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[Updated to January 1, 1963]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 82, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because 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, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (ii) and (iii) of § 910.382 (Lemon Regulation 82, 28 F.R. 10484) are hereby amended to read as follows:

(ii) District 2: 162,750 cartons;
(iii) District 3: 83,700 cartons.

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

Dated: October 3, 1963.

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

[F.R. Doc. 63–10640; Filed, Oct. 7, 1963; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–583]

PART 13—PROHIBITED TRADE PRACTICES

Rugby Rug Mills, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–235 *Producer status of dealer or seller.* Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Rugby Rug Mills, Inc., et al., New York, N.Y., Docket C–583, Sept. 12, 1963. In the Matter of Rugby Rug Mills, Inc., et al., New York, N.Y., Docket C–583, Sept. 12, 1963]

In the Matter of Rugby Rug Mills, Inc., Rugby International Corp., Rug Buyers Corp., Corporations, and Herbert S. Rosenfeld, Individually and as Officers of Said Corporations

Consent order requiring three associated corporate importers and distributors of rugs, with common offices in New York City, to cease violating the Textile Fiber Products Identification Act by labeling as "70% Reprocessed Wool, 30% Virgin Wool", rugs which contained substantially less woolen fibers than so indicated; failing to disclose on labels affixed to rugs the true generic names of the fibers present and the true percentage thereof by weight; and furnishing false guarantees that their rugs were not misbranded; and to cease violating the Federal Trade Commission Act by representing falsely, through use of the word "Mills" in one corporations name, that they were the manufacturers of the products they sold.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Rugby Rug Mills, Inc., Rugby International Corp., and Rug Buyers Corp., corporations, and their officers, and Herbert S. Rosenfeld, Charles H. Gordon and Helene M. Rosenfeld, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce", and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Rugby Rug Mills, Inc., a corporation, and its officers, and Herbert S. Rosenfeld, Charles H. Gordon and Helene M. Rosenfeld, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rugs or any other textile products in commerce, as "commerce", is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly, using the word "Mills", or any other word or term of similar import or meaning, in or as part of respondents' corporate or trade name, or representing in any other manner that respondents perform the functions of a mill or otherwise manufacture or process the rugs or the textile products sold by them, unless and until respondents own and operate, or directly and absolutely control the mill

wherein said rugs or other textile products are manufactured.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 12, 1963.

By the Commission.

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

[F.R. Doc. 63-10646; Filed, Oct. 7, 1963; 8:47 a.m.]

[Docket C-584]

PART 13—PROHIBITED TRADE PRACTICES

Edward Zinman and Edward's Fur Shop

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-35 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new;* § 13.1880-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(a) *Maker or seller;* § 13.-1900-40(b) *Place.*

(Sec. 6, 38 Sta. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Edward Zinman trading as Edward's Fur Shop, Boston, Mass., Docket C-584, Sept. 12, 1963]

In the Matter of Edward Zinman, an Individual Trading as Edward's Fur Shop

Consent order requiring a Boston retail furrier to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing and advertising, to show the true animal name of fur, when fur was used or secondhand and when it was "natural"; failing on labels and invoices, to show when furs were artificially colored, to show the country of origin of imported furs on invoices and in advertising and to identify the manufacturer, etc., on labels; using the term "Broadtail" improperly on invoices; and failing to comply in other respects with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Edward Zinman, an individual trading as Edward's Fur Shop, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to disclose that fur products contain or are composed of second-hand used fur.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of labels affixed to fur products.

6. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

7. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

8. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

9. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect the the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

7. Failing to disclose that fur products contain or are composed or second-hand used fur.

8. Failing to set forth the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the "fur" or "used fur" added to fur products that had been repaired, restyled or remodeled.

9. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

10. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Persian Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

3. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Fails to disclose that fur products contain or are composed of second-hand used fur.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner

and form in which he has complied with this order.

Issued: September 12, 1963.

By the Commission.

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

[F.R. Doc. 63-10647; Filed, Oct. 7, 1963; 8:47 a.m.]

[Docket No. C-581]

PART 13—PROHIBITED TRADE PRACTICES

Leo Esserman and Esserman Co.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053-35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-35 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leo Esserman trading as Esserman Co., New York, N.Y., Docket C-581, Sept. 11, 1963]

In the Matter of Leo Esserman, an Individual Trading as Esserman Co.

Consent order requiring a New York City manufacturing furrier to cease violating the Fur Products Labeling Act by failing, on labels and invoices, to show the true animal name of fur, to use the term "Persian Lamb" as required, and to describe fur products which were not artificially colored as "natural"; failing on invoices, to disclose when fur was bleached, etc.; and to show the country of origin of imported furs; failing in other respects to comply with labeling and invoicing requirements, and furnishing false guarantees that fur products were not misbranded, falsely invoiced or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Leo Esserman, an individual, trading under his own name as Esserman Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Setting forth the term "assembled" or any term of like import as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in a legible manner.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

10. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

6. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder in a manner which is not clear, legible, distinct and conspicuous.

7. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondent Leo Esserman, an individual, trading under his own name as Esserman Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 11, 1963.

By the Commission.

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

[F.R. Doc. 63-10644; Filed, Oct. 7, 1963; 8:47 a.m.]

[Docket No. C-582]

PART 13—PROHIBITED TRADE PRACTICES

Milton Fettner and Milton Furs

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding and mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal*

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(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Milton Fettner trading as Milton Furs, Cincinnati, Ohio, Docket C–582, Sept. 12, 1963]

In the Matter of Milton Fettner, an Individual Trading as Milton Furs

Consent order requiring a manufacturing wholesale-retailer of furs in Cincinnati, Ohio, to cease violating the Fur Products Labeling Act by failing to show on labels and invoices and in advertising when fur products contained cheap or waste fur, to show on labels and in advertising the true animal name of fur and when fur was "natural", to disclose on labels that certain furs were "second-hand" and to show on invoices the country of origin of imported furs; using in advertising the names of animals other than those producing certain furs; advertising falsely that prices of fur products were reduced "¼ to ½ and more"; failing to maintain adequate records as a basis for pricing claims; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Milton Fettner, an individual, trading as Milton Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to disclose that fur products contain or are composed of second-hand used fur.

4. Failing to set forth on labels the item number or mark assigned to fur products.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information on labels affixed to fur products.

6. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwritng on labels affixed to fur products.

7. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

8. Failing to set forth separately on labels attached to fur products of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to disclose on invoices that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist directly or indirectly in the sale or offering for sale of any fur products and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide and as prescribed by the rules and regulations.

4. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

7. Falsely or deceptively represents in any manner that prices of respondent's fur products are reduced.

8. Represents, directly or by implication, through percentage savings claims that prices of fur products are reduced to afford purchasers of respondent's fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

9. Makes claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 12, 1963.

By the Commission.

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

[F.R. Doc. 63–10645; Filed, Oct. 7, 1963; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—TANK VESSELS

[CGFR 63–45]

LIQUEFIED INFLAMMABLE GASES AND ETHYLENE OXIDE

Pursuant to the notices of proposed rulemaking published in the FEDERAL REGISTER on February 2, 1963 (28 F.R. 1052–1058), and February 16, 1963 (28 F.R. 1510, 1511), and the Merchant Marine Council Public Hearing Agenda, dated March 25, 1963 (CG–249), the Merchant Marine Council held a public hearing on March 25, 1963, for the purpose of receiving comments, views and data.

This document contains the final actions taken with respect to the proposals described as "Bulk Shipments of Ethylene Oxide" and "Liquefied Inflammable Gases" in "Item IV—Tank Vessels" of the Agenda (CG–249, pages 77 to 128). These proposals, as revised, are approved and set forth herein. This is the tenth document of a series containing regulations considered at the March 25, 1963 Public Hearing and Annual Session of the Merchant Marine Council.

The revised regulations governing the transportation of liquefied inflammable gases recognize certain technological advances developed in the handling of such gases and permit various methods of transportation not previously allowed. Many comments were received including

those from the Committee on Tank Vessels of the American Petroleum Institute, Inc., American Bureau of Shipping, American Merchant Marine Institute, Inc., Chemical Transportation Advisory Panel of the Merchant Marine Council, Stratoflex, Inc., Phillips Petroleum Company, Conch Methane Services, Ltd., and J. J. Henry Co., Inc. The regulations designated 46 CFR 38.01–5, 38.05–1, 38.05–10, 38.05–20, 38.05–25, 38.10–1, 38.10–20, and 38.25–1 contain changes from the original proposals set forth in the Agenda. The special endorsement required on the certificate of inspection was changed so it will show both the minimum and maximum temperatures for liquefied inflammable gas cargoes. The design requirements will require consideration to be given to the pressures anticipated in normal service and when testing the tanks. With a couple of exceptions, a tank vessel having a tank installed in a dry cargo hold with a portion extending above the weather deck shall be required to maintain the weathertightness of such deck. When a refrigerated cargo needs to be kept in an insulated tank, the insulation shall be of approved materials. While the regulations describe specific means for gaging contents in a tank, the use of alternate means will be permitted when such means are acceptable to the Commandant.

The regulations governing the transportation of ethylene oxide in bulk are in a new Subpart 40.05 in 46 CFR Part 40, entitled "Special construction, arrangement, and other provisions for carrying certain inflammable or combustible dangerous cargoes in bulk." The characteristics of ethylene oxide, when compared with other inflammable liquids commonly carried in tank vessels, present an unusually high degree of fire hazard. These new regulations for bulk shipment by water of ethylene oxide were developed with the cooperation of the Chemical Transportation Advisory Panel of the Merchant Marine Council. In addition to the Chemical Transportation Advisory Panel, views were received from the Dow Chemical Company, Monsanto Chemical Company, Stauffer Chemical Company, Olin Mathieson Chemical Corporation, Phillips Petroleum Company, Stratoflex, Inc., Technical Committee of the Shipbuilders Council of America, and the Committee on Tank Vessels of the American Petroleum Institute, Inc.

The regulations governing ethylene oxide and designated 46 CFR 40.01–5, 40.05–1, 40.05–2, 40.05–5, 40.05–10, 40.05–20, 40.05–30, 40.05–35, 40.05–40, 40.05–45, 40.05–60, 40.05–65, 40.05–69, 40.05–73, 40.05–75, 40.05–80, 40.05–83, 40.05–85, 40.05–86, and 40.05–87 contain changes from the original proposals set forth in the Agenda. The tanks certified for ethylene oxide may be used for transportation of other compatible products under conditions which must be approved by the Commandant. During the transportation of ethylene oxide, arrangements must be provided to keep the cargo temperature below 90° F. During the loading operation, the temperature of ethylene oxide shall be below 70° F. With a couple of exceptions, a tank vessel having a tank installed in a dry cargo hold with a portion extending above the weather deck will be required to maintain the weathertightness of such deck. The insulation requirements were changed to establish specified minimum conditions, including specific approval of such materials by the Commandant. The regulations provide for a manual method of operation of the cooling system. The setting of the relief valve is at the design pressure of the tank when such pressure is higher than 75 pounds per square inch. The filling density for ethylene oxide was increased from 82 percent to 83 percent. The cargo hose used for ethylene oxide may be used only with products compatible with it, and the manufacturer shall guarantee the maximum pressure for such hose and have it labeled "certified for ethylene oxide." The special operating requirements were revised to have a water system, including water hoses, provided for immediate use during filling and discharging operations to assist in controlling spillages which may occur, and to have the cargo transfer operations performed by personnel especially qualified in the handling of ethylene oxide. The cargo marking requirements were revised to include a color coding for barges carrying ethylene oxide. The proposals for vessel design in 46 CFR 40.05–15 were not adopted at this time.

The proposals described as "Special construction, arrangement and provisions for certain dangerous cargoes in bulk: Application; elemental phosphorus in water; sulfuric acid; hydrochloric acid; liquid chlorine; and anhydrous ammonia" in "Item V—Vessel Operations and Inspection" of the agenda are withdrawn. These proposals were intended to make additional corrections, to clarify certain requirements, and to add additional requirements based on the properties of the chemicals being transported. Approximately 146 comments were received. Since many comments were adverse to the proposals and raised questions not previously considered, it was determined desirable to review all the regulations.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), and 167–38 dated October 26, 1959 (24 F.R. 8857), the regulation and amendments in this document are prescribed and shall become effective January 1, 1964; however, the amendments and regulations in this document may be complied with on and after the date of publication of this document in the FEDERAL REGISTER in lieu of existing requirements. Existing tank vessels shall be in compliance with the new or revised requirements in this document regarding liquefied inflammable gases by the time of their inspections for certification or by January 1, 1965, whichever occurs first.

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

Section 30.01–5(b) is amended by redesignating subparagraphs (6) and (7) to (7) and (8), by inserting a new subparagraph (6), and by adding a new subparagraph (9), so that subparagraphs (6) and (9), inclusive, read as follows:

§ 30.01–5 Application of regulations—TB/ALL.

* * * * *

(b) * * *

(6) Elevated temperature cargoes.

(7) Liquefied inflammable gases.

(8) Inflammable or combustible liquids having lethal characteristics.

(9) Special construction, arrangement, and other provisions for carrying certain inflammable or combustible dangerous cargoes in bulk.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 695, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 176–14, November 26, 1954, 19 F.R. 8026)

PART 38—LIQUEFIED INFLAMMABLE GASES

Part 38 is amended in its entirety to read as follows:

Subpart 38.01—General

Sec.
38.01–1 Scope of regulations—TB/ALL.
38.01–2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied inflammable gases in dry cargo spaces—TB/ALL.
38.01–5 Certificate of inspection—TB/ALL.

Subpart 38.05—Design and Installation of Cargo Tanks

38.05–1 Design and construction—TB/ALL.
38.05–5 Markings—TB/ALL.
38.05–10 Installation of cargo tanks—TB/ALL.
38.05–20 Lagging—TB/ALL.
38.05–25 Refrigerated systems—TB/ALL.

