal subsidy. The Board found that suspension of American at Richmond would not eliminate single-plane service to the primary markets served by American, except Knoxville, since several other carriers² also provided single-plane service to these points.

By the same order, Piedmont's application for an exemption under section 416(b) of the Act to provide nonstop service between Richmond and Washington was denied, the Board finding that ample Richmond-Washington service would still be available, notwithstanding the grant of authority to American to suspend at Richmond temporarily. Moreover, Piedmont's request was then in issue in The Piedmont Local Service Area Investigation, Docket 5713, and the Board believed that to grant the exemption might have had an inhibiting effect on its freedom of action in that case.

Piedmont was subsequently awarded a certificate amendment for Richmond-Washington nonstop service in the proceeding referred to previously,³ effective June 21, 1962, subject to a prohibition against providing turnaround service between Richmond and Washington. However, inasmuch as American's Roanoke authority was being terminated in a companion decision,⁴ Piedmont was not prohibited from replacing American's single-plane, Roanoke-Richmond-Washington service.

On June 25, 1962, American applied for the issuance of an order which would extend the temporary suspension of service at Richmond, stating that the facts which justified the original suspension continue to exist and drawing attention to the additional service which Piedmont is now authorized to provide on its Washington-Baltimore-Atlanta route. Service of the application was made in accordance with § 205.5 of the Board's Economic Regulations, and the period for receipt of responses has passed without any having been received.

The Board finds that it is in the public interest to extend American's authority to suspend service at Richmond. As indicated in Appendix A,⁵ ample service from Richmond to its top 15 markets is presently available. In only one market is there as little as one carrier providing service. Both single-plane and single carrier connecting service are available in most markets and as many

as four carriers provide single-plane service to Washington and Baltimore. The schedules now being provided by Piedmont have effectively replaced those operated by American at the time it suspended service at Richmond. Appendix B.⁶

However, particularly in view of the fact that Piedmont, in effect, has been authorized to, and has in fact replaced American between Roanoke-Richmond-Washington, the Board is constrained to believe that American's authority to serve Richmond no longer has a role in satisfying the transportation needs of the Richmond area and it tentatively finds that the public convenience and necessity no longer require that American's certificate authorize it to serve that point.

Therefore, although American has not applied for the deletion of Richmond from its certificate, we conclude that a proceeding designed to accomplish this should be instituted under the provisions of section 401(g) of the Act.

Accordingly, it is ordered:

1. That a proceeding be, and it hereby is, instituted in Docket 13849 pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require and the Board should order, the deletion of the authority to serve Richmond, Virginia, from the certificate of public convenience and necessity held by American for route 4.

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to American an amended certificate of public convenience and necessity for route 4 deleting its authority to serve Richmond;

3. That any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment set forth herein shall, within fifteen days of service of a copy of this order, file with the Board and serve on all persons made parties to this proceeding a statement specifying the nature and substance of such objections;

4. That if timely objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. That all motions to consolidate and requests to expand or change the issues herein shall be filed within the 15-day period allowed for the filing of objections, and no further such motions or requests, or petitions for reconsideration of this order will be entertained;

6. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

7. That American be and it hereby is authorized to temporarily suspend service at Richmond, Virginia, until 90 days after final decision in the proceeding herein instituted to delete its authority to serve that point;

¹ Order E-15716.

² Capital, (now United), Eastern, National, and Piedmont.

³ Order E-18123, March 19, 1962.

⁴ American's Suspension at Roanoke, Va., Docket 11801, Order E-18124, March 19, 1962.

⁵ Appendix filed as part of original document.

8. That copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: American Airlines, Inc.; the City of Richmond, Virginia; the Virginia State Corporation Commission; Eastern Air Lines, Inc.; National Airlines, Inc.; United Air Lines, Inc.; Piedmont Aviation, Inc.; and the Postmaster General; and

9. That this order shall be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 62-8008; Filed, Aug. 9, 1962;
8:49 a.m.]

[Dockets 13784, 13830; Order No. E-18671]

EASTERN AIR LINES, INC., ET AL.

Mainland-San Juan Third Class Fare Increases; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1962.

By tariff revisions marked to become effective August 15, 1962, Eastern Air Lines, Inc., Pan American World Airways, and Transportation Corporation of America (Trans Caribbean Airways) propose increases of approximately 5 percent in mainland-San Juan third class ("bus"-type) individual fares. The Commonwealth of Puerto Rico has filed complaints requesting suspension of the proposed fare increases.¹

The Board notes with approval that Pan American's tariff revision contains a posting date pursuant to § 221.31(a) (10) of the Board's economic regulations (14 CFR 221.31(a) (10)). The use of a posting date enables Board action well in advance of the tariff's effective date. Pan American has filed data with its tariff transmittal in support of the proposed increase. In substance, the carrier states that at the present fare level it cannot attain a break-even seat factor, especially since Eastern inaugurated third class jet service in the New York-San Juan market in May 1962. The Commonwealth's complaint is directed primarily against the New York-San Juan third class jet fare and it relies upon the record in the Reopened Puerto Rico Passenger Fare Investigation, Docket 9523, in support of its conclusion that the proposed increases are unjust and unreasonable.

Only one carrier, Pan American, has submitted factual data in support of the proposed increased fares. In the light of the issues yet to be resolved in Docket 9523 et al., the Reopened Puerto Rico

Passenger Fare Investigation,² the data supplied do not persuade us that the fare increases are warranted. Accordingly, the Board finds that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, and that they should be investigated. Moreover, in view of the procedural status of Docket 9523, as well as the importance in the public interest of maintaining third class fares in this market at the lowest level consistent with the cost of furnishing such services, we will suspend the tariffs, pending such investigation.