Subpart 38.10—Piping, Valves, Fittings and Accessory Equipment

38.10–1 Valves, fittings and accessories—TB/ALL.
38.10–5 Filling and discharge pipes—TB/ALL.
38.10–10 Cargo piping—TB/ALL.
38.10–15 Safety relief valves—TB/ALL.
38.10–20 Liquid level gaging devices—TB/ALL.

Subpart 38.15—Special Cargo Handling Requirements

38.15–1 Filing densities—TB/ALL.
38.15–5 Cargo hose—TB/ALL.

Subpart 38.20—Venting and Ventilation

38.20–1 Venting—T/ALL.
38.20–5 Venting—B/ALL.

Subpart 38.05—Periodic Inspections and Tests

38.25–1 Tests and inspections—TB/ALL.
38.25–5 Removal of defective tanks—TB/ALL.
38.25–10 Safety valves—TB/ALL.

AUTHORITY: §§ 38.01–1 to 38.25–10 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375,

391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 1117; 3 CFR 1952 Supp. Treasury Dept. Orders 120 July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 10 F.R. 8026. Additional authority cited with sections affected.

Subpart 38.01—General

§ 38.01-1 Scope of regulations—TB/ALL.

(a) The regulations in this part contain requirements for the transportation of liquefied inflammable gases in bulk in fixed pressure-vessel types of cargo tanks vented above 10 pounds per square inch gage except as otherwise provided for in paragraphs (b), (c) and (d) of this section.

(b) When liquefied inflammable gases in bulk are transported in cargo tanks vented at 10 pounds per square inch gage or below, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this part.

(c) The regulations in this part apply specifically to the carriage of those commodities defined as liquefied inflammable gases and which have no significant hazard other than inflammability. Additional safeguards may be necessary for liquefied inflammable gases having other significant hazardous characteristics.

(d) The transportation "on deck" of liquefied inflammable gases in portable cylinders and tanks and the transportation of empty cylinders and portable tanks previously used shall be in accordance with the requirements of Part 146 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter. The transportation of such containers "under deck" shall be in accordance with the requirements of § 38.01-2.

§ 38.01-2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied inflammable gases in dry cargo spaces—TB/ALL.

(a) ICC cylinders, ICC Specification portable tanks, or other approved portable tanks containing liquefied inflammable gases may be transported under deck, provided the following requirements are met:

(1) The cargo space shall be provided with efficient means of ventilation, be protected from artificial heat, and be readily accessible from hatches.

(2) Containers shall be stored in such a position that the safety relief device is in communication with the vapor space of the container. They shall be properly stowed, dunnaged and secured to prevent movement in any direction.

(3) Unless a method acceptable to the Commandant is used, the containers shall not be over-stowed in the same dry cargo space with other liquefied inflammable gas containers, nor with other cargo.

(4) The containers shall be suitably protected against physical damage from other cargo, ship's stores, or equipment in such spaces.

(5) Cylinders shall have their valves protected at all times by one of the following methods:

(i) By metal caps securely attached to the cylinders and of sufficient strength to protect valve from injury.

(ii) By having the valves recessed into the cylinders or otherwise protected so that they will not be subject to a blow if the cylinder is dropped on a flat surface.

(6) Portable tanks shall have their valves protected at all times by a housing in accordance with the requirements under which they were manufactured.

(7) Electrical circuits in such cargo spaces shall meet the requirements of § 111.60-40 in Subchapter J (Electrical Engineering) of this chapter. If the electrical circuit does not meet such requirements, it must be de-energized by a positive means and not re-energized until the cargo has been removed and the space has been tested and found free of inflammable vapor.

(8) During the stowage of portable cylinders or portable tanks in a hold or compartment, that is not fitted with electrical fixtures meeting the requirements of § 111.60-40, no means of artificial lighting shall be used within the space unless such equipment is of the explosionproof type. Electrical connections for portable lights shall be made from outlets on the weather deck. Hand flashlights used in the stowage area shall be of an approved type.

(9) The following dangerous cargoes shall not be stowed in the same hold or compartment with liquefied inflammable gas containers:

(i) Class A, B, or C explosives.
(ii) Inflammable solids.
(iii) Oxidizing materials.
(iv) Corrosive liquids.
(v) Poisonous articles.
(vi) Cotton and similar fibrous materials.

(R.S. 4472, as amended, 4488, as amended, 46 U.S.C. 170, 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.01-5 Certificate of inspection—TB/ALL.

(a) The certificate of inspection shall be endorsed for the carriage of liquefied inflammable gases as follows:

Inspected and approved for the carriage of liquefied inflammable gases (1) at a pressure not to exceed ______ p.s.i. (the design pressure of the container) and (2) at temperatures not less than ___° F. and not to exceed ___° F. (Tanks approved to carry cargoes at either below or above ambient temperatures shall have the applicable limiting temperatures indicated on the certificate. Tanks designed to carry cargoes only at ambient temperatures should have the word "ambient" entered in these spaces.)

(R.S. 4421, as amended; 46 U.S.C. 399, Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 38.05—Design and Installation of Cargo Tanks

§ 38.05-1 Design and construction—TB/ALL.

(a) The liquefied inflammable gas tanks shall meet the requirements for Class I or Class II arc welded unfired pressure vessels, and shall be fabricated, inspected, and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this part. In the design of the tank, consideration shall be given to the possibility of the tank being subjected to external loads. Consideration shall also be given to excessive loads that can be imposed on the tanks by their support due to static and dynamic forces under operating conditions or during testing. The design shall show the manner in which the tanks are to be installed, supported, and secured, and shall be approved prior to installation.

(b) Unlagged liquefied inflammable gas tanks, where the cargo is transported, at or near ambient temperatures, shall be designed for a pressure of the gas at 115° F., or for the vapor pressure of the gas at the temperature of the surrounding cargo if higher than 115° F. The design shall also be based on the minimum internal pressure (maximum vacuum), plus the maximum external static head to which the tank may be subjected. Whenever surrounding cargo is at a greater temperature than the design temperature of the liquefied inflammable gas tanks, the liquefied inflammable gas cargo is to be such that the design pressure of the liquefied inflammable gas tank is not exceeded.

(c) Where liquefied inflammable gas tanks, in which the cargo is transported at or near ambient temperature, are lagged with an insulation material of a thickness to provide a thermal conductance of not more than 0.075 B.t.u. per square foot per degree Fahrenheit differential in temperature per hour, the tanks shall be designed for a pressure of not less than the vapor pressure of the gas at 105° F. The insulation material shall conform to the requirements of § 38.05-20. The design shall also be based on the minimum internal pressure (maximum vacuum) plus the maximum external static head to which the tank may be subjected.

(d) The refrigerated cargo tank requirements are:

(1) Liquefied inflammable gas tanks in which the temperature is maintained below the normal atmospheric temperature by refrigeration or other acceptable means, shall be designed for a pressure of not less than 110 percent of the vapor pressure corresponding to the temperature of the liquid at which the system is maintained or the pressure corresponding to greatest dynamic or static loads expected to be encountered in service or during testing, whichever is greater. The material of the tank shall be approved by the Commandant for the minimum operating cargo temperature and this temperature shall be permanently marked on the tank as prescribed in § 38.05-5.

(2) If the tank is vented at 10 pounds per square inch gage or below, the unfired pressure vessel requirements as specified in paragraph (a) of this section do not apply. However, the requirements of § 38.01-1(b) shall apply.

(e) The shell and head thickness of liquefied inflammable gas tanks shall not be less than 5/16-inch.

(f) Each liquefied inflammable gas tank shall be provided with not less than a 15-inch by 23-inch or an 18-inch diameter manhole fitted with a cover located above the maximum liquid level and as close to the top of the tank as possible. Where access trunks are fitted to the tanks, the nominal diameter of the trunks shall be not less than 30 inches.

(g) Provision shall be made for electric bonding tanks and piping.

§ 38.05-5 **Markings—TB/ALL.**

(a) Upon satisfactory completion of tests and inspection, the following marking, at least ⅜ inch high, shall be stamped into a non-corrodible nameplate permanently attached to the tank:

____
(Name and address of manufacturer)

______________________________ p.s.i.
(Design pressure)

______________________________ p.s.i.
(Shop test pressure)

______________________________ ° F.
(Minimum allowable cargo temperature) (Applicable to refrigerated cargo only)

____________ __________________
(Inspector's No.) (Initials and CG symbol)

____
(Manufacturer's Serial No.)

____
(Date of manufacture)

____
(Water capacity, U.S. gallons)

(b) All tank inlet and outlet connections, except safety relief valves, liquid level gaging devices, and pressure gages, shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of corrosion-resistant material may be attached to valves.

(c) All tank markings shall be permanently and legibly stamped in a readily visible position, and shall not be obscured by painting. If the tanks are lagged, the markings attached to the tank proper shall be duplicated on a corrosion-resistant plate secured to the outside jacket of the lagging.

§ 38.05-10 **Installation of cargo tanks—TB/ALL.**

(a) Liquefied inflammable gas tanks shall be independent of the hull and shall be so arranged as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom to provide access for inspection. Reduced clearances will be considered by the Commandant in special cases if adequate safeguards can be demonstrated to protect against tank damage in the event of collision or grounding. Where more than one tank is installed, the distance between such tanks and between tanks and vessel's structure shall be adequate to permit access for inspection and maintenance of all tank surfaces and hull structure as approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of the vessel's structure and tanks.

(b) The conditions regarding installation are:

(1) Liquefied inflammable gas tanks may be located in cargo tanks or in other spaces which meet the requirements for cofferdams as defined in § 30.10-13. When liquefied inflammable gas tanks are installed in cargo tanks, such cargo tanks may be used simultaneously or separately for the carriage of inflammable or combustible liquids up to and including the grade for which the cargo tanks are otherwise certified in accordance with the requirements of this subchapter.

(2) The liquefied inflammable gas tanks may be installed "on deck" or "under deck" with the tanks protruding above deck.

(3) Where the liquefied inflammable gas tanks are installed in dry cargo holds and a portion of the tank extends above the weather deck, provision shall be made to maintain the weathertightness of the deck. The weathertightness of the upper deck need not be maintained on:

(i) Tankships operating on restricted routes which are sufficiently protected; or,

(ii) Open hopper type barges of acceptable design.

(4) Where the liquefied inflammable gas tanks are installed in cargo tanks and a portion of the liquefied inflammable gas tanks extend above the weather deck, the penetration shall be made gastight and watertight, and shall be such as to provide full compliance with the structural requirements including testing for the hull and integral tanks. In the application of the requirements for the hydrostatic test of the cargo tanks, the hydrostatic test shall in no case be less severe than the worst anticipated service condition of the cargo loading. In the design and testing of the independent cargo tanks and integral cargo tanks, consideration shall be given to the possibility of the independent tanks being subjected to external loads.

(c) All liquefied inflammable gas tanks shall be installed with the manhole openings located in the open above the weather deck.

(d) Liquefied inflammable gas tanks shall be supported on foundations of steel or other suitable material and securely anchored in place to preclude the liquefied inflammable gas tanks from shifting when subjected to external forces. Each tank shall be so supported as to prevent the concentration of excessive loads on the supporting portions of the shell or head as prescribed under § 38.05-1(a).

(e) No strength welding employed in the attachment of supports, lugs, fittings, etc., shall be done on tanks that require and have been stress relieved, unless authorized by the Commandant.

§ 38.05-15 **Cargo tanks on barges—B/ALL.**

(a) Special consideration may be given by the Commandant to the design of liquefied inflammable gas tanks forming all or part of the structure of a tank barge where adequate provision is made to prevent damage to tanks in the event of collision or grounding.

(b) Sides of all tank barges shall be fitted with suitable guards as an added precaution against the cargo tanks becoming damaged as a result of collision.

§ 38.05-20 **Lagging—TB/ALL.**

(a) Where used, the insulation material shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter. For low temperature service the insulation shall be specifically approved by the Commandant. When the insulation is in an enclosed space where ignition is precluded by approved means, the insulation may be "self extinguishing" as tested according to ASTM D-1962-59T "Flammability of Plastics, Foam and Sheeting." (This standard may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pennsylvania.)

(b) All insulation shall be of a vapor-proof construction, or have a vapor-proof coating of a fire-retardant material acceptable to the Commandant. Unless the vapor barrier is inherently weather resistant, tanks exposed to the weather shall be fitted with a removable sheet metal jacket of not less than 0.083 inch thick over the vapor-proof coating and flashed around all openings so as to be weathertight. Weather resistant coatings shall have sheet metal over areas subject to mechanical damage.

(R.S. 4488, as amended, 4491, as amended; U.S.C. 481, 489. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.05-25 **Refrigerated systems—TB/ALL.**

(a) When a liquefied inflammable gas is carried below atmospheric temperature under the requirements of § 38.05-1 (d) (1) or (2), maintenance of the tank pressure below the design pressure shall be provided by one of the following means:

(1) A refrigeration or liquefaction system which regulates the pressure in the tanks. A standby compressor of a capacity equal to one of the working compressors shall be provided.

(2) A system whereby the vapors are utilized as fuel for shipboard use.

(3) A system allowing the liquefied inflammable gas to warm up and increase in pressure. The insulation and tank design pressure shall be adequate to provide for a suitable margin for the operating time and temperatures involved.

(4) Other systems acceptable to the Commandant.

(b) A system whereby the vapors are vented to the atmosphere at sea only may be employed in conjunction with subparagraph (a) (1) of this section.

(c) When the tanks are insulated, the insulation shall conform to the requirements of § 38.05-20.

Subpart 38.10—Piping, Valves, Fittings and Accessory Equipment

§ 38.10-1 **Valves, fittings and accessories—TB/ALL.**

(a) All valves, flanges, fittings and accessory equipment for operation at atmospheric temperatures shall be of a type suitable for use with liquefied inflammable gases, and shall be made of steel or Grade A malleable iron con-

forming to the requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter: *Provided*, That where the cargo is carried at temperatures below atmospheric the valves, flanges, fittings and accessory equipment shall be of a type and material suitable for use with liquefied inflammable gas at the minimum temperature to which they may be subjected, and shall be subject to approval by the Commandant. All valves, flanges, fittings and accessory equipment shall have a pressure rating at operating temperatures not less than the maximum pressure to which they may be subjected. Welded fittings shall be used wherever possible. The number of pipe joints shall be held to a minimum. Screwed joints in the cargo liquid and vapor lines are prohibited.

(b) Valve seat material, packing, gaskets, etc. shall be resistant to the action of the liquefied inflammable gas. All flange and manhole cover gaskets shall be compressed asbestos, spiral-wound metal asbestos, metal jacketed asbestos, solid aluminum, corrugated steel, solid steel or iron, or other materials with equal or better resistance to fire exposure.

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shutoff valves, safety relief valve connections, refrigeration connections where necessary, liquid level gaging devices, thermometer well and pressure gage and shall be provided with suitable access for convenient operation. Piping shall enter the cargo tanks above the weather deck except as otherwise permitted in this section. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by the Commandant, are prohibited. Cargo loading and discharge piping may be connected to the tanks below the weather deck, subject to approval by the Commandant, provided:

(1) A remotely controlled quick-closing shutoff valve is flanged to the tank outlet connection. The control mechanism for this valve shall meet the requirements of § 38.10–5(b).

(2) The piping which is below the weather deck shall be joined by welding, except for a flanged connection to the quick-closing shutoff valve and a flanged connection to the cargo pump.

(3) The design and arrangement of this piping, including the flange bolting, shall be such that excessive stresses will not be transmitted to the cargo tank outlet connection or the quick-closing valve, even in the event of abnormal displacement of the piping.

(4) Except for those vessels the design of which permits the exclusion of a weathertight deck over the tanks, the space in which such piping is located shall be accessible only from the weather deck and shall be vented to a safe location above the weather deck.

(d) All connections to tanks, except safety relief valves and liquid level gaging devices, except as provided in § 38.10–20(e), shall have manually operated shutoff valves located as close to the tank as possible. These valves are in addition to those required by § 38.10–5.

(e) Excess flow valves, where required by this section, shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve.

(f) Liquid level gaging devices which are so constructed that outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(g) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(h) Excess flow valves may be designed with a bypass not to exceed a No. 60 drill size opening to allow equalization of pressure.

(i) Suitable valves shall be installed on the cargo headers to relieve the pressure in the liquid and vapor lines to a safe location prior to disconnecting shore lines.

(j) Relief valves shall be fitted in liquid lines which may be subject to excessive pressure caused by liquid full condition and the escape from the relief valves shall be piped to a venting system or to a suitable vapor recovery system. Provision shall be made for the proper venting of all valves, fittings, etc., in which pressure buildup may occur, especially in refrigerated systems, because of an increase in product temperature.

(k) A pressure gage shall be located at the highest practicable point. A thermometer well where installed on the tank proper shall be attached to the shell by welding.

§ 38.10–5 Filling and discharge pipes—TB/ALL.

(a) Filling connection shall be provided with one of the following:

(1) A combination back pressure check valve and excess flow valve; or,

(2) One double or two single back pressure check valves; or,

(3) A positive shutoff valve in conjunction with either an internal back pressure check valve or an internal excess flow valve. This positive shutoff valve may be the one required by § 38.10–1(d).

(b) All other liquid and vapor connections to tanks, except filling connections, safety relief valves, liquid level gaging devices and pressure gages described in § 38.10–1, shall be equipped with automatic excess flow valves; or in lieu thereof, may be fitted with quick-closing shutoff valves of the fail-safe type which, except when necessary for operation of the system, shall remain closed. The control mechanism for the quick-closing shutoff valves shall be provided with a remote control in at least two locations and be of a type acceptable to the Commandant. In addition, such control mechanism shall be equipped with a fusible element designed to melt between 208° F. and 220° F., which will cause the quick-closing shutoff valve to close automatically in case of fire.

(c) The excess flow, quick-closing shutoff, or back pressure check valves shall be located on the inside of the tank or outside where the piping enters the tank. In the latter case, installation shall be made in such a manner that any undue strain will not cause breakage between the tank and excess flow, back pressure check, or internal stop valve.

(d) Where the filling and discharge connections are made through a common nozzle at the tank, and the connection is fitted with a quick-closing shutoff valve as required by paragraph (b) of this section, the back pressure check valve or excess flow valve is not required, provided however, a positive shutoff valve is installed in conjunction with the internal stop valve.

§ 38.10–10 Cargo piping—TB/ALL.

(a) The piping shall be designed for a working pressure of not less than the maximum pressure to which it may be subjected but in no case less than the design pressure of the cargo tanks. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall not be less than the pump or compressor discharge relief valve setting; or, provided the piping is not protected by relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(b) Piping subject to tank pressure shall be seamless drawn steel or electric resistance welded steel. Pipe used in refrigerated tank systems shall be made of a material which is suitable for the minimum temperature to which it may be subjected and acceptable to the Commandant.

NOTE: Present U.S. Coast Guard requirements are that design temperature for materials considered to be suitable is 10° F. below the minimum operating temperature of the system.

(c) Where necessary, provision shall be made for expansion and contraction of piping by means of pipe expansion bends, packless type bellows or corrugated expansion joints. Suitable means shall be provided for controlling the expansion in the piping system. Slip type expansion joints are prohibited.

(d) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings and to prevent excessive vibration and stresses on tank connections.

§ 38.10–15 Safety relief valves—TB/ALL.

(a) Each tank shall be fitted with, or subject to approval by the Commandant connected to, one or more safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(R.S. 4491, as amended; 46 U.S.C. 489. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

(b) Each safety relief valve shall be set to start to discharge at a pressure

not in excess of the design pressure of the tank.

(c) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the design pressure of the tank. The minimum rates of discharge of safety relief valves shall not be less than that determined by the following formula:

$$Q=633{,}000\frac{FA^{0.82}}{LC}\sqrt{\frac{ZT}{M}} \qquad (1)$$

or

$$Q=FGA^{0.82} \qquad (2)$$

where:

Q=Minimum required rate of discharge in cubic feet per minute of air at standard conditions (60° F. and 14.7 p.s.i.a.).

F=Fireproofing credit; F=1.0, except when an approved fireproofing material of recommended thickness of a metal screen wall is used, then F=0.5. The Commandant may give special consideration to a reduction in F when considering the thermal conductance of the insulation and its stability under fire exposure.

M=Molecular weight of the cargo.

T=Temperature, degrees R(460+temperature in degrees F. of gas at relieving conditions).

A=Total surface area of the cargo vessel in square feet which may be subjected to fire exposure.

$A=\pi\times(D\times U)$ for cylindrical tanks with hemispherical heads.

$A=\pi\times D(U+0.3D)$, for cylindrical tanks with spherically dished or semiellipsoidal heads.

$A=\pi\times D^2$, for spherical tanks.

D=Outside diameter of the tank, in feet.

U=External overall length of the tank, in feet.

C=Constant based on the relation of the specific heats. (See A.S.M.E. "Unfired Pressure Vessel Code," section 8, page 176, which may be purchased from American Society of Mechanical Engineers, 345 East 74th Street, New York, N.Y.) (If K is not known, use C=315.)

L=Latent heat of the material being vaporized at relieving conditions in B.t.u. per pound.

Z=Compressibility factor of the gas at relieving conditions (if not known, use Z=1.0).

G=Constant for individual gas as shown in Table 38.10-15(c) (1).

TABLE 38.10-15(c)(1)

Relief valve setting	"G" constant for relieving conditions at 120 percent of relief valve setting
250 p.s.i.g.	53.6
90 p.s.i.g.	40.3
65 p.s.i.g.	38.6

(d) Safety relief valve connections shall be attached to the tank near the highest point of the vapor space. Shut-off valves shall not be installed between the tanks and safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shut-off valves so arranged at all times as to permit the required capacity discharge through the open safety relief valves.

(e) Each safety relief valve shall be tested in the presence of a marine inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank.

§ 38.10-20 Liquid level gaging devices—TB/ALL.

(a) Each tank shall be fitted with a liquid level gaging device of approved design to indicate maximum level to which the tank may be filled with liquid at temperatures (1) between 20° F. and 130° F. for unrefrigerated service, and (2) within the operating temperature range for tanks operating below atmospheric temperature.

(b) Liquid level gaging devices may be of the following types: Rotary tube, slip tube, fixed tube, magnetic, automatic float, or similar types approved by the Commandant.

(c) All gaging devices shall be arranged so that the maximum liquid level for product being carried, to which the tank may be filled is readily determinable. The maximum gallonage capacity as required by § 38.15-1 shall be (1) marked on the tank system nameplate or gaging device; or (2) shown in the ullage tables.

(d) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(e) Each automatic float, continuous reading tapegage, and similar type, shall be fitted with a shutoff device located as close to the tank as practicable. When an automatic float gaging device, which gages the entire height of the tank is used, a fixed tube gage set in the range of 85 percent to 90 percent of the water capacity of the tank shall be provided in addition as a means of checking the accuracy of the automatic float gage, or other alternate means acceptable to the Commandant may be used.

(f) A gaging device shall have a design pressure of at least that which is equal to the design pressure of the tank on which it is installed.

(g) For tanks operating at atmospheric temperature, the length of fixed tube device shall be designed to indicate the maximum level to which the tank may be filled, based on the volume of the product at 40° F. at its maximum permitted filling density for unlagged tanks and at 50° F. for lagged tanks. The maximum volume of the liquid at 60° F. may be obtained by determining the volume of the liquid at 40° F. or 50° F. for unlagged or lagged tanks, using the filling densities given in § 38.15-1 and correcting the liquid volumes at these temperatures to 60° F. by applying the volume correction factors in Table 38.10-20(g).

TABLE 38.10-20 (g)—VOLUME CORRECTION FACTOR

Specific gravity	Unlagged tanks	Lagged tanks
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(h) The method for calculating length of fixed tubes shall be:

$$\frac{\text{Water capacity of container}\times\text{Filling density}}{\text{Specific gravity}\times\text{Volume correction factor}}=\left\{\text{Maximum volume for which fixed length tube shall be set}\right.$$

(i) Gage glasses of the columnar type are prohibited.

(j) Flat sight glasses may be used in the design of automatic float continuous reading tape gages: *Provided*, That such glasses shall be made of high strength material suitable for the operating temperatures of not less than ½ inch in thickness and adequately protected by a metal cover.

Subpart 38.15—Special Cargo Handling Requirements

§ 38.15-1 Filling densities—TB/ALL.

The "filling density" is defined as the percent ratio of the weight of the gas in a tank to the weight of water the tank will hold at 60° F. The filling densities shall not exceed the ratios indicated in the Table 38.15-1.

TABLE 38.15-1—MAXIMUM PERMISSIBLE FILLING DENSITIES FOR TANKS OPERATING AT OR NEAR AMBIENT TEMPERATURE

Specific gravity at 60° F.	Maximum permitted filling density		
	Unlagged tanks—water capacity		Lagged tanks—all capacities
	1,200 gal. and under	Over 1,200 gal.	
0.473–0.480	38	41	42
0.481–0.488	39	42	43
0.489–0.495	40	43	44
0.496–0.503	41	44	45
0.504–0.510	42	45	46
0.511–0.519	43	46	47
0.520–0.527	44	47	48
0.528–0.536	45	48	49
0.537–0.544	46	49	50
0.545–0.552	47	50	51
0.553–0.560	48	51	52
0.561–0.568	49	52	53
0.569–0.576	50	53	54
0.577–0.584	51	54	55
0.585–0.592	52	55	56
0.593–0.600	53	56	57
0.601–0.608	54	57	58
0.609–0.617	55	58	59
0.618–0.626	56	59	60
0.627–0.634	57	60	61

NOTE: Increase in filling densities to provide for seasonal changes may be considered by the Commandant upon presentation of factual evidence that safe operation can be effected. The filling density for liquefied inflammable gas tanks in which the temperature is maintained below the normal ambient temperature by refrigeration or other acceptable means shall be such that the tank will not be liquid full at a temperature corresponding with the vapor pressure of the start-to-discharge pressure setting of the relief valve.

§ 38.15–5 Cargo hose—TB/ALL.

(a) Flexible metal hose fabricated of seamless steel pipe and flexible joints of steel or bronze, or hose fabricated of other suitable material resistant to the action of liquefied inflammable gas shall be fitted to the liquid and vapor lines during filling and discharging of the tanks. Hose used in refrigerated systems shall be suitable for the minimum temperature to which it may be subjected and shall be acceptable to the Commandant.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(d) Before being placed in service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected. The hose shall be marked with the maximum pressure guaranteed by the manufacturer. The hose shall be marked with its maximum pressure, and with its minimum temperature when used in refrigerated service.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–39, Oct. 26, 1959, 24 F.R. 8857)

Subpart 38.20—Venting and Ventilation

§ 38.20–1 Venting—T/ALL.

(a) Each safety relief valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point which shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and to a minimum of at least 10 feet, and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of vapor ignition. When special conditions will prevent the vent line header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustible system shall be provided which, when extended vertically, shall be capable of reaching a height of one-third the beam of the vessel.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header capacity as provided for in the Table 38.20-1(b), and upon the total safety relief valve discharge capacity.

TABLE 38.20-1(b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks:	*Percent of total valve discharge*
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical injury and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow.

(g) No valve of any type shall be fitted in the vent pipe between the safety relief valve and the vent outlets.

(h) Suitable provisions shall be made for draining condensate which may accumulate in the discharge pipe. If an open drain is used, a means shall be provided to protect the tank, adjacent tanks, cargo piping, or equipment against impingement of the flame resulting from ignition of product escaping from the drain.

§ 38.20–5 Venting—B/ALL.

(a) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a reasonable height above the deck. An alternate arrangement consisting of a branch vent header system as required by § 38.20–1 may be installed. In any case, the provisions of § 38.20–1 (d) through (h) shall apply.

(b) Arrangement specifically provided for venting cargo tanks forming a part of the hull on unmanned barges will be considered by the Commandant upon presentation of plans.