It is found that the Board's action herein is necessary and appropriate to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, It is ordered, That:

1. An investigation is hereby instituted to determine whether the proposed "Air-Bus" fares and provisions contained in Section 1 appearing on 3d Revised Page 7 of Eastern Air Lines, Inc.'s C.A.B. No. 88; the proposed "Thrift Class" fares and provisions contained in Table 1 appearing on 4th Revised Page 5 of Agent R. C. Lounsbury's C.A.B. No. 334; and the proposed "Tourist" fares and provisions applicable on jet aircraft appearing on 17th Revised Page 6 of Transportation Corporation of America's C.A.B. No. 26 (Trans Caribbean Airways, Inc., Series), are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions;

2. Pending investigation, hearing, and decision by the Board, the fares and provisions described in paragraph 1 hereof are suspended and their use deferred to and including November 12, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of the Commonwealth of Puerto Rico in Dockets 13784 and 13830 are granted to the extent stated herein;

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and a copy served upon the Commonwealth of Puerto Rico, Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America, which are made parties to this proceeding.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 62-8009; Filed, Aug. 9, 1962;
8:50 a.m.]

² By Order E-18672, issued contemporaneously herewith, we are remanding the third-class fare issue in the Reopened Puerto Rico Passenger Fare Investigation for expedited hearing. That order in addition consolidates Dockets 13784 and 13830 with the remanded proceeding.

[Docket 13394 etc.; Order No. E-18665]

FRONTIER-NORTH CENTRAL

Route Transfer—"Use It or Lose It" Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1962.

By Order E-18015, dated February 13, 1962, as modified by Order E-18273, dated April 27, 1962, the Board instituted investigations to determine, among other things, (a) whether the public convenience and necessity require the continuation, suspension or elimination of the authority of Frontier Airlines, Inc., to serve Glasgow, Glendive, Great Falls, Havre, Lewistown, Miles City, Sidney and Wolf Point, Montana, Williston, North Dakota, Idaho Falls, Idaho, and Rawlins, Wyoming, and the segments presently designated as 9, 14, and 15,¹ and that part of segment 7 between Riverton-Lander and Idaho Falls in Frontier's certificate; * * * and (c) whether the authorizations heretofore granted Frontier by Orders E-16749, dated May 1, 1961, as amended by Order E-17063, dated June 29, 1961, and E-17494, dated September 22, 1961, as amended by Order E-17753, dated November 22, 1961, should be continued on a year-round or seasonal basis by appropriate amendment of Frontier's certificate, or by other means.

On May 15, 1962, Frontier filed a motion requesting the Board to defer its "use it or lose it" investigation in respect to the above-indicated cities and route segments for a period of one year in order that it might make a further test of their traffic generating capabilities under the revised service pattern to smaller communities instituted by Frontier's new management which was appointed following the sale of controlling interest in Frontier to the Goldfield Company on March 27, 1962. Frontier stated that it has notified North Central of its intention to denounce the route transfer agreement as of July 1, 1962. Also on May 15, 1962, Frontier filed an application with the Board in Docket 13604 for renewal of its authority to serve segments 14 and 15 but it has not moved for consolidation of that application in this proceeding.

Answers to Frontier's motion have been filed by a number of cities and state agencies² in support thereof, and by the Bureau, North Central, and the Minneapolis-St. Paul Metropolitan Airport Commission in opposition thereto.

Upon consideration of the matters set forth in the motion and answers, we find no justification for any delay in our re-examination and reappraisal of the pres-

¹ Segments 15 and 16 have been redesignated segments 14 and 15, respectively, pursuant to the Board's decision in Frontier Airlines, Inc., Segment 13 Case, Docket 11129, decided October 19, 1961.

² The cities and state agencies are: Sidney, Wolf Point, Glasgow and Glasgow Chamber of Commerce, Great Falls and the Great Falls, Montana Chamber of Commerce, Williston, North Dakota, and the North Dakota and Montana Aeronautics Commissions.

¹ The Commonwealth's complaint in Docket 13784 is directed to the proposals of Eastern and Pan American. On the same day the complaint was filed, Trans Caribbean filed its tariff revision proposing similar fare increases but applicable only to jet fares. On July 23, 1962, Pan American filed an answer to the Commonwealth's complaint. Thereafter, on August 1, 1962, the Commonwealth filed a complaint in Docket 13830 against the tariff proposal of Trans Caribbean.

ent needs for and past use of air service at these cities since they were authorized for service; accordingly, the motion to defer will be denied. Changes in the carrier's management and service policies do not constitute sufficient reasons for granting the relief requested especially since data showing the traffic response at those cities under the new service patterns will be available at the time this case has been reached for hearing in November or December of this year.

We stated in that order (E-18015) that in the interest of expedition we would not consider any new or previously filed route applications in this proceeding. We find that the consolidation of Sioux Air's application for new air services in Montana and North Dakota in Docket 13586 would unduly broaden the issues and delay the proceeding; accordingly, its motion to consolidate that application herein will be denied. However, we find the issue of service to Lovell-Powell-Cody, Wyoming, through a single airport reasonably germane to the issues of the investigation and the inclusion of that issue will not unduly broaden the issues or delay the investigation.

Accordingly, it is ordered:

1. That Frontier's motion to defer the "use it or lose it" investigation be and it hereby is denied.

2. That the application of Frontier in Docket 13604 for renewal of its authority to serve segments 14 and 15 of route 73 be and it hereby is consolidated for hearing and decision in this proceeding.

3. The motion of Thomas J. Malee and John M. Cross d/b/a Sioux Air for consolidation of its application for a certificate in Docket 13586 for hearing and decision in this proceeding be and it hereby is denied.

4. That the issue of service to Lovell-Powell-Cody, Wyoming through a single airport be and it hereby is included in this proceeding.

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8014; Filed, Aug. 9, 1962;
8:50 a.m.]

[Docket 9523 etc.; Order No. E-18672]

REOPENED PUERTO RICO PASSENGER FARE INVESTIGATION

Order of Severance, Remand, and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1962.

In the matter of the reopened Puerto Rico Passenger Fare Investigation, Docket 9523 et al.; in the matter of Mainland-San Juan third-class fare increases proposed by Eastern Air Lines, Inc., Pan American World Airways, Trans Caribbean Airways, Dockets 13784 and 13830.