Subpart 38.25—Periodic Tests and Inspections

§ 38.25–1 Tests and inspections—TB/ALL.

(a) Each tank shall be subjected to the tests and inspections described in this section in the presence of a marine inspector, except as otherwise provided in this section.

(1) An internal examination shall be made at least once in each 8 calendar years of every tank.

(2) An external examination of unlagged tanks and the visible parts of lagged tanks shall be made at each inspection for certification and at such other times as considered necessary.

(3) Sufficient insulation shall be removed from insulated tanks at least once in each 8 calendar years to permit spot external examination of the tanks to the extent deemed necessary by the marine inspector or in lieu thereof the thickness of the tanks may be gaged by nondestructive means acceptable to the marine inspector without removal of the insulation.

(b) A hydrostatic test of 1½ times the allowable pressure as determined by the safety relief valve setting shall be made at any time that the marine inspector considers such hydrostatic test necessary to determine the condition of the tank.

(c) In the application of the requirements for the hydrostatic test of the cargo tanks, the hydrostatic test shall in no case be less severe than the worst anticipated service condition of the cargo loading.

(d) In the design and testing of the independent cargo tanks, consideration shall be given to the possibility of the independent tanks being subjected to external loads.

(R.S. 4453, as amended, 4488, as amended; 46 U.S.C. 435, 481. Treasury Dept. Orders 120, July 31, 1950, 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.25–5 Removal of defective tanks—TB/ALL.

If a tank fails to pass the tests prescribed in this subpart, it shall be removed from service unless otherwise authorized by the Commandant.

§ 38.25–10 Safety valves—TB/ALL.

The safety relief valve discs shall be lifted from their seats in the presence of a marine inspector by either liquid, gas or vapor pressure at least once every four years to determine the accuracy of adjustment and, if necessary, shall be reset.

PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CARRYING CERTAIN INFLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

There is added after Part 39 a new Part 40 to read as follows:

Subpart 40.01—Application

Sec.
40.01–1 General—TB/ALL.
40.01–5 Effective date—TB/ALL.

Subpart 40.05—Ethylene Oxide

Sec.
40.05-1 General—TB/ALL.
40.05-2 Tank vessel certification and other chargoes—TB/ALL.
40.05-5 How ethylene oxide may be carried—TB/ALL.
40.05-10 Design, construction and arrangement of cargo tanks—TB/ALL.
40.05-20 Installation of cargo tanks—TB/ALL.
40.05-30 Insulation—TB/ALL.
40.05-35 Cooling systems—TB/ALL.
40.05-40 Valves, fittings, and accessories—TB/ALL.
40.05-45 Liquid level gaging devices—TB/ALL.
40.05-50 Filling and discharge pipes—TB/ALL.
40.05-55 Cargo piping—TB/ALL.
40.05-60 Safety relief valves—TB/ALL.
40.05-65 Filling density—TB/ALL.
40.05-69 Venting—TB/ALL.
40.05-73 Ventilation—TB/ALL.
40.05-75 Cargo hose—TB/ALL.
40.05-80 Electrical bonding—TB/ALL.
40.05-83 Special cargo handling requirements—TB/ALL.
40.05-85 Information board—TB/ALL.
40.05-86 Placarding—B/ALL.
40.05-87 Tests and inspections—TB/ALL.

AUTHORITY: §§ 40.01-1 to 40.05-87 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198, E.O. 10402, 17 F.R. 1117; 3 CFR 1952 Supp. Treasury Dept. Orders 120 dated July 31, 1950, 15 F.R. 6521; 167-14 Nov. 26, 1954, 10 F.R. 9026. Additional authority cited with sections affected.

Subpart 40.01—Application

§ 40.01-1 General—TB/ALL.

(a) The provisions of this part shall apply to all vessels which carry in bulk any of the dangerous cargoes specifically noted in this part.

§ 40.01-5 Effective date—TB/ALL.

(a) The provisions in this part shall be in effect on and after January 1, 1964.

Subpart 40.05—Ethylene Oxide

§ 40.05-1 General—TB/ALL.

(a) Ethylene oxide transported under the provisions of this subpart shall be acetylene free.

(b) Ethylene oxide may be carried in tank barges or tankships in accordance with the provisions of this subpart.

(c) No other product may be transported in tanks certified for ethylene oxide except that the Commandant may approve subsequent transportation of other products and return to ethylene oxide service if tanks, piping and auxiliary equipment are adequately cleaned to the satisfaction of the marine inspector.

§ 40.05-2 Tank vessel certification and other cargoes—TB/ALL.

(a) The certificate of inspection shall be endorsed as follows:

"Inspected and approved for the carriage of ethylene oxide in tank number(s) ------."

(b) Unless authorized by the Commandant, no other kind of cargo except methane, ethane, propane, butane and pentane shall be on board a tank vessel certificated for the carriage of ethylene oxide at the same time ethylene oxide in either the liquid or vapor state is present in any cargo tank. Ethylene oxide tanks shall not be installed in tanks intended for any other cargo.[1]

(R.S. 4421, as amended, 4472, as amended, 46 U.S.C. 399, 170. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 5621)

§ 40.05-5 How ethylene oxide may be carried—TB/ALL.

(a) Ethylene oxide shall be carried in fixed, independent, pressure vessel type cargo tanks, designed, constructed, arranged and if necessary equipped with machinery to maintain the cargo temperature below 90° F. except as otherwise provided for in paragraph (c) of this section.

(b) Ethylene oxide shall be loaded at a temperature below 70° F.

(c) When ethylene oxide is to be transported at or near atmospheric pressure, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this subpart.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05-10 Design, construction and arrangement of cargo tanks—TB/ALL.

(a) All cargo tanks shall be constructed of a carbon steel or stainless steel acceptable to the Commandant. Impurities of copper, magnesium and other acetylide-forming metals shall be kept to a minimum. The chemical composition of all steel used shall be submitted to the Commandant for approval prior to fabrication. Neither aluminum nor copper and other acetylide-forming metals, such as silver, mercury, magnesium, and their alloys shall be used as materials of construction for tanks or equipment used in handling ethylene oxide.

(b) Cargo shall be transported in cylindrical pressure vessel tanks, independent of the vessel's hull structure and so arranged as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom to provide access for inspection. When more than one tank is installed in a vessel, the distance between such tanks shall be not less than 15 inches unless otherwise approved by the Commandant.

(c) Cargo tanks shall meet the requirements of Class I arc-welded unfired pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(d) Cargo tanks shall be designed for the maximum pressure of vapor or gas used in discharging the cargo but in no case shall the design pressure of such tanks be less than the seventy-five (75) pounds per square inch gage. The tank shell and heads shall not be less than 5/16 inch thick. The design of tanks shall take into account the expected stresses due to internal pressure, static head and localized stress concentrations.

(e) Each tank shall be provided with not less than one 15- x 23-inch eliptical or 18-inch diameter manhole located above the maximum liquid level and as close as possible to the top of the tank. Where access trunks are fitted to the tanks, the diameter of the trunks shall be not less than 30 inches.

§ 40.05-20 Installation of cargo tanks—TB/ALL.

(a) Cargo tanks shall be located below deck in holds or enclosed spaces with the domes or trunks extended above the weather deck and terminating in the open. Provisions shall be made to maintain the watertightness of the deck by means of watertight seals around such domes or trunks. The holds or enclosed spaces, in which the ethylene oxide tanks are located, shall not be used for any other purpose. The weathertightness of the weatherdeck may not be required to be fully maintained on: (1) Tankships operating on restricted routes which are sufficiently protected; or, (2) Open hopper type barges of a suitable design approved for such service.

(b) All cargo tanks shall be installed with the manhole openings and all tank connections located above the weather deck in the open.

(c) Tanks shall be suitably mounted on steel supports and anchored in place and suitably electrically bonded to the hull. Each tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the tank shell. Collision chocks shall be installed to prevent any longitudinal shifting of and damage to the cargo tanks in the event of collision. The design shall show the manner in which the tanks are to be installed, supported and secured in the barge or vessel and shall be approved prior to the installation of the tanks.

(d) No welding of any kind shall be done on cargo tanks or supporting structure unless authorized by the Commandant.

§ 40.05-30 Insulation—TB/ALL.

(a) All cargo tanks, piping, valves, fittings, etc., which may contain ethylene oxide in either the liquid or vapor phase, including the vent risers, shall be insulated. Flanges need not be covered, but if covered a small opening shall be left at the bottom of the flange cover to detect leaks. Insulation shall be of an approved incombustible material suitable for use with ethylene oxide, which does not signficantly lower the autoignition temperature and which does not react spontaneously with ethylene oxide. The insulation shall be of such thickness as to provide a thermal conductance of not more than 0.075 B.t.u. per square foot per degree fahrenheit differential in temperature per hour.

(b) Insulation shall be of an approved type complying with the requirements of

[1] Ethylene oxide may rearrange and/or polymerize violently, liberating large quantities of heat. A few of the most notable catalysts for this type of reaction are: anhydrous iron, tin and aluminum chlorides; pure iron and aluminum oxides; metallic potassium; alkali metal hydroxides; acids and organic bases. The speed of the reaction varies with the purity of the reactants, the temperature, the relative amount of each reactant, and the method of application.

Subpart 164.009 of Subchapter Q (Specifications) of this chapter. However, the Commandant may consider alternate proposals where it is demonstrated to his satisfaction that adequate protection against fire exposure will be provided. Insulation shall be of a vapor-proof construction, or shall have a vapor-proof coating of a fire-retardant material acceptable to the Commandant. All insulation, vapor barrier and adhesive material shall be of a type which does not lower the autoignition temperature of or react spontaneously with ethylene oxide. Insulation exposed to the weather shall have the vapor-proof coating covered with a removable sheet metal jacket, not less than 0.083-inch thickness, flashed around all openings so as to be weathertight. The sheet metal jacket may be omitted when the vapor barrier is inherently weather resistant. When a weather resistant vapor barrier is used, the insulation shall be protected by sheet metal in those areas subject to mechanical damage.

§ 40.05–35 Cooling systems—TB/ALL.

(a) When cooling systems are installed to maintain the temperature of the liquid below 90° F., at least two complete cooling plants, automatically regulated by temperature variations within the tanks shall be provided; each to be complete with the necessary auxiliaries for proper operation. The control system shall also be capable of being manually operated. An alarm shall be provided to indicate malfunctioning of the temperature controls. The capacity of each cooling system shall be sufficient to maintain the temperature of the liquid cargo at or below the design temperature of the system.

(b) An alternate arrangement may consist of three cooling plants, any two of which shall be sufficient to maintain the temperature of the liquid cargo at or below the design temperature of the system.

(c) Cooling systems requiring compression of ethylene oxide are prohibited.

§ 40.05–40 Valves, fittings, and accessories—TB/ALL.

(a) All valves, flanges, fittings, and accessory equipment shall be of a type suitable for use with ethylene oxide and shall be made of steel or stainless steel, or other materials acceptable to the Commandant. Impurities of copper, magnesium and other acetylide-forming metals shall be kept to a minimum. The chemical composition of all material used shall be submitted to the Commandant for approval prior to fabrication. Disks or disk faces, seats and other wearing parts of valves shall be made of stainless steel containing not less than 11 percent chromium. Mercury, silver, aluminum, magnesium, copper and their alloys shall be used for any valves, gages, thermometers, etc. Gaskets shall be constructed of spirally wound stainless steel with "Teflon" or other suitable material. All packing and gaskets shall be constructed of materials which do not react spontaneously with or lower the autoignition temperature of ethylene oxide.

(b) The pressure rating of valves, fittings, and accessories shall be not less than the maximum pressure for which the cargo tank is designed or the shutoff head of the cargo pump, whichever is greater, but in no case less than 150 pounds per square inch, American Standards Association's standards. Welded fittings shall be used wherever possible and the number of pipe joints shall be held to a minimum. Threaded joints in the cargo liquid and vapor lines are prohibited.

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shutoff valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, which shall be accessible for convenient operation. All connections to tanks shall be made above the weather deck in the open to a trunk or dome and shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this part, are prohibited.

(d) All connections to the tanks, except safety relief valves, shall have manually operated shutoff valves located as close to the tank as possible. These valves are in addition to those required by § 40.05–50.

(e) Excess flow valves, where installed, shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, valves, fittings and appurtenances protected by the excess flow valves, shall have a greater flow capacity than the rated flow of the excess flow valve.

(f) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(g) Excess flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equalization of pressure.

(h) Relief valves shall be fitted in liquid and vapor lines which may be subject to excessive pressure due to thermal expansion when the lines are liquid full. The escape from these relief valves shall be piped to the venting system.

(i) The pressure gage connection shall be located at the highest practical point in the vapor space of the tank.

(j) The thermometer well shall terminate in the liquid space and shall be attached to the shell by welding with the end of the fitting being provided with a gastight screwed plug or bolted cover.

§ 40.05–45 Liquid level gaging devices—TB/ALL.

(a) Each tank shall be fitted with a liquid level gaging device of approved design to indicate the level to which the tank may be filled.

(b) Liquid level gaging devices may be the: Slip tube, magnetic, automatic float, or other types approved by the Commandant.

(c) Any gaging device that requires bleeding of the product to the atmosphere, such as the slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve.

(d) The automatic float continuous reading tape gage, and similar types, shall be fitted with a shutoff valve located as close to the tank as practicable, which shall be designed to close automatically in the event of fracture of the external gage piping. An auxiliary gaging device shall always be used in conjunction with an automatic gaging device. This auxiliary device may be a duplication of the automatic device.

§ 40.05–50 Filling and discharge pipes—TB/ALL.

(a) Filling and discharge piping shall extend to within four inches of the bottom of the tank or sump pit if one is provided.

(b) In addition to the shutoff valve required by § 40.05–40(d), all tank connections larger than ½ inch inside pipe size, except safety relief valves and liquid level gaging devises, shall be fitted with either internal back pressure check valves or internal excess flow valves in conjunction with a quick closing stop valve operable from at least two remote locations. The quick closing stop valve shall be of the "fail safe" type acceptable to the Commandant and shall be equipped with a fusible plug designed to melt between 208° F. and 220° F., which will cause the quick closing valve to close automatically in case of fire. The quick closing valve shall be located as close to the tank as possible.

§ 40.05–55 Cargo piping—TB/ALL.

(a) Piping systems intended for ethylene oxide service shall not be used for any other product and shall be completely separate from all other systems. The piping system shall be designed so that no cross connections may be made either through accident or design.

(b) The piping system shall be designed for a working pressure of not less than the maximum pressure to which the system may be subjected, however, in no case shall the design pressure be less than 150 pounds per square inch. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall be not less than the pump or compressor discharge relief valve setting; or, provided the piping is not fitted with relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(c) Piping shall be seamless drawn or electric resistance welded steel or stainless steel.

(d) Where necessary, provision shall be made for expansion and contraction of piping by means of seamless pipe expansion bends or offsets. Suitable means shall be provided for maintaining the piping in a fixed position.

(e) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings and to prevent excessive vibration.

§ 40.05–60 Safety relief valves—TB/ALL.

(a) Each tank shall be fitted with one or more approved safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart

162.018 of Subchapter Q (Specifications) of this chapter.

(R.S. 4491, as amended; 46 U.S.C. 489. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

(b) Each safety relief valve shall be set to start to discharge at not less than 75 pounds per square inch gage, nor more than the design pressure of the tank.

(c) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when all the safety relief valves are discharging. The minimum rates of discharge of safety relief valves for tanks shall not be less than that determined by the following formula.

$$Q=26.8A^{0.82} \quad (1)$$

where:

Q=Minimum required rate of discharge, in cubic feet per minute of standard air at 120 percent of the maximum set pressure of the safety relief valves. Discharge measured at 60° F. and atmospheric pressure (14.7 p.s.i.a.).

A=Total external surface area of the tank, in square feet.

$A=\pi(D\times U)$ for cylindrical tanks with hemispherical heads.

$A=\pi D(U+0.3D)$, for cylindrical tanks with spherically dished or semi-ellipsoidal heads.

$A=\pi D^2$, for spherical tanks.

D=Outside diameter of the tank, in feet.

U=External over-all length of the tank, in feet.

(d) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves except:

(1) Manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shutoff valves so arranged that at all times the required relief valve capacity will be available to relieve internal pressure. The valving arrangement shall be such that no vapor will escape even if the "out of service" relief valve is removed.

(2) Auxiliary safety devices such as rupture discs or breaking pins, of suitable corrosion-resistant compatible material, may be installed between the tanks and the safety relief valves, subject to the approval of the Commandant.

(e) Each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure of not less than 75 pounds per square inch gage, nor greater than the design pressure of the tank.

§ 40.05–65 Filling density—TB/ALL.

(a) The filling density shall not exceed 83 percent. Filling density is defined as the ratio of the weight of material which may be loaded into the tank to the weight of water the tank will hold at 60° F. expressed as a percentage.

§ 40.05–69 Venting—TB/ALL.

(a) Tanks carrying ethylene oxide shall be vented through the safety relief valves independent of tanks carrying other products. Each safety relief valve installed on a cargo tank shall be connected to a venting system consisting of a branch vent from each cargo tank connected to a vent header which shall extend to a height above the weather deck to at least one-third the beam of the vessel and shall terminate at a comparable distance from any working or living space, ventilator inlet, or source of vapor ignition. When special conditions would prevent the vent line or header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustable system shall be provided which, when extended vertically, shall be capable of reaching a height one-third of the beam of the vessel. During loading and unloading operations the displaced ethylene oxide vapor shall be returned to the loading facility.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header vents as provided for in Table 40.05–69(b), and upon the total safety relief valve discharge.

TABLE 40.05–69(b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks	Percent of total valve discharge
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical damage and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow. A weather hood may be installed at the vent outlet providing it is of such design as not to direct the flow of vapor below the horizontal.

(g) No shutoff valve of any type shall be fitted in the vent piping between the safety relief valve and the vent outlets.

(h) Suitable provision shall be made for draining condensate which may accumulate in the vent piping.

(i) The outlet of each vent riser will be fitted with acceptable corrosion-resistant flame screen of suitable material or a flame arrestor suitable for use with ethylene oxide.

(j) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a height of not less than one-third the beam of the vessel but in no case less than seven feet above the deck. Alternate arrangements consisting of a branch vent header system may be installed. In any case, all other provisions of paragraphs (a) through (i) of this section apply.

§ 40.05–73 Ventilation—TB/ALL.

(a) All enclosed spaces within the hull shall be vented or ventilated in accordance with the provisions of this subchapter except as otherwise provided for in this subpart.

(b) The enclosed spaces on tankships and manned barges in which the cargo tanks are located shall be rendered inaccessible to personnel while the vessel is underway and shall be inerted by injection of a suitable inert gas or shall be well ventilated.

(c) The enclosed spaces on tankships and manned barges in which the cargo tanks are located, if an inerting system is not installed, shall be fitted with forced ventilation of such capacity to provide a complete change of air every three minutes and arranged in such a manner that any vapors lost into the space will be removed. The ventilation system shall be in operation at all times cargo is being loaded or discharged. No electrical equipment shall be fitted within the spaces or within 10 feet of the ventilation exhaust from these spaces.

(d) All ventilation machinery shall be of non-sparking construction and shall not provide a source of vapor ignition.

(e) Each vent shall be fitted with a flame screen of corrosion resistant wire which is suitable for use with ethylene oxide.

§ 40.05–75 Cargo hose—TB/ALL.

(a) Flexible metal hose fabricated of stainless steel or other acceptable material, resistant to the action of ethylene oxide, shall be fitted to the liquid and vapor lines during filling and discharging of the tanks.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor safety relief valve.

(d) Before being placed in service, each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected in service. The hose shall be marked with the maximum pressure guaranteed by the manufacturer, and with the words "Certified For Ethylene Oxide".

(e) Cargo hose intended for ethylene oxide service shall not be used for any other products except those which are compatible with ethylene oxide.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–80 Electrical bonding—TB/ALL.

(a) Each cargo tank shall be electrically bonded to the hull. The vessel shall be electrically bonded to the shore

piping prior to connecting the cargo hose. This electrical bonding shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 40.05-83 Special cargo handling requirements—TB/ALL.

(a) Cargo shall be discharged by pumping or by displacement with nitrogen or other acceptable inert gas. In no case shall air be allowed to enter the system. During loading and unloading operations the vapor shall not be discharged to the atmosphere. Provisions shall be made to return all displaced vapor to the loading facility. The loading rate and the pressure applied to the tank to discharge the cargo shall be so limited that the safety relief valves will not be caused to open.

(b) The cargo shall be shipped under a suitable protective padding, such as nitrogen gas. When nitrogen gas is used, the gas padding system shall be so designed that the vapor space above the liquid cargo will be filled and maintained with a gas mixture of not less than 45 percent nitrogen. Other gases proposed for use as padding may be given consideration by the Commandant. Original charging only of protective gas padding at the loading facility is not considered adequate. A sufficient amount of spare inerting gas as approved by the Commandant shall be provided on the vessel in order to maintain the proper concentration of the gas in the event of normal leakage or other losses.

(c) Any padding gas selected should be at least 98.0 percent pure and free of reactive materials, such as ammonia, hydrogen sulfide, sulfur compounds, and acetylene.

(d) A water spray extinguishing system shall be provided in the area where loading and unloading operations are conducted. The system shall be designed to operate automatically in case of fire. The capacity and arrangement shall be of such as to effectively blanket the area in way of the loading manifold and exposed deck piping for ethylene oxide. The rate of discharge and the arrangement of piping and nozzles shall be such as to give a uniform distribution over the entire area protected. Additionally, means shall be provided for local and remote manual operation. The arrangement shall be such that any spilled cargo will be washed away. A water hose with pressure to the nozzle, when atmospheric temperatures permit, shall be connected ready for immediate use during filling and discharge operations and any spillage of ethylene oxide shall be immediatey washed away.

(e) Prior to disconnecting shore lines, the pressure in the liquid and vapor lines shall be relieved through suitable valves installed at the loading header. The liquid and vapor discharged from these lines shall not be discharged to atmosphere.

(f) Prior to loading, a sample from the cargo tank will be taken to insure that the pad gas will meet the requirements of paragraph (b) of this section and that the oxygen content of the vapor space will be not more than 2.0 percent maximum. If necessary, a sample will be taken after loading to insure the vapor space meets this requirement.

(g) The owner, master or person in charge of any vessel subject to the provisions of this part shall insure that during cargo transfer operations the persons required by Subpart 35.35 of this subchapter shall be especially qualified in the handling of ethylene oxide.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05-85 Information board—TB/ALL.

(a) A suitable information board shall be installed upon which shall be posted the information described in this section.

(b) The following information shall remain posted on board from time cargo transfer operations begin until the vessel is gas-free or changes cargo:

(1) Identification of the cargo.

(2) A description of the principal characteristics of the cargo.

(3) Instructions for the safe handling of the cargo, including operating procedures for maintaining the required cargo temperature.

(4) List and locations of all safety equipment.

(5) Emergency procedures.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05-86 Placarding—B/ALL.

(a) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when ethylene oxide is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall be posted at each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and shall be protected from becoming readily damaged or obscured. After unloading and before the tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous-Empty" legend.

(b) In addition, when ethylene oxide in either the liquid or vapor phase is laden in the tanks, the barge shall display markings visible from above and on all four sides of the barge in the form of a diamond of not less than six feet on a side, unless otherwise authorized by the Commandant for special cases. The diamond shall be divided into four triangles by joining the opposite corners of the diamond with lines. These triangles shall be painted alternately bright red and bright yellow and the perimeter of the diamond shall have a three-inch black border. These markings and their locations shall be subject to the approval of the Officer In Charge, Marine Inspection.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05-87 Tests and inspections—TB/ALL.

(a) Each tank shall be subjected to the tests and inspections described in this paragraph in the presence of a marine inspector, except as otherwise provided in this section.

(1) An internal examination shall be made at least once in each four calendar years.

(2) Sufficient insulation shall be removed from the tank at least once in each four calendar years for spot external examination of the tank.

(3) A hydrostatic test of 1½ times the design pressure shall be made at least once in each four years at the time the internal examination is made and at such other times as considered necessary by the marine inspector.

(4) The safety relief valves shall be tested by liquid, gas, or vapor pressure at least once every two years to determine the accuracy of adjustment and, if necessary, shall be reset. Ethylene oxide shall not be used as the testing medium.

(b) The cargo hose and piping shall be inspected and tested at least once in each two calendar years.

(1) The cargo hose and piping shall be subjected to a hydrostatic test of 1½ times the maximum pressure to which they may be subjected in service.

(2) If any leakage, seepage or distortion is noted at any time, the hose shall be removed from service and replaced and/or the piping shall be repaired.

(3) In those cases where the cargo hose used is not part of the vessel's equipment, the senior deck officer shall determine that the provisions of this paragraph have been met before using such hose. A certificate of test, supplied by the loading facility, will be considered as adequate for this determination.

(R.S. 4453, as amended, 4488, as amended; 46 U.S.C. 435, 481. Treasury Dept. Orders 120, July 31, 1950, 167-38, Oct. 26, 1959, 24 F.R. 8857)

Dated: October 2, 1963.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 63-10614; Filed, Oct. 7, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 12—AREAS CLOSED TO HUNTING

Certain Lands and Waters in and Adjacent to Cross Creeks National Wildlife Refuge, Tennessee

On page 8052 of the FEDERAL REGISTER of August 7, 1963, there was published a notice and text of a proposed designation of an area closed to the hunting of migratory birds, under Part 12 of Title

50, Code of Federal Regulations. The purpose of the designation is to aid administration of the Cross Creeks National Wildlife Refuge and to increase the effectiveness of the refuge for the purpose for which it was established by the United States.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections to the proposed designation. No written communications were received, and the proposed designation is hereby adopted without change and is set forth below. This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 4, 1963.

The text of the designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all that area of land and water in Stewart County, Tennessee, described as follows:

All the area of the bed of the Cumberland River, bank to bank, submerged or exposed, including the waters thereof, between river mile 90.0, approximately one-quarter mile downstream from Dover Island, and river mile 102.25, approximately one-half mile downstream from the confluence of Wells Creek with the Cumberland River. The area is immediately contiguous to and abutting upon lands of the United States (Cross Creeks National Wildlife Refuge) acquired by the Corps of Engineers as part of the Barkley Dam and Lake Barkley Project.

[F.R. Doc. 63-10735; Filed, Oct. 7, 1963; 11:34 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Kern National Wildlife Refuge, California

On page 9645 of the FEDERAL REGISTER of August 31, 1963, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds on the Kern National Wildlife Refuge, California, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224; 16 U.S.C. 715i).

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

CALIFORNIA

Kern National Wildlife Refuge.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 1, 1963.

[F.R. Doc. 63-10648; Filed, Oct. 7, 1963; 8:48 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,682 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, cottontail and jackrabbits.

(b) Open season: Pheasants—from 12 o'clock noon, s.t., to sunset November 9, and from sunrise to sunset November 10 through November 17, 1963, inclusive. From 12 o'clock noon, s.t., to sunset December 14, and from sunrise to sunset December 15 and 16, 1963. Cottontail and jackrabbits—from 12 o'clock noon, s.t., to sunset November 9, and from sunrise to sunset November 10 through November 14, 1963, inclusive. From 12 o'clock noon, s.t., to sunset November 15, and from sunrise to sunset November 16 through December 13, 1963, inclusive. From 12 o'clock noon, s.t., to sunset December 14, and from sunrise to sunset December 15 through December 19, 1963, inclusive.

(c) Daily bag limits: Pheasants 3 cocks, cottontail 10, jackrabbits no limit.

(d) Methods of hunting: (1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used for the purpose of hunting and retrieving.

(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.

(3) The provisions of his special regulation are effective to December 20, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 17, 1963.