The Reopened Puerto Rico Passenger Fare Investigation, which was instituted to determine whether the passenger

fares between Miami, Fla., and New York, N.Y., on the one hand, and San Juan, Puerto Rico, on the other hand, of Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America (Trans Caribbean Airways), are unlawful and, if so, to prescribe the lawful fares, stands submitted to the Board for decision. By tariff revisions marked to become effective August 15, 1962, Eastern, Pan American, and Trans Caribbean propose increases ranging for \$2 to \$3 in mainland-San Juan third-class individual fares, including those in the New York/Miami-San Juan markets. By Order E-18671, issued contemporaneously herewith, we have instituted an investigation (Dockets 13784 and 13830) of these fare proposals and, pending investigation, have suspended the proposed fare increases to and including November 12, 1962. For reasons set forth below, we have also decided to sever and remand to the Examiner that portion of the Reopened Puerto Rico Passenger Fare Investigation relating to passenger fares in third-class service, both propeller and jet, in the New York/Miami-San Juan markets. In addition, we will consolidate the investigation in Dockets 13784 and 13830 with the remanded proceeding since the parties involved are the same and the issues are closely related, and will direct that the hearings be conducted on an expedited basis.¹

The reasons which prompt us to sever and remand the third-class fare issue in the Reopened Puerto Rico Passenger Fare Investigation are the substantial changes which have occurred in this class of service subsequent to the hearing in that case. Thus, at the time of the reopened hearing in May 1961, neither Eastern nor Trans Caribbean served the New York-San Juan market with third-class service in jet aircraft and Pan American had only commenced the use of jet equipment in third-class service in late April 1961. Consequently, the reopened record contains virtually no experience data with respect to third-class service in jet aircraft. Now, however, the three carriers provide substantially all of their third-class service between New York and San Juan with jet-type aircraft. Moreover, subsequent to the close of the evidentiary record, the carriers modified the conditions of carriage, including the refund rule, so that this third-class service is similar to "bus" type air services within the continental United States.² Thus, the entire pattern of third-class service as now operated is materially different from that upon which the cost and revenue estimates of the parties were

¹ The parties are urged to explore, to the fullest extent possible, areas of agreement on pertinent facts and principles, thereby permitting stipulation of such matters into the record in lieu of their formal development at the hearing.

² An investigation is presently pending in Docket 13329 et al., with respect to the lawfulness of the refund rules applicable to this "bus" service to Puerto Rico (as well as the lawfulness of "bus" fares and rules in use within the continental United States). The instant order does not affect the proceedings in Docket 13329 et al.

predicated. In these circumstances, we believe an updating of the record with respect to third-class service is essential to a sound decision on this issue.

Accordingly, It is ordered, That:

1. Docket 9523 et al., insofar as it relates to the issue of fares by propeller and jet aircraft in third-class service between San Juan, P.R., on the one hand, and New York, N.Y., and Miami, Fla., on the other hand, be and it hereby is remanded to the Examiner for further hearing on an expedited basis.

2. Dockets 13784 and 13830 be and they hereby are consolidated with the remanded portion of Docket 9523 et al., for hearing and decision.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8010; Filed, Aug. 9, 1962;
8:50 a.m.]

FEDERAL AVIATION AGENCY

GENERAL AVIATION DISTRICT OFFICE AT TULSA, OKLA.

Notice of Closing

Notice is hereby given that on or about August 11, 1962, the General Aviation District Office in Tulsa, Oklahoma, will be closed. Services provided by this office will be rendered by the General Aviation District Office as Oklahoma City, Oklahoma.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D. C., on Aug. 3, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7964; Filed, Aug. 9, 1962;
8:45 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT BROWNSVILLE, TEX.

Notice of Closing

Notice is hereby given that on or about August 11, 1962, the General Aviation District Office in Brownsville, Texas, will be closed. Services provided by this office will be rendered by the General Aviation District Office at San Antonio, Texas.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on Aug. 3, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7962; Filed, Aug. 9, 1962;
8:45 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT MIDLAND, TEX.

Notice of Closing

Notice is hereby given that on or about August 11, 1962, the General Aviation District Office in Midland, Texas, will be closed. Services provided by this office will be rendered by the General Aviation

District Office to be opened August 12, 1962, at Lubbock, Texas.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on Aug. 3, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7963; Filed, Aug. 9, 1962;
8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1064]

AMERICAN UNION TRANSPORT, INC., AND WATERMAN STEAMSHIP COMPANY OF PUERTO RICO

Purchase of Vessels "Alicia" and "Dorothy"; Allegations; Request for Further Hearing

On August 2, 1962, the Federal Maritime Commission entered the following order:

On April 16, 1962, the Commission by order pursuant to section 15 of the Shipping Act, 1916, approved Agreements 8745 and 8745-1, which provided, among other things, for the purchase of the vessels "Alicia" and "Dorothy" by Waterman Steamship Company of Puerto Rico.

By petition filed July 9, 1962, American Union Transport, Inc. alleges, among other things, that:

(1) "The false recitals in Agreement 8745 enabled Waterman P.R. and its related McLean-Sea-Land interests to perpetrate a fraud on the Commission in that its approval was sought and secured for the purpose of using the C-4's in Gulf-Puerto Rico trade whereas the parties intended at all times to use them in Atlantic-Puerto Rico trade";

(2) "But for the unqualified recitals in Agreement 8745 that the C-4's were sold for use by Waterman P.R. in Gulf-Puerto Rico trade, AUT would have protested that agreement and demanded a hearing for the purpose of proving that the sale was (a) unjustly discriminatory and unfair as between the McLean-controlled carriers (including Sea-Land and Waterman P.R.) and AUT, and (b) detrimental to the commerce of the United States and contrary to the public interest as part of a conspiracy to monopolize Atlantic-Puerto Rico trade and to eliminate competition therefrom."

American Union Transport, Inc. "requests that the Commission reopen and reconsider Docket 988; and that upon such reconsideration it set aside its order of 16 April 1962 approving agreements 8745 and 8745-1, admit AUT to intervention, set the case for further hearing, and enter a new order disapproving such agreements; and that it award such other relief as may be proper."

Said Agreements 8745 and 8745-1 are lawful only when and as long as they are approved by this Commission, and it is the duty of this Commission, if after notice and hearing, it finds that said agreements (although previously approved) are unjustly discriminatory or unfair as between carriers, detrimental to the commerce of the United States,

or contrary to the public interest, to disapprove, cancel, or modify said agreements.

Verified answers, and an affidavit by Malcom P. McLean have been filed.

In view of the foregoing it is ordered:

(1) That the petition of American Union Transport, Inc. be denied.