[F.R. Doc. 63-10621; Filed, Oct. 7, 1963; 8:45 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,890 acres or 18 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, quail, and rabbits.

(b) Open season: From one-half hour before sunrise to sunset. Pheasants—from November 9 through December 8, 1963, inclusive. Quail—from November 16 through November 24, 1963, inclusive; and on November 26, 28, 29, 30, December 1, 3, 5, 7, 8, 10, 12, 14, and 15, 1963. Rabbits—only during those hours and on those days during the legal open season for the taking of pheasants and quail.

(c) Daily bag limits: Pheasants 3 cocks, quail 8, cottontails 10, jackrabbits no limit.

(d) Methods of hunting: (1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to hunt and retrieve upland game.

(d) 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.

(3) The provisions of this special regulation are effective to December 16, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10622; Filed, Oct. 7, 1963; 8:45 a.m.]

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,600 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Quail.

(b) Open season: From one-half hour before sunrise to sunset November 23 through December 29, 1963, inclusive.

(c) Daily bag limit: Quail 10.

(d) Methods of hunting: (1) Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used for the purpose of hunting and retrieving.

(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.

(3) The provisions of this special regulation are effective to December 30, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10623; Filed, Oct. 7, 1963; 8:45 a.m.]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Virginia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Chincoteague National Wildlife Refuge, Virginia, is suspended for the 1963 season.

Due to the construction work in progress and other important management considerations, it was deemed necessary to cancel plans for the deer hunt this year.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-10624; Filed, Oct. 7, 1963; 8:45 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 14790]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS ACCOUNTING FOR INVESTMENT TAX CREDITS

Notice of Proposed Rule Making

OCTOBER 2, 1963.

Notice is hereby given that the Civil Aeronautics Board is proposing amendments to Part 241, the Uniform System of Accounts and Reports for air carriers, to prescribe accounting requirements for investment tax credits under section 38 of the Internal Revenue Code. The principal features of the proposed amendments are explained in the explanatory statement below and the text of the proposed rule is set forth below. The rule is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before November 7, 1963, will be considered by the Board before taking action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Revenue Act of 1962 (Public Law 87-834) provides an investment tax credit which in the air transport industry is equivalent to seven percent of the cost of certain depreciable assets acquired and placed in service after December 31, 1961. The credit is subject to certain conditions set forth in the Revenue Act.

Under the law the full amount of the credit is required to be offset against the cost of the related property in computing depreciation for tax purposes, whether or not the credit has been realized through offset against an actual tax liability. Consequently a portion of the tax credit (52 percent at current tax rates) represents in substantive effect a postponement in the payment of taxes. The remainder of the tax credit (48 percent at current tax rates) represents permanent tax relief provided the property is retained a prescribed minimum number of years.

The Board proposes to adopt amendments to its Uniform System of Accounts to prescribe the specific accounting methods for reporting the investment tax credit. The proposed amendments provide, in general, that (1) the credit would not be treated by the carrier as an offset against the cost of related property for accounting purposes, (2) the 48 percent portion of the credit representing permanent tax relief would be separately disclosed and would be treated as income in the year in which the credit is realized, and (3) the 52 percent portion of the credit representing deferred taxes would be separately disclosed and would be applied over the productive life of the equipment. However, if the entire credit is taken up by the Board in the year in which received as an offset against income taxes for subsidy or rate making purposes, the entire credit would be treated in this same manner for accounting purposes.

In view of the novel problems involved and the alternative accounting treatments which could be applied, the Board's staff informally solicited comments of industry representatives before the initiation of this rulemaking proceeding. A majority of the twelve respondents favored the approach proposed herein. One respondent (a firm of certified public accountants) expressed the opinion that the investment credit is preferably reflected as a reduction in the amount at which property is stated and the benefits of the credit both with respect to the postponement of taxes and the permanent tax relief should be recognized in net income over the productive life of the property giving rise to the credit. In the alternative, this respondent commented that recognition of the credit as deferred income is acceptable provided the credit is amortized over the productive life of the acquired property. These views conform in substance with Opinion No. 2 of the Accounting Principles Board of the American Institute of Certified Public Accountants, which also recommends that an investment credit should not be reflected in the financial statements unless it can be recognized as an offset against the tax liability.

Offset of the investment credit against the cost of the related property represents a departure from the conventional practice of reflecting assets at purchase cost. Moreover, under the offset procedure, the reflected cost of properties would be subject to repetitive adjustment over a period of from four to eight years during which the investment credit may be realized. This would result in an unstable cost base and consequent fluctuations in depreciation expense on a given property as between different time periods for the same carrier and on similar properties as between different carriers for the same time period. In addition the amount of the tax credit would not be separately disclosed. From a regulatory point of view it is preferable that the accounting results be maintained on a consistent basis irrespective of the incidence of investment tax credits and that the impact of investment credits be separately disclosed in the financial statements.

For the foregoing reasons the proposed rule would require the following accounting and reporting procedures:

(1) That a sub-schedule to the income statement shall reflect separately the actual income taxes for the period before investment credits, the full amount of all investment credits realized during the period, the resulting actual taxes for the period, the amount of any provisions for deferred taxes, excess profits taxes (if any), and the total tax charges during the accounting period reported.

(2) That contra memorandum accounts shall be maintained which would reflect currently the potential asset and liability elements in unused and unexpired investment credits applicable to all properties in service. The contra accounts would be offset for statement purposes and reported as a notation on Schedule B-2 of Form 41.

(3) That investment credits realized during the period would be credited to a new account "9194 Investment Tax Credits Realized."

(4) That the portion (52 percent) of the investment credit representing a postponement of tax would be deferred by charges to account "9192 Provisions for Deferred Federal Income Taxes" and credit to a subaccount of balance sheet account "2340 Deferred Federal Income Taxes." The balance in balance sheet account 2340 would be amortized over the productive life of the property to which related by credits to profit and loss account "9192 Provisions for Deferred Federal Income Taxes" as an application of taxes previously deferred.

These procedures have been designed with a view to disclosing the actual taxes payable for the period and conforming the over-all tax expense, including deferred taxes, with the income as reported for the period. However, if for subsidy or other rate making purposes investment credits are recognized during the period in which realized, the deferral of any element so recognized is not required to effect a proper matching of costs and revenues and, in these circumstances, accounting recognition could not properly be given to the deferment of taxes.

Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. By amending paragraph (b) of Section 2-6 *Federal income tax accruals* to read as follows:

(b) The general policy in respect to the accrual of income taxes for each accounting period will require that the air carrier take up in its accounts an amount equivalent to the actual tax liability applicable to the period as computed or estimated on the basis of income tax laws

and regulations then in effect. As a general rule the accrual of income taxes on differences between income recognized for book purposes and tax purposes is prohibited. However, Federal income taxes may be deferred for material income differences associated with airworthiness reserve or self-insurance reserve provisions, depreciation allowances under provisions of sections 38, 167 and 168 of the Internal Revenue Code, and different treatments for book and tax purposes of preoperating, aircraft integration, route extensions or other developmental expenses. In the event a carrier elects to follow deferred tax accounting for one or more of the foregoing income differences, it shall do so for all of such income differences, on a consistent basis both within each accounting year and as between accounting years. In effecting the accruals, records with respect to reserves for deferred taxes on income shall be maintained in accordance with the provisions of balance sheet account 2340 Deferred Federal Income Taxes. No provisions shall be made for deferred tax charges or credits associated with differences between book and tax depreciation expense under section 38 of the Internal Revenue Code under circumstances in which deferrals are not recognized for subsidy or other rate making purposes.

2. By adding a new paragraph (c) to Section 2–6 *Federal income tax accruals* to read:

(c) Investment credits, computed pursuant to section 46 of the Internal Revenue Code, in reduction of the carrier's tax liability for the year shall not be applied in the books of account against the cost of the depreciable assets giving rise to such credits. Such investment credits shall be accounted for in accordance with the provisions of balance sheet account 2131 Accrued Federal Income Taxes.

3. By amending Section 6 *Account 2131 Accrued Federal Income Taxes* to read:

(a) Record here accruals for currently payable Federal Income Taxes. Provisions for deferred taxes shall not be accrued except as provided in Section 2–6.

(b) The amount of any potential investment tax credit, computed pursuant to section 46 of the Internal Revenue Code, applicable to property placed in service during each accounting period shall be debited to a memorandum account, under balance sheet account 1890 Other Deferred Charges, titled "Investment Tax Credits Available" and shall be credited to a memorandum account, also under balance sheet account 1890 Other Deferred Charges, titled "Unrealized Investment Tax Credits." As investment tax credits are used in the reduction of tax liabilities, or expire, these two memorandum accounts shall be adjusted to the remaining outstanding balance of unused but allowable credits applicable to all properties currently in use. This balance sheet account 2131 Accrued Federal Income Taxes shall be debited in the period in which each credit is used. The contra credit shall be made to profit and loss account 9194 Investment Tax Credits Realized. An amount equivalent to the portion of investment credit which represents a deferral in tax payment shall be charged to profit and loss account 9192 Provisions for Deferred Federal Income Taxes and shall be credited to a subaccount titled "Investment Credit Deferred Tax" of balance sheet account 2340 Deferred Federal Income Taxes. Balances within the "Investment Credit Deferred Tax" subaccount shall be amortized over the remaining useful life of related properties to profit and loss account 9192 Provisions for Deferred Taxes in accordance with the provisions concerning deferred taxes generally. However, where charges for deferred taxes are not recognized for subsidy or other rate making purposes during the period in which taken for tax purposes, no accounting recognition shall be made to the deferment of income taxes related to investment tax credits realized.

4. By amending Section 7—*Chart of Profit and Loss Accounts* to insert under "Income Taxes" profit and loss account "94 Investment Tax Credits Realized," the revised part of section 7 to read:

Objective classification of profit and loss elements—income taxes	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
91 Normal income taxes and surtaxes	91	91	91
92 Provisions for deferred Federal income taxes			
92.*1* Current provisions for deferred taxes	91	91	91
92.*2* Application of deferred taxes	91	91	91
92.*3* Adjustment of deferred taxes	91	91	91
94 Investment tax credits realized	91	91	91
95 Excess profits taxes	91	91	91

5. By inserting in Section 15 *Objective Classification—Income Taxes for Current Period* a new account to read:

94 Investment Tax Credits Realized.

Record here, the investment tax credits realized and offset against the tax liability of the period.

6. By amending Section 23 *Certification and Balance Sheet Elements*, Schedule B–2 "Notes to Balance Sheet" to insert a new paragraph (e) to read:

(e) The balances in subaccounts of balance sheet Account 1890 Other Deferred Charges titled "Investment Tax Credits Available" and "Unrealized Investment Credits" reflecting the asset and liability aspects, respectively, of unexpired but unused investment tax credits pursuant to the provisions of paragraph (b) of Account 2131 Accrued Federal Income Taxes, shall be set forth in this Schedule as at the end of each calendar quarter.

7. By amending Schedule P–3 of Form 41 under "Income Taxes" to reflect the foregoing changes in accounting, the amended part of the schedule, incorporated herein by reference, to appear as indicated by Appendix A hereto.

APPENDIX A

SCHEDULE P–3

Income taxes	9100	9100
Normal income taxes and surtaxes	91	91
Deferred taxes-net	*92.9*	*92.9*
Investment tax credits realized	94	94
Excess profits taxes	95	95
Total income taxes (per Schedule P–1)	9199	9199

[F.R. Doc. 63–10649; Filed, Oct. 7, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 18, 43 [New]]

[Reg. Docket No. 1993; Notice 63–37]

MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Notice of Proposed Rulemaking

Notice is hereby given that there is under consideration a proposal to recodify Part 18 of the Civil Air Regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before December 9, 1963, will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examiniation by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material which was announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

The aviation community is presently required to perform all maintenance, preventive maintenance, rebuilding, and alteration of aircraft, airframes, aircraft engines, propellers, and appliances in accordance with Part 18 of the Civil Air Regulations. Through the years, a large amount of material has been added to this part in the form of rules, interpretations, and policy statements. Often, this material relaxes or permits alternative methods of compliance with the existing requirements. However, in its present form, Part 18 does not easily set forth the scope of the requirements. The goal of the recodification project is to reduce and simplify the present regulations, with user convenience the paramount objective. Accordingly, this proposal clarifies the requirements of present Part 18 by removing nonregulatory material, reorganizing the requirements so that all logical aspects of one

function are grouped together, and by transferring to other parts that material which is consonant with the provisions of those parts.

The title of this proposed part has been changed from that of present Part 18 in order to incorporate the words "preventive maintenance" and "rebuilding". These types of work are presently covered by Part 18 but are not included in its title.

This proposed part would not apply to amateur-built aircraft. While the provisions of present Part 18 do purport to apply to amateur-built aircraft, the inherent characteristics of such aircraft make it impossible to maintain them in strict compliance with that part. As is being done at present, amateur-built aircraft will continue to be dealt with on a case-by-case basis.

Appendix A of this proposed part lists those items which are major repairs, major alterations and preventive maintenance. All repairs involving disassembly of the crankshaft of engines with propeller reduction gearing are presently major repairs. The Appendix proposes a relaxation by deleting repairs involving disassembly of the crankshaft of engines with spur-type reduction gearing. Any repair or alteration not included in Appendix A of this proposed part is a minor repair or minor alteration.

Present Parts 65 [New] and 145 [New] contain provisions detailing the privileges of certificated mechanics, repairmen, and repair stations to perform work. We propose to amend the privilege and limitation sections of these parts to conform to present Part 18. Proposed Part 43 [New] would still contain those portions of §§ 18.10 and 18.12 which authorize other persons to perform certain types of work.

As the record keeping requirements of 100-hour, periodic, and progressive inspections differ from those required for other types of work, the record keeping requirements have been dealt with separately in the proposed part. Accordingly, the record keeping requirements of §§ 18.21, 18.22, and 18.24, dealing with all work other than 100-hour periodic or progressive inspections have been combined in one section and the record keeping requirements for all inspections, (now in §§ 18.23, 18.30-18, 18.20-1, and 18.30-19), have been combined in another. Specific detailed procedures for all record keeping have been included in appendicies to the proposed part.