(2) That pursuant to sections 15 and 22 of the Shipping Act, 1916, a hearing be held upon the Commission's own motion, to determine if Agreements 8745 and 8745-1 should be disapproved, cancelled, or modified because unjustly discriminatory or unfair as between "the McLean-controlled carriers (including Sea-Land and Waterman P.R.) and A.U.T.", or "detrimental to the commerce of the United States and contrary to the public interest as part of a conspiracy to monopolize Atlantic-Puerto Rico trade and to eliminate competition therein".

(3) That this matter be assigned for hearing before an examiner at a time and place to be determined by the Chief Examiner.

(4) That notice of this order be published in the FEDERAL REGISTER.

(5) That all persons having an interest in this matter and desiring to participate, shall promptly file petitions for leave to intervene in accordance with our Rule 5(n) (46 CFR 201.24).

By the Commission.

THOMAS LISI,
Secretary.

AUGUST 2, 1962.

[F.R. Doc. 62-8011; Filed, Aug. 9, 1962;
8:50 a.m.]

[No. 1066]

ALCOA STEAMSHIP CO., INC.

General Increase in Rates in Atlantic/ Gulf Puerto Rico Trade

It appearing that there have been filed with the Federal Maritime Commission various tariff schedules naming increases in freight rates from Atlantic and Gulf Ports in the United States to ports in the Commonwealth of Puerto Rico to become effective August 4, 1962 designated as follows: "Alcoa Steamship Co., Inc.; Outward Freight Tariff No. 3, FMC-F No. 4";

It further appearing that protests have been received petitioning the Commission to suspend said increases; and

It further appearing that upon consideration of the said schedules, statements in support thereof, and protests made thereon, there is reason to believe that the said schedules, if permitted to become effective, would result in rates, charges, classifications, regulations, tariffs or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new rates, charges, classifications, regulations, tariffs, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as

amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the effective date of the said schedules should be suspended, pending such investigation;

Now therefore it is ordered That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said schedules be, and they are hereby, suspended and that the use of the said schedules be, and it is hereby, deferred to and including November 25, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That (I) there shall be filed immediately with the Commission by the Alcoa Steamship Co., Inc. consecutively numbered supplements to the aforesaid suspended schedules which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended schedules are described, and shall state that the aforesaid schedules are suspended and that the rates, charges classifications, regulations, tariffs, and practices therein stated may not be used until the 26th day of November 1962, unless otherwise authorized by the Commission; and (II) the rates, charges, classifications, regulations, tariffs, and practices hereby deferred may not be changed during the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulations of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; (II) Alcoa Steamship Co., Inc. be and it is hereby, made respondent in this proceeding; (III) a copy of this order shall be forthwith served upon the said respondent and protestants herein; (IV) respondents and protestants be duly notified of the time and

place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

AUGUST 2, 1962.

[F.R. Doc. 62-8012; Filed, Aug. 9, 1962;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14730; FCC 62M-1118]

KIMBLE COMMUNICATIONS

Order Scheduling Prehearing Conference

In re applications of W. A. Henley, d/b as Kimble Communications, Docket No. 14730, File Nos. 2397/2398-C1-P-62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

On the Hearing Examiner's own motion: *It is ordered*, This 6th day of August 1962, that a prehearing conference for the purpose of establishing the method of presentation of the parties' cases and the timing thereof shall be held in the Commission's offices at Washington, D.C., on September 4, 1962, commencing at 9:00 a.m.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8017; Filed, Aug. 9, 1962;
8:50 a.m.]

[Docket No. 14741; FCC 62M-1119]

NEW MADRID COUNTY BROADCASTING CO. (KMIS)

Order Continuing Prehearing Conference

In re application of J. Shelby McCallum, Smith J. Dunn and Jewel P. White, d/b as New Madrid County Broadcasting Company (KMIS), Portageville, Missouri, Docket No. 14741, File No. BP-14758; for construction permit.

It is ordered, This 6th day of August 1962, that the prehearing conference now scheduled for Friday, September 21, 1962, at 9:00 a.m., is continued to Tuesday, September 25, 1962, at 2:00 p.m.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8018; Filed, Aug. 9, 1962;
8:50 a.m.]

No. 155—10

FEDERAL POWER COMMISSION

[Docket No. E-7045]

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, EKLUTNA PROJECT, ALASKA

Notice of Request for Approval of Rate Schedules

AUGUST 6, 1962.

Notice is hereby given that the Bureau of Reclamation, United States Department of the Interior (Reclamation), has filed with the Federal Power Commission, pursuant to the Act of Congress of July 31, 1950 (64 Stat. 382), as amended, a request for confirmation and approval of proposed rate schedules for the sale of electric power and energy generated at the Eklutna Project (Eklutna), located in the vicinity of Anchorage, Alaska. The rate schedules for which approval is requested are designated A-F2, A-N2, and A-L2, copies of which are attached hereto.¹

By order issued August 1, 1957, Eklutna Project, Alaska, (18 FPC 87), the Commission confirmed and approved Rate Schedule A-F2 and related General Rate Schedule Provisions and Rate Schedules A-L2 and A-N2 for the sale of Eklutna electric power and energy during an interim period not to exceed five years from August 4, 1957. Reclamation represents that the level of rates and conditions set forth in the proposed rate schedules are identical with those contained in the rate schedules approved by the Commission on August 1, 1957.

Proposed Rate Schedules A-F2, A-N2, and A-L2 are on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed rate schedules should submit the same in writing on or before August 23, 1962, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7939; Filed, Aug. 9, 1962;
8:45 a.m.]

[Docket No. CP62-41]

TRUNKLINE GAS CO.

Notice of Motion To Amend

AUGUST 3, 1962.

Take notice that on June 19, 1962, Trunkline Gas Company (Movant), P.O. Box 1642, Houston 1, Texas, filed in Docket No. CP62-41 a motion to amend the order in said docket issued January 25, 1962, to permit the continuation of the subject sale and the operation of the subject facilities until July 1, 1963, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

The Commission's order of January 25, 1962, in the subject docket authorized

¹ Schedules filed as part of original document.

Movant to interconnect its facilities with those of Texas Eastern Transmission Corporation (Texas Eastern) in Hidalgo County, Texas, and to sell to Texas Eastern 30,000 Mcf of gas per day on an interruptible basis until July 1, 1962. Texas Eastern has been authorized to construct and operate a tap and related facilities to receive the subject gas.

The motion states that Texas Eastern has a continuing need to alleviate the take-or-pay situation which is more fully described in the Commission's order of January 25, 1962, in the subject docket. The motion further states that Texas Eastern has a need for the gas and that the parties have amended their contract to be effective until July 1, 1963.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7976; Filed, Aug. 9, 1962;
8:46 a.m.]

[Docket No. RP63-2]

MISSISSIPPI RIVER FUEL CORP.

Order Prescribing Hearing Procedures

AUGUST 6, 1962.

The Commission by order issued July 27, 1962, provided for hearing on the lawfulness of the rates, charges, classifications and services contained in Mississippi River Fuel Corporation's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the revised tariff sheets tendered for filing by Mississippi on June 29, 1962. Among other things, that order also directed that such hearing shall be held in accordance with procedures to be prescribed by future order.

In its order issued this day prescribing hearing procedures in United Gas Pipe Line Company, Docket No. RP63-1, the Commission has indicated the necessity for the disposition of that proceeding as expeditiously as possible. That necessity and the intent and purpose of the procedures as set out in that order are equally applicable to this proceeding. It is accordingly appropriate that similar procedures be prescribed herein.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that for the purposes set out in paragraph (A) of the order issued July 27, 1962 in this docket, the disposition of this proceeding be expedited in accordance with the procedures set out below.

The Commission orders:

(A) Presiding Examiner Joseph Zwergling, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the prehearing conferences and the hearing in this mat-

ter, pursuant to the Commission's rules of practice and procedure.

(B) Mississippi, on or before September 4, 1962, shall serve upon the Commission staff and all parties to this proceeding, copies of its exhibits and testimony constituting its complete direct case-in-chief in this proceeding.

(C) The Commission staff and all parties to this proceeding proposing to present evidence herein shall serve such testimony and exhibits on all parties on or before October 15, 1962.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner herein designated shall commence at 10:00 a.m., e.s.t., on October 30, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of this proceeding.

(E) Upon expeditious determination of the issues to be eliminated from hearing through stipulation, and the issues to be resolved in formal hearing, the Presiding Examiner shall set the date for service by Mississippi of its rebuttal case and shall give notice of immediate hearing following service of Mississippi's rebuttal case, for purposes of cross-examination on the issues to be tried, such hearing to be continuous until conclusion.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7977; Filed, Aug. 9, 1962;
8:46 a.m.]

[Docket No. RP63-1]

UNITED GAS PIPE LINE CO. Order Prescribing Hearing Procedures

AUGUST 6, 1962.

The Commission by order issued July 27, 1962, in this proceeding, provided for hearing on the lawfulness of the rates, charges, services and classifications contained in United Gas Pipe Line Company's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by the revised tariff sheets United Gas tendered for filing on June 15, 1962. Among other things, that order also directed that such hearing shall be held pursuant to the procedures to be prescribed by further order.

The Commission deems it necessary and appropriate that the disposition of this proceeding be expedited to the fullest extent possible. Toward that end and within the time limits hereinafter set forth, it is the view of the Commission that each party to this proceeding should have an opportunity to understand and evaluate the position of the other parties; that all true issues in the proceeding should be identified, the key matters and genuine disputes which can only be resolved in hearing should be listed; and that all matters which can be fully investigated and resolved without formal trial should be eliminated from hearing and settled by stipulation.

The data submitted by United Gas in support of its proposed increase is insubstantial compliance with the proposed regulations under consideration in Docket No. R-207, as issued February 20, 1962. It is the purpose of this order that United Gas, within the time hereinafter fixed, shall submit its testimony relating to the exhibits contained in its filing together constituting its direct case-in-chief herein; thereafter within the time indicated below the Commission staff and all interveners proposing to submit evidence in this proceeding shall serve such exhibits and testimony on all parties. Upon completion of the service of all of the above testimony and exhibits, the Presiding Examiner assigned to this proceeding shall convene the pre-hearing conference hereinafter ordered for the purpose of reaching a stipulation on the issues which can be eliminated from hearing and clearly set forth the substantial matters to be resolved by formal hearing. The Presiding Examiner shall then set the date for service by United Gas of its rebuttal case and shall issue immediate notice of the date of hearing on the issues to be tried; which when commenced shall be continuous and shall be directed to full cross-examination of all witnesses testifying with respect to the issues being tried, in accordance with the procedure prescribed by the Presiding Examiner.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that for the purposes set out in paragraph (A) of the order issued July 27, 1962, the disposition of this proceeding be expedited in accordance with the procedures set out below.

The Commission orders:

(A) Presiding Examiner Francis L. Hall, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the pre-hearing conferences and the hearing in this matter, pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(B) United Gas, on or before August 21, 1962, shall serve upon all parties to this proceeding, copies of its filing submitted to the Commission on June 15, 1962, and to the extent it deems necessary shall serve on the Commission staff and the parties any supplementary prepared testimony in support of the exhibits contained in its filing submitted June 15, 1962, which together shall constitute its direct case-in-chief in this proceeding.

(C) The Commission staff and all other parties to this proceeding proposing to present evidence herein, shall serve such testimony and exhibits on all parties on or before October 1, 1962.

(D) Pursuant to the provisions of Section 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner herein designated shall commence at 10:00 a.m., e.d.t., on October 22, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission, as hereinabove set out in the body of this order.

(E) Upon expeditious determination of the issues to be eliminated from hearing through stipulation, and the issues to be resolved in formal hearing, the Presiding Examiner shall set the date for service by United Gas of its rebuttal case and shall give notice of immediate hearing following such service, for purposes of cross-examination on the issues to be tried, such hearing to be continuous, until conclusion.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7978; Filed, Aug. 9, 1962;
8:46 a.m.]

[Docket No. CP62-287]

ASSOCIATED OIL & GAS CO.

Notice of Application

AUGUST 6, 1962.