The performance requirements have not been changed. However, the voluminous nonregulatory CAM material and notes have been removed and that part of this material that is still current will be published in the Agency's Advisory Circular System. A separate performance section for 100-hour, periodic, and progressive inspections is included in addition to the general performance requirements. This section incorporates performance requirements that were formerly scattered through parts of §§ 18.30-18 and 18.30-19. Certain details concerning items to be included in periodic and 100-hour inspections have been consolidated and placed in Appendix D.

The object of the new part is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of the part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to the proposed rules.

When finally adopted, the new part will include the substance of any applicable rules or amendments adopted and effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations by deleting Part 18 and adding a Part 43 [New] reading as hereinafter set forth.

This proposal is made under the authority of sections 313(a), 601, 602, 603(c), 604(a), and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, 1423(c), 1424(a), and 1425).

Issued in Washington, D.C., on October 2, 1963.

N. E. HALABY,
Administrator.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Sec.
43.1 Applicability.
43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.
43.5 Approval for return to service after maintenance, preventive maintenance, rebuilding, or alteration.
43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alterations.
43.9 Content, form and disposition of maintenance, preventive maintenance, rebuilding, and alteration records (except 100-hour, periodic and progressive inspections).
43.11 Content, form, and disposition of periodic, 100-hour, and progressive inspection records.
43.13 Performance rules (general).
43.15 Additional performance rules for 100-hour periodic, and progressive inspections.
Appendix A—Major alterations, major repairs, and preventive maintenance.
Appendix B—Recording of major repairs and major alterations.
Appendix C—Recording of periodic and progressive inspections.
Appendix D—Scope and detail of items (as applicable to the particular aircraft) to be included in periodic and 100-hour inspections.

§ 43.1 Applicability.

(a) This part prescribes rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any—

(1) Aircraft having a U.S. airworthiness certificate; and

(2) Airframe, aircraft engine, propeller, or appliance of, or intended for use on, such an aircraft.

(b) This part does not apply to amateur-built aircraft.

[Revision note: Based on § 18.0]

§ 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

(a) Except as provided in this section, no person may maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, or appliance to which this part applies. Those items, the performance of which is a major alteration, a major repair, or preventive maintenance, are listed in Appendix A.

(b) The holder of a mechanic certificate may perform maintenance, preventive maintenance, and alterations as provided in Part 65 [New] of this chapter.

(c) A person working under the supervision of a holder of a mechanic's certificate may perform that maintenance, preventive maintenance, and alteration his supervisor is authorized to perform, if the supervisor personally observes the work being done to the extent necessary to ensure that it is being done properly and if the supervisor is readily available, in person, for consultation. However, this paragraph does not authorize the performance of 100-hour or periodic inspections, nor inspections performed after a major repair or alteration.

(d) The holder of a repairman certificate may perform maintenance and preventive maintenance as provided in Part 65 [New] of this chapter.

(e) The holder of a repair station certificate may perform maintenance,

preventive maintenance, and alterations as provided in Part 145 [New] of this chapter.

(f) A certificated air carrier that is required by its operating certificate or approved operations specifications to provide a continuous airworthiness maintenance and inspection program may perform maintenance, preventive maintenance, and alterations as provided in that program and its maintenance manual. In addition, such an air carrier may perform these functions for another air carrier as provided in the applicable continuous airworthiness maintenance and inspection program and in the maintenance manual of the other air carrier.

(g) The holder of a commercial operator certificate may perform maintenance, preventive maintenance, and alterations of its aircraft as provided in its continuous airworthiness maintenance and inspection program and in its maintenance manual.

(h) The holder of a pilot certificate issued under Part 61 [New] of this chapter may perform preventive maintenance on aircraft owned or operated by him that is not used in air carrier service.

(i) A manufacturer may rebuild or alter products manufactured by him, for which he holds a type or production certificate or which were manufactured in accordance with a Technical Standard Order or Product and Process Specification issued by the Administrator. In addition, he may perform one-hundred-hour, periodic, and progressive inspections on aircraft manufactured by him, while operating under a production certificate or under an approved production inspection system for such aircraft.

[Revision note: Combines §§ 18.10, 18.10-1, and performance aspect of § 18.12]

§ 43.5 Approval for return to service after maintenance, preventive maintenance, rebuilding, or alteration.

(a) No person may approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance, which has undergone maintenance, preventive maintenance or alteration unless—

(1) It has been determined airworthy by a person authorized under § 43.7;

(2) The maintenance record entry required by § 43.9 has been made;

(3) The repair or alteration form authorized by or furnished by the Administrator has been executed in a manner prescribed by the Administrator; and

(4) If a repair or an alteration results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, such operating limitations or flight data are appropriately revised and set forth in accordance with the requirements of § 91.31 of this chapter.

(b) Preventive maintenance performed by a person authorized under § 43.3(h) need not be approved for return to service.

[Revision note: Combines "return to service" aspect of §§ 18.11 and 18.13]

§ 43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alterations.

(a) Except as provided in this section, no person may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after it has undergone maintenance, preventive maintenance, rebuilding, or alteration.

(b) The holder of a mechanic certificate or an inspection authorization may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 65 [New] of this chapter.

(c) The holder of a repair station certificate may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 145 [New] of this chapter.

(d) A manufacturer may approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance that he has worked on under § 43.3(i). However, except for minor alterations, the work must have been done in accordance with a manual, specification, or other approved data or, in the case of a product manufactured under a Technical Standard Order, in accordance with data that he asserts meets the terms of the Technical Standard Order.

(e) A certificated air carrier may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alteration which it is authorized to perform under § 43.3(f). However, in the case of a major repair or major alteration, the work must have been done in accordance with a manual, specification, or other approved data or, in the case of a product manufactured under a Technical Standard Order, in accordance with data furnished by the product manufacturer that he asserts meets the terms of the Technical Standard Order.

(f) The holder of a commercial operator certificate may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alteration it is authorized to perform under § 43.3(g). However, in the case of a major repair or major alteration, the work must have been done in accordance with a manual, specification, or other approved data.

[Revision note: Combines §§ 18.11 (less "return to service" aspect; 7th through 21st words of (b)(2) and 14th through 39th words of (b)(5)) and approval aspect of § 18.12]

§ 43.9 Content, form and disposition of maintenance, preventive maintenance, rebuilding, and alteration records (except 100-hour, periodic and progressive inspections).

(a) *Maintenance record entries.* Except as provided in paragraph (c) of this section, each person who maintains, rebuilds, alters, or performs preventive maintenance on, an aircraft, airframe, aircraft engine, propeller, or appliance shall make an entry in the permanent maintenance record of that equipment containing the following information:

(1) A description (or reference to data approved by the Administrator) of the work performed.

(2) The date of completion of the work performed.

(3) The name of the person performing the work.

(4) The signature (and if a certificated mechanic, the certificate number) of the person approving for return to service the aircraft, airframe, aircraft engine, propeller, or appliance.

(b) In addition to the entries required by paragraph (a) of this section, major repairs and major alterations shall be entered on a form, and the form disposed of, in the manner prescribed in Appendix B by the person performing such work.

(c) *Special provisions for air carrier records.* A certificated air carrier that is required by its operating certificate or by approved operations specifications to provide for a continuous airworthiness maintenance and inspection program, may maintain records as provided in that program and its maintenance manual if the information required by paragraph (a) of this section is included. In addition, the registered owner or operator of the air carrier aircraft shall—

(1) Retain all records of major structural repairs and major alterations until the aircraft is sold, transferred, or retired;

(2) Retain all records of maintenance for one year from the date of approval for return to service of the aircraft, airframe, aircraft engine, propeller, appliance, or component thereof, to which the record pertains;

(3) Retain all records of the last complete overhaul cycle for each aircraft, airframe, aircraft engine, propeller, appliance, or component thereof, until the aircraft is sold, transferred, or retired;

(4) Retain all records of X-rays, and other special tests specified by the Administrator, relating to airframes, aircraft engines, propellers, or appliances or parts thereof, designated as critical by the Administrator, until such airframe, aircraft engine, propeller, or appliance is sold, transferred, or retired; and

(5) In addition—

(i) If the aircraft or an airframe, aircraft engine, propeller, or appliance, or part thereof, designated as critical by the Administrator is retired, retain the particular records for one year after cancellation of the registration certificate, or if not registered, for one year from the date of retirement;

(ii) For records of major structural repairs and major alterations, if the aircraft is retired, retain the records for one year after cancellation of the registration certificate; and

(iii) If an aircraft, airframe, aircraft engine, propeller, or appliance is sold or transferred, give the records required by this section to be retained to the new owner or operator.

(d) This section does not apply to persons performing periodic, 100-hour and progressive inspections or to pilots performing preventive maintenance.

[Revision note: Combines §§ 18.21, 18.21-1 (second sentence), 18.22, and 18.24]

§ 43.11 Content, form, and disposition of periodic, 100-hour, and progressive inspections records.

(a) *Maintenance record entries.* The person approving or disapproving for return to service an aircraft, airframe, aircraft engine, propeller, or appliance after a periodic, 100-hour, or progressive inspection, shall make an entry in the permanent maintenance record of that equipment, containing the following information:

(1) The type of inspection (and for progressive inspections, a brief description of the extent of the inspection).

(2) The date of the inspection and aircraft time in service.

(3) The signature (and if a certificated mechanic, the certificate number) of the person approving or disapproving for return to service, the aircraft, airframe, aircraft engine, propeller, or appliance.

(4) For periodic or 100-hour inspections if the aircraft is approved for return to service, the following statement: "I certify that this aircraft has been inspected in accordance with (insert type) inspection and was determined to be in airworthy condition".

(5) For periodic inspections of the aircraft is not approved for return to service because of needed maintenance, noncompliance with applicable specifications, airworthiness directives or other approved data, the following statement: "I certify that this aircraft has been inspected in accordance with a periodic inspection and a list of discrepancies and unairworthy items dated (date) has been provided for the aircraft owner or lessee".

(6) For progressive inspections, the following statement: "I certify that in accordance with a progressive inspection program, a routine inspection of (identify whether aircraft, or components) and a detailed inspection of (identify components) were performed in accordance with a progressive inspection and the aircraft is released to service".

(b) *Additional recording requirements.* Each person performing a periodic or progressive inspection shall complete the form and dispose of it as prescribed in Appendix C. In addition, if the person performing a periodic inspection finds that the aircraft is unairworthy or does not meet the applicable type certificate data, airworthiness directives, or other approved data upon which airworthiness depends, he shall provide the owner with a signed and dated copy of a list of discrepancies.

[Revision note: Combines §§ 18.23, 18.30-18(a)(1)(xi), 18.20-1, and 18.30-19(e)]

§ 43.13 Performance rules (general).

(a) Each person maintaining or altering, or performing preventive maintenance, shall use methods, techniques, and practices acceptable to the Administrator. He shall use the tools, equipment, and test apparatus necessary to assure completion of the work in accordance with good accepted industry practices. If special equipment or test apparatus is recommended by the manufacturer involved, he must use that equipment or apparatus or its equivalent acceptable to the Administrator.

(b) Each person maintaining or altering, or performing preventive maintenance, shall do that work in such a manner and use materials of such quality, that the condition of the equipment worked on will be at least equal to its original or properly altered condition (with regard to aerodynamic function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness).

(c) Each person maintaining or altering, or performing preventive maintenance, shall perform inspections in such a manner as will insure that the equipment worked on meets applicable type certificate data, airworthiness directives, or other approved data.

(d) Each person performing alterations, shall use a design that insures that the altered equipment will meet applicable airworthiness requirements.

(e) Each person performing a 100-hour, periodic or progressive inspection shall, in addition to the requirements of this section, comply with the requirements of § 43.15.

(f) *Special provisions for air carriers.* Unless otherwise notified by the Administrator, the methods technique and practices contained in the maintenance manual or the maintenance part of the air carrier manual of a certificated air carrier (that is required by its operating certificate or approved operating specification to provide a continuous airworthiness maintenance and inspection program) constitute acceptable compliance with this section.

[Revision note: Combines §§ 18.30 and 18.30-1]

§ 43.15 Additional performance rules for 100-hour, periodic, and progressive inspections.

(a) *General.* Each person performing a 100-hour, periodic, or progressive inspection shall, in addition to the requirements of § 43.13, comply with the requirements of this section.

(b) *Rotorcraft.* Each person performing a 100-hour, periodic, or progressive inspection of a rotorcraft shall inspect the following systems in accordance with the maintenance manual of the manufacturer concerned:

(1) The drive shafts or similar systems.

(2) The main rotor transmission gear box (for obvious defects only).

(3) The rotary wing and center section (or the equivalent area).

(4) The tail rotor on helicopters.

(c) *Periodic and 100-hour inspections.* (1) Except as provided in paragraph (b) of this section, each person performing a periodic or 100-hour inspection shall use a checklist while performing the inspection. The checklist may be of the persons own design, one provided by the manufacturer of the equipment being inspected, or one obtained from another source. However, the checklist must include the scope and detail of the items contained in Appendix D.

(2) Each person approving an aircraft for return to service after a periodic or 100-hour inspection shall, before that approval, run up the aircraft engine or engines to determine satisfactory performance, in accordance with the manufacturer's recommendations, of—

(i) Power output (static and idle r.p.m.

(ii) Magnetos;

(iii) Fuel and oil pressure; and

(iv) Cylinder and oil temperature.

(d) *Progressive inspection.* (1) Each person conducting a progressive inspection shall, at the start of a progressive inspection system, inspect the aircraft completely. After this initial inspection, routine and detailed inspections must be conducted as prescribed in the progressive inspection schedule. Routine inspections consist of visual examination or check of the appliances, the aircraft, and its components and systems, insofar as practicable without disassembly. Detailed inspections consist of a thorough examination of the appliances, the aircraft, and its components and systems, with such disassembly as is necessary. For the purposes of this subparagraph the overhaul of a component or system is considered to be a detailed inspection.