Take notice that Associated Oil & Gas Co. (Applicant), a Delaware corporation with principal office in Houston, Texas, filed an application in Docket No. CP62-287 on June 4, 1962, pursuant to Section 3 of the Natural Gas Act, for the issuance of an order authorizing the exportation of natural gas from the United States to Mexico, subject to the jurisdiction of the Commission, all as hereinafter described and as more fully represented in the application which is on file with the Commission and open for public inspection. Concurrently therewith, Applicant filed an application for a permit in Docket No. CP62-288 pursuant to Executive Order 10485 of September 3, 1953.

The export activities and operations for which Applicant seeks authorization are presently being undertaken and otherwise performed by Texas Gas Utilities Corporation (TGU) pursuant to authorization granted TGU in Docket No. CP61-280 by order issued in Texas Gas Utilities Company, et al., Docket Nos. G-117, et al., on November 28, 1961 and which is presently in full force and effect. Under this authorization, TGU exports natural gas to Mexico at or near Eagle Pass, Texas, for resale and distribution in the town of Piedras Negras, Coahuila, Mexico, by Compania Nacional de Gas, S.A., and for end use by La Consolidada, S.A., in an open hearth smelting plant located near said town pursuant to a gas sale contract with each of these two companies.

Applicant, TGU and Texas Gas Distributing Systems, Inc. have entered into a plan of reorganization, dated March 28, 1962 and attached as Exhibit X-1 to the instant application, whereunder and upon consummation of said plan, Applicant will become the corporate successor to TGU, the business and properties of TGU will be transferred to Applicant, and Applicant will take over and continue the business of TGU in local distribution and exportation of natural gas, without change.

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the

rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7979; Filed, Aug. 9, 1962;
8:46 a.m.]

[Docket No. CP62-302]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 6, 1962.

Take notice that on June 18, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-302 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Southern Union Gas Company (Southern) for resale and distribution in the community of Jerome, and environs, Arizona, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it presently operates facilities and sells gas to Southern for resale in the communities of Clarkdale and Cottonwood, Yavapai County, Arizona. Applicant states further that these facilities will be used to render the herein proposed service and that no new facilities will be required.

The application shows that Southern will construct and operate a pipeline from its existing Clarkdale-Cottonwood facilities to Jerome as well as the distribution facilities for said community. The total estimated cost of these facilities is \$40,497.

The application indicates that the third-year maximum day and annual gas requirements of Southern for the subject service are 201 Mcf and 22,380 Mcf, respectively.

Applicant will make the proposed sale pursuant to its applicable rate schedules on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7980; Filed, Aug. 9, 1962;
8:46 a.m.]

[Docket No. CP62-170]

KEOKUK GAS SERVICE CO.

Notice of Application and Date of Hearing

AUGUST 3, 1962.

Take notice that Keokuk Gas Service Company (Applicant), an Illinois corporation with principal place of business in Keokuk, Iowa, filed an application in Docket No. CP62-170 on January 18, 1962, pursuant to section 7(a) of the Natural Gas Act, seeking the issuance of an order directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to establish physical connection of its existing natural gas transportation facilities with facilities proposed to be constructed and operated by Applicant and, by means thereof, to deliver to Applicant for resale to Lee County, Iowa, a part of the total volume of natural gas heretofore authorized to be sold by Michigan Wisconsin to Applicant for resale and distribution, all as more fully set forth in said application which is on file with the Commission and open for public inspection.

Applicant is an existing distribution company and obtains all of its gas supply from Michigan Wisconsin. The instant gas is for use in a new County Home which is located in Jackson Township approximately $\frac{3}{4}$ mile west of Michigan Wisconsin's transmission line and $\frac{3}{2}$ miles northwest of Applicant's present gas mains.

Applicant proposes to construct and operate approximately $\frac{3}{4}$ mile of $1\frac{1}{2}$ -inch line together with meter and regulators extending from the site of the new home to the nearest point on Michigan Wisconsin's line. These facilities will be used for the purpose of enabling Applicant to take natural gas from Michigan Wisconsin at the proposed new delivery point and to transport and deliver said gas to Lee County for use at the aforesaid home. The estimated total cost of these facilities is stated to be \$7,336.00 which will be financed by Applicant out of cash on hand.

By answer filed on February 21, 1962, Michigan Wisconsin opposes the rendition of the service as proposed by Applicant.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Sep-

tember 20, 1962 at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 28, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7981; Filed, Aug. 9, 1962;
8:46 a.m.]

[Docket No. E-7048]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 6, 1962.

Take notice that on August 1, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Company (Applicant), a corporation organized under the laws of the State of Wisconsin and doing business in that State, with its principal business office in Eau Claire, Wisconsin, seeking an order authorizing the issuance of unsecured promissory notes of up to \$7,000,000 aggregate face value.

The unsecured promissory notes will be payable to such bank or banks from which the Applicant may borrow funds, up to but not exceeding \$7,000,000 face amount at any one time outstanding, for periods not exceeding twelve months from the date of issue. Applicant will pay no commitment fees, and may prepay the notes, in whole or in part, on any legal banking day, upon 24 hours' notice to the payee. According to the application, the interest for each borrowing will be a rate that, to the best knowledge and belief of the officers making the borrowings, does not exceed the prime loan interest rate at the time and place of making.

Applicant states that the proceeds from the bank borrowings to be evidenced by the proposed notes which are issued during the balance of the year 1962 will be used, first, to renew or refund outstanding promissory notes, which will include the \$3,600,000 principal amount presently outstanding; the balance of the proceeds will be added to Applicant's general funds, which will be used, among other things, to pay in part the expenditures made and to be made in 1962 in connection with Applicant's construction program. The cost of Applicant's 1962 construction is estimated at \$5,195,000 of which \$3,746,000 is allocated to electric facilities; \$1,112,000, to gas facilities; and, \$337,000, to general facilities. The cost of construction for electric facilities includes \$45,000 for production, \$571,000 for transmission, and \$3,130,000 for distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 27th day of August file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the

requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7982; Filed, Aug. 9, 1962;
8:46 a.m.]

[Project No. 2305]

SABINE RIVER AUTHORITY OF LOUISIANA AND SABINE RIVER AUTHORITY OF TEXAS

Amended Notice of Application for License

AUGUST 6, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Sabine River Authority of Louisiana at Baton Rouge, Louisiana, and Sabine River Authority of Texas at Orange, Texas, for license for proposed Project No. 2305, to be known as Toledo Bend project, to be located on Sabine River in Sabine and DeSoto Parishes, Louisiana, and in Newton, Sabine and Shelby Counties, Texas, and affecting lands of the United States within Sabine National Forest.

The proposed project would consist of: a rolled earth-fill dam about 8,600 feet long with a maximum height of 110 feet; a reservoir with normal pool elevation of 172 feet, an area of 181,600 acres, and a total storage of 4,477,000 acre-feet of which 1,554,200 acre-feet will be active storage for power generation; a side-channel spillway comprised of a concrete, gravity type, gated weir with a concrete chute and stilling basin, and a discharge channel; a sluiceway; a powerhouse located in the right abutment adjacent to the spillway containing three 39,200-horsepower turbines each connected to a 32,000-kva generator (28,800 kw at 0.9 P.F.); step-up transformers; a switchyard; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 24, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7983; Filed, Aug. 9, 1962;
8:46 a.m.]

[Docket No. CP62-279]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 6, 1962.

Take notice that on May 28, 1962, as supplemented on July 2, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-279 an application pursuant to section 7(b) of

the Natural Gas Act for permission and approval to abandon 1.11 miles of 8-inch line (Handley Lateral) in Tarrant County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon a section of the Handley Lateral beginning near milepost 2.7 and continuing in a southerly direction for a distance of 1.11 miles. Approximately 0.79 mile will be abandoned in place and 0.32 mile will be removed. The application states that the line is not now being used and that no service from the line is anticipated in the foreseeable future. The original cost of the segment to be abandoned was \$9,888.69.

Applicant was authorized to abandon the main portion of the Handley Lateral by the Commission's order of December 20, 1962, in Docket No. CP61-28 (24 FPC 1108).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 23, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7984; Filed, Aug. 9, 1962;
8:46 a.m.]

[Project No. 2316]

WATER DISTRICT NO. 97 OF KING COUNTY, WASHINGTON

Notice of Application for Preliminary Permit

AUGUST 6, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Water District No. 97 of King County, Washington (correspondence to Thomas

A. Kilburn, President, Board of Water Commissioners, Water District No. 97 of King County, Washington, 16049 NE, 8th Street, Bellevue, Washington) for a preliminary permit for proposed water-power Project No. 2316, designated by applicant as "North Fork of the Snoqualmie River Water Supply Project", to be located on the North Fork of the Snoqualmie River, Lake Hancock, Calligan Lake, Beaver Creek and Griffin Creek in King County, Washington, near Carnation and North Bend, affecting lands of the United States within the Snoqualmie National Forest, and to consist of an earth dam approximately 170 feet high on the North Fork of the Snoqualmie River, 16 miles north of the Town of North Bend, creating a reservoir with an area of 2,200 acres and a volume of 100,000 acre-feet at elevation 1,560 feet. The water will be carried southwesterly by pipeline to Beaver Creek and be discharged into an improved channel in Beaver Creek. Low dams will be constructed at the outlets to Calligan Lake and Lake Hancock and additional water will be transported to the Beaver Creek Channel through a pipeline. The water will flow westward down Beaver Creek Channel and Beaver Creek Reservoir to a forebay where it will again pass into a pipeline and be carried westerly to East Fork Griffin Creek where it will flow through Griffin Creek Channel and reservoir to a forebay. The water will then be carried by pipeline to a point 1.5 miles southeast of Carnation, Washington, where it will pass through the Carnation hydroelectric plant with installed capacity of 34,100 kilowatts and be discharged into a channel leading westerly one mile. The excess water will flow into the Tolt River and the balance of the water will be transported 1.5 miles south-easterly by gravity pipeline to a pumping station.

While no construction is authorized under a preliminary permit, such a permit does give the permittee the right of priority of application for license while the permittee undertakes the necessary studies and examinations required by section 9(b) of the Act, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be applied for under the permit.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 10, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7985; Filed, Aug. 9, 1962;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37868: *Lumber and related articles from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8244), for interested rail carriers. Rates on additional lumber and related articles which may be added to the commodity descriptions of lumber and related articles in tariffs named or referred to supplemental fourth-section orders described in the application, between points in southwestern territory, also Illinois, Kansas, northern Missouri and Mississippi River crossings.

Grounds for relief: Carrier competition.

FSA No. 37869: *Class and commodity rates from and to Magnolia, Ga.* Filed by O. W. South, Jr., Agent (No. A4224), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from and to Magnolia, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-7992; Filed, Aug. 9, 1962;
8:47 a.m.]

[Notice No. 675]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to

section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64981. By order of August 1, 1962, Division 3, acting as an Appellate Division, approved the transfer to John F. Mahr, doing business as Mahr Bros. Transportation Co., Rockville, Conn., of a portion of the operating rights set forth in Certificate No. MC 29739 Sub 2 issued October 4, 1957, to Service Transportation, Incorporated, Stafford Springs, Conn., authorizing the transportation of textile, textile mill supplies and materials used in the manufacture of textiles and empty containers for textiles, textile mill supplies, and materials, used in the manufacture of textiles, over irregular routes, between points in Hartford and Tolland Counties, Conn., on the one hand, and, on the other, points in that part of Massachusetts east of Massachusetts Highway 12 and north of U.S. Highway 44 and points in Rhode Island. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for transferee. F. Joseph Paradiso, 4 Main Street, Stafford Springs, Conn., attorney for transferor.

No. MC-FC 64986. By order of August 1, 1962, Division 3, acting as an Appellate Division approved the transfer to Sockol's Express, Inc., Stamford, Conn., of Certificates Nos. MC 29739 and MC 29739 Sub 1, issued May 16, 1955 and October 18, 1951, respectively, and the portion remaining in Certificate No. MC 29739 Sub 2, issued October 4, 1957, to Service Transportation, Incorporated, Stafford Springs, Conn., after transfer of a portion pursuant to No. MC-FC 64981, the authorities authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Torrington, Conn., and New York, N.Y., serving the intermediate and off-route points of Thomaston, Bantam, and Winsted, Conn., and Hoboken, Weehawken, Irvington, Jersey City and Newark, N.J., between Danbury, Conn., and New York, N.Y., with no service authorized to or from intermediate points; and between Torrington, Conn., on the one hand, and, on the other, points in Connecticut. Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn., attorney for transferee. F. Joseph Paradiso, 4 Main Street, Stafford Springs, Conn., attorney for transferor.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-7993; Filed, Aug. 9, 1962;
8:47 a.m.]

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR

Page

PROCLAMATIONS:

Oct. 3, 1906.....

7902

EXECUTIVE ORDERS:

July 3, 1913.....

7573

Feb. 11, 1933.....

7659

7430.....

7636

10450.....

7859

10784.....

7859

10924.....

7859

10974.....

7755

11039.....

7755

11040.....

7857

11041.....

7859

PRESIDENTIAL DOCUMENTS OTHER

THAN PROCLAMATIONS AND EXEC-

UTIVE ORDERS:

Memorandum, Oct. 18, 1961.....

7603

Memorandum, Aug. 1, 1962.....

7603

5 CFR

6.....

7538,

7539, 7605, 7673, 7757, 7819, 7863,

7954.

6 CFR

421.....

7573

482.....

7539, 7950

485.....

7951

7 CFR

52.....

7624

61.....

7951

722.....

7757

811.....

7951

817.....

7863

831.....

7819

908.....

7709

910.....

7709

924.....

7866

925.....

7866

958.....

7953

980.....

7953

990.....

7539

993.....

7540

1005.....

7540

1011.....

7541

1065—1066.....

7542, 7543

1071—1076.....

7543—7547

1090.....

7548

1096.....

7548

1098.....

7549

1101—1103.....

7550—7552

1105—1107.....

7553, 7554

1120.....

7555

1126.....

7555

1127.....

7556

1128.....

7557

1129.....

7557

1130.....

7558, 7626

1132.....

7559

1134—1135.....

7559, 7560

1137.....

7561

1138.....

7709

PROPOSED RULES:

729.....

7794

850.....

7794

945.....

7574

946.....

7988

948.....

7681, 7827

958.....

7681

984.....

7728

987.....

7793

990.....

7988

7 CFR—Continued

Page

PROPOSED RULES—Continued

993.....

7989

1001.....

7647, 7828

1006—1007.....

7647, 7828

1014—1015.....

7647, 7828

1032.....

7887

1065.....

7736

1067.....

7887

1071.....

7887

1136.....

7651

8 CFR

103.....

7562

212.....

7627

246.....

7710

322.....

7710

9 CFR

51.....

7757

PROPOSED RULES:

16.....

7793

17.....

7793

18.....

7793

10 CFR

112.....

7605

12 CFR

204.....

7627

218.....

7954

13 CFR

103.....

7630

104.....

7630

121.....

7819

PROPOSED RULES:

121.....

7653

14 CFR

20—22.....

7954

24—27.....

7954

29.....

7954

34—35.....

7954

40.....

7673

41.....

7673

42.....

7674

43.....

7954

50—54.....

7605

60.....

7758

61 [New].....

7954

63 [New].....

7954

65 [New].....

7954

67 [New].....

7954

141 [New].....

7605

143 [New].....

7605

145 [New].....

7605

147 [New].....

7605

149 [New].....

7605

200.....

7983

302.....

7820

385.....

7758

507.....

7562, 7563, 7675, 7710, 7760

600.....

7563, 7606, 7711, 7712, 7983, 7984

601.....

7564,

7606, 7607, 7675, 7676, 7711—7713,

7822, 7823.

602.....

7564, 7713

608.....

7565

609.....

7607, 7613

PROPOSED RULES:

151 [New].....

7907

153 [New].....

7907

155 [New].....

7907

157 [New].....

7907

161 [New].....

7907

14 CFR—Continued

Page

PROPOSED RULES—Continued

163 [New].....

7907

507.....

7574, 7682, 7893

550.....

7907

555.....

7907

565.....

7907

574—577.....

7907

600.....

7795, 7796, 7826

601.....

7651, 7683, 7795, 7796, 7988

602.....

7652, 7737, 7738, 7797, 7826

608.....

7797, 7826

625.....

7907

16 CFR

13.....

7630—

7634, 7714—7717, 7760, 7761, 7867—

7869.

PROPOSED RULES:

32.....

7575

17 CFR

201.....

7762

210.....

7869

240.....

7869

249.....

7869

PROPOSED RULES:

240.....

7684

270.....

7738

19 CFR

6.....

7605

21 CFR

120.....

7676, 7718

121.....

7635, 7676, 7718, 7719

191.....

7876

PROPOSED RULES:

120.....

7737, 7989

121.....

7681, 7682, 7737, 7990

130.....

7990

22 CFR

41.....

7635

24 CFR

3.....

7677, 7876

200.....

7565, 7876

29 CFR

PROPOSED RULES:

541.....

7651

613.....

7680

687.....

7680

699.....

7680

32 CFR

710.....

7719

32A CFR

TMS (CH. VIII):

AO DTA 3.....

7762

33 CFR

19.....

7635

124.....

7823

203.....

7565

207.....

7824

36 CFR

PROPOSED RULES:

7.....

7792

38 CFR

3.....

7677

21.....

7985

39 CFR	Page
168-----	7762
PROPOSED RULES:	
44-----	7794
41 CFR	
1-14-----	7723
5-1-----	7565
5-5-----	7726
5-10-----	7763
5-12-----	7566
5-16-----	7567
5-50-----	7763
5-51-----	7571
5-53-----	7567
5-54-----	7876
9-4-----	7877
9-7-----	7879
42 CFR	
55-----	7985
43 CFR	
PUBLIC LAND ORDERS:	
2344-----	7727
2713-----	7885
2735-----	7573
2736-----	7635
2737-----	7635
2738-----	7636
2739-----	7636
2740-----	7727
45 CFR	
7-----	7986
46 CFR	
154-----	7636
47 CFR	
0-----	7931
1-----	7765
2-----	7637
3-----	7765, 7787-7790
9-----	7637, 7825
PROPOSED RULES:	
1-----	7797, 7992
2-----	7739
3-----	7652, 7653, 7684, 7797, 7798, 7893
4-----	7739
12-----	7828
13-----	7828
49 CFR	
1-----	7519
6-----	7640
PROPOSED RULES:	
142-----	7801
170-----	7575
188-----	7738
50 CFR	
10-----	7640
32-----	7643-7646, 7885, 7987