(2) If the aircraft is away from the station where inspections are normally conducted, an appropriately rated mechanic, a certificated repair station, or the manufacturer of the aircraft may conduct inspections in accordance with the procedures and using the forms of the person who would otherwise conduct the inspection.

[Revision note: Combines last sentences of §§ 18.30-18(a)(1) (i), (iii), (v), and (vi), 18.30-18(a)(1) (x), and 18.30-19 less last two sentences of § 18.30-19(b) § 18.30-19(c), and § 18.30-19(e)]

NOTE: Last two sentences of §§ 18.30-19(b) and 18.30-19(c) will be transferred to Part 91 [New].

APPENDIX A—MAJOR ALTERATIONS, MAJOR REPAIRS, AND PREVENTIVE MAINTENANCE

(a) *Major alterations*—(1) *Airframe major alterations.* Alterations of the following parts of an airframe, when not listed in the aircraft specifications issued by the Federal Aviation Agency, are airframe major alterations:

(i) Wings.

(ii) Tail surfaces.

(iii) Fuselage.

(iv) Engine mounts.

(v) Control system.

(vi) Landing gear.

(vii) Hull or floats.

(viii) Elements of an airframe including spars, ribs, fittings, shock absorbers, bracing, cowlings, fairings, and balance weights.

(ix) Hydraulic and electrical actuating system of components.

(x) Rotor blades.

(xi) Changes to the empty weight or empty balance which result in an increase in the certificated maximum weight or center of gravity limits of the aircraft.

(xii) Changes to the basic design of the fuel, oil, cooling, heating, cabin pressurization, electrical, hydraulic, de-icing, or exhaust systems.

(xiii) Changes to the wing or to fixed or movable control surfaces which affect flutter and vibration characteristics.

(2) *Powerplant major alterations.* The following alterations of a powerplant when not listed in the engine specifications issued by the Federal Aviation Agency, are powerplant major alterations.

(i) Conversion of an aircraft engine from one approved model to another, involving any changes in compression ratio, propeller reduction gear, impeller gear ratios or the substitution of major engine parts which requires extensive rework and testing of the engine.

(ii) Changes to the engine by replacing aircraft engine structural parts with parts not supplied by the original manufacturer or parts not specifically approved by the Administrator.

(iii) Installation of an accessory which is not approved for the engine.

(iv) Removal of accessories that are listed as required equipment on the aircraft or engine specification.

(v) Installation of structural parts other than the type of parts approved for the installation.

(vi) Conversions of any sort for the purpose of using fuel of a rating or grade other than that listed in the engine specifications.

(3) *Propeller major alterations.* The following alterations of a propeller when not authorized in the propeller specifications issued by the Federal Aviation Agency are propeller major alterations.

(i) Changes in blade design.

(ii) Changes in hub design.

(iii) Changes in the governor or control design.

(iv) Installation of a propeller governor or feathering system.

(v) Installation of propeller de-icing system.

(vi) Installation of parts not approved for the propeller.

(vii) Changes in the design of a balance propeller or its controls.

(4) *Appliance major alterations.* Alterations of the basic design not made in accordance with approved recommendations of the appliance manufacturer or in accordance with a FAA Airworthiness Directive are appliance major alterations. In addition, changes in the basic design of radio communication and navigation equipment approved under type certification or a Technical Standard Order which have an effect on frequency stability, noise level, sensitivity, selectivity, distortion, spurious radiation, AVC characteristics, or ability to meet environmental test conditions and other changes which have an effect on the performance of the equipment are also major alterations.

(b) *Major repairs*—(1) *Airframe major repairs.* Repairs to the following parts of an airframe and repairs of the following types, involving the strengthening, reinforcing, splicing and manufacturing of primary structural members or their replacement, when replacement is by fabrication such as riveting or welding, are airframe major repairs.

(i) Box beams.

(ii) Monocoque or semimonocoque wings or control surfaces.

(iii) Wing stringers or chord members.

(iv) Spars.

(v) Spar flanges.

(vi) Members of truss-type beams.

(vii) Thin sheet webs of beams.

(viii) Keel and chine members of boat hulls or floats.

(ix) Corrugated sheet compression members which act as flange material of wings or tail surfaces.

(x) Wing main ribs and compression members.

(xi) Wing or tail surface brace struts.

(xii) Engine mounts.

(xiii) Fuselage longerons.

(xiv) Members of the side truss, horizontal truss, or bulkheads.

(xv) Main seat support braces and brackets.

(xvi) Landing gear brace struts.

(xvii) Axles.

(xviii) Wheels.

(xix) Skis, and ski pedestals.

(xx) Parts of the control system such as control columns, pedals, shafts, brackets, or horns.

(xxi) Repairs involving the substitution of material.

(xxii) The repair of damaged areas in metal or plywood stressed covering exceeding six inches in any direction.

(xxiii) The repair of portions of skin sheets by making additional seams.

(xxiv) The splicing of skin sheets.

(xxv) The repair of three or more adjacent wing or control surface ribs or the leading edge of wings and control surfaces, between such adjacent ribs.

(xxvi) Repair of fabric covering involving an area greater than that required to repair two adjacent ribs.

(xxvii) Replacement of fabric on fabric covered parts such as wings, fuselages, stabilizers, and control surfaces.

(xxviii) Rebuilding, including rebottoming, of removable or integral fuel tanks and oil tanks.

(2) *Powerplant major repairs.* Repairs of the following parts of an engine and repairs of the following types, are powerplant major repairs:

(i) Separation or disassembly of a crankcase or crankshaft of a reciprocating engine equipped with an integral supercharger.

(ii) Separation or disassembly of a crankcase or crankshaft of a reciprocating engine equipped with other than spur-type propeller reduction gearing.

(iii) Disassembly of a nonfloat type carburetor or fuel injection unit used on reciprocating engines equipped with an integral supercharger or other than spur-type propeller reduction gearing.

(iv) Special repairs to structural engine parts by welding, plating, metalizing or other methods.

(3) *Propeller major repairs.* Repairs of the following types to a propeller are propeller major repairs:

(i) Any repairs to or straightening of steel blades.

(ii) Repairing or machining of steel hubs.

(iii) Shortening of blades.

(iv) Retipping of wood propellers.

(v) Replacement of outer laminations on fixed pitch wood propellers.

(vi) Repairing elongated bolt holes in the hub of fixed pitch wood propellers.

(vii) Inlay work on wood blades.

(viii) Repairs to composition blades.

(ix) Replacement of tip fabric.

(x) Replacement of plastic covering.

(xi) Repair of propeller governors.

(xii) Repair of balance propellers of rotorcraft.

(xiii) Overhaul of controllable pitch propellers.

(xiv) Repairs to deep dents, cuts, scars, nicks, etc., and straightening of aluminum blades.

(xv) The repair or replacement of internal elements of blades.

(4) *Appliance major repairs.* Repairs of the following types to appliances are appliance major repairs:

(i) Repairs to instruments.

(ii) Adjusting to and calibrating VOR, ILS and DME equipment.

(iii) Rewinding the field coil of an electrical accessory.

(iv) Complete disassembly of complex hydraulic power valves.

(v) Overhaul of pressure type carburetors, and pressure type fuel, oil, and hydraulic pumps.

(c) *Preventive maintenance.* Work of the following type is preventive maintenance:

(1) Removal, installation, and repair of landing gear tires.

(2) Replacing elastic shock absorber cords on landing gear.

(3) Servicing landing gear shock struts by adding oil, air, or both.

(4) Servicing landing gear wheel bearings, such as cleaning and greasing.

(5) Replacing defective safety wiring or cotter keys.

(6) Lubrication not requiring disassembly other than removal of nonstructural items such as cover plates, cowlings, fairings.

(7) Making simple fabric patches not requiring rib stitching or the removal of structural parts or control surfaces.

(8) Replenishing hydraulic fluid in the hydraulic reservoir.

(9) Refinishing decorative coating of fuselage, wings, tail group surfaces (excluding balanced control surfaces), fairings, cowling, landing gear cabin or cockpit interior when removal or disassembly of any primary structure or operation system is not required.

(10) Applying preservative or protective material to components where no disassembly of primary structure or operation systems is involved and where such coating is not prohibited or is not contrary to good practices.

(11) Repairing upholstery and decorative furnishings of the cabin or cockpit interior when the repairing does not require disassembly of any primary structure or operating system or interfere with an operating system or affect primary structure of the aircraft.

(12) Making small simple repairs to fairings, nonstructural cover plates, cowlings, small patches and reinforcements not changing the contour where such change would interfere with proper air flow.

(13) Replacing side windows where such work does not interfere with the structure or any operating system such as controls, electrical equipment, etc.

(14) Replacing safety belts.

(15) Replacing seats or seat parts with replacement parts approved for the aircraft, not involving disassembly of any primary structure or operating system.

(16) Trouble shooting and repairing broken circuits in landing light wiring circuits.

(17) Replacing bulbs, reflectors, and lenses of position and landing lights.

(18) Replacing wheels and skis where no weight and balance computation in involved.

(19) Replacing any cowling not requiring removal of the propeller or disconnection of flight controls.

(20) Replacing or cleaning spark plugs and setting of spark plug gap clearance.

(21) Replacing any hose connection except hydraulic connections.

(22) Replacing prefabricated fuel lines.

(23) Cleaning fuel and oil strainers.

(24) Replacing batteries and checking fluid level and specific gravity.

(25) Removing and installing glider wings and tail surfaces which are specifically designed for quick removal and installation and when such removal and installation can be accomplished by the pilot.

[Revision note: Combines §§ 18.1–1, 18.1–3, and 18.1–6]

APPENDIX B—RECORDING OF MAJOR REPAIRS AND MAJOR ALTERATIONS

(a) Except as provided in paragraph (b), each person performing a major repair or major alteration shall—

(1) Execute an FAA Form ACA 337 at least in duplicate;

(2) Give a signed copy of that form to the aircraft owner; and

(3) Forward a copy of that form to the local Flight Standards District Office within 48 hours after the aircraft, aircraft engine, propeller, or appliance is approved for return to service.

(b) For major repairs made in accordance with a manual or specification approved by

the Administrator, a certificated repair station may, in place of the requirements of paragraph (a)—

(1) Use the customer's work order upon which the repair is recorded;

(2) Give the aircraft owner a signed copy of the work order and retain a duplicate copy for at least two years from the date of approval for return to service of the aircraft, airframe, aircraft engine, propeller, or appliance;

(3) Give the aircraft owner a maintenance release signed by an authorized representative of the repair station and incorporating the following information:

(i) Identity of the aircraft, airframe, aircraft engine, propeller, or appliance.

(ii) If an aircraft, the make, model, serial number, nationality, registration marks, and location of the repaired area.

(iii) If an airframe, aircraft engine, propeller, or appliance, give the manufacturer's name, name of the part, model and serial numbers (if any); and

(4) Include the following or a similarly worded statement—

"The aircraft, airframe, aircraft engine, propeller, or appliance identified above was repaired and inspected in accordance with current Regulations of the Federal Aviation Agency and is approved for return to service.

Pertinent details of the repair are on file at this repair station under Order No. ______,

Date ______, Signed ______________________

(Signature of authorized representative)

for __________________ __________________

(Repair station name) (Certificate No.)

____

(Address)

[Revision note: Combines §§ 18.22–1, and 18.22–2]

APPENDIX C—RECORDING OF PERIODIC AND PROGRESSIVE INSPECTIONS

(a) Each person performing a periodic or progressive inspection shall execute FAA Form ACA 2350, Aircraft Use and Inspection Report.

(b) Each person performing a periodic inspection shall—

(1) Send a copy to the local Flight Standards District Office within 48 hours after the aircraft is approved for return to service; or

(2) If the aircraft is not approved for return to service, send a copy of the form and a copy of the list of discrepancies required by § 43.11(b) to the local Flight Standards District Office, within 48 hours after completion of the inspection.

(c) For progressive inspections, each person performing a progressive inspection shall—

(1) Send a copy to the local Flight Standards District Office within 48 hours after completion of the first complete inspection of the aircraft (upon beginning a progressive inspection system) and thereafter once in January of each year; or

(2) If a progressive inspection system is discontinued for a particular aircraft, forward a copy of the form with the word "Discontinued" written in over the box preceding "progressive inspection", within 48 hours after such discontinuance.

[Revision note. Based on § 18.23–1]

APPENDIX D—SCOPE AND DETAIL OF ITEMS (AS APPLICABLE TO THE PARTICULAR AIRCRAFT) TO BE INCLUDED IN PERIODIC AND 100-HOUR INSPECTIONS

(a) Each person performing a periodic or 100-hour inspection shall, prior to that inspection, remove or open all necessary inspection plates, access doors, fairing, and cowling. He shall thoroughly clean the aircraft and aircraft engine.

(b) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the fuselage and hull group:

(1) Fabric and skin—for deterioration, distortion, other evidence of failure, and defective or insecure attachment of fittings.

(2) Systems and components—for improper installation, apparent defects, and unsatisfactory operation.

(3) Envelope, gas bags, ballast tanks, and related parts—for poor condition.

(c) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the cabin and cockpit group:

(1) Generally—for uncleanliness and loose equipment that might foul the controls.

(2) Seats and safety belts—for poor condition and apparent defects.

(3) Windows and windshields—for deterioration and breakage.

(4) Instruments—for poor condition, mounting, marking, and (where practicable) for improper operation.

(5) Flight and engine controls—for improper installation and improper operation.

(6) Batteries—for improper installation and improper charge.

(7) All systems—for improper installation, poor general condition, apparent and obvious defects, and insecurity of attachment.

(d) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the engine and nacelle group.

(1) Engine section—for visual evidence of excessive oil, fuel, or hydraulic leaks, and sources of such leaks.

(2) Studs and nuts—for improper torquing and obvious defects.

(3) Internal engine condition—for weak cylinder compression, and, if there is weak cylinder compression, for improper internal condition, improper internal tolerances, and metal particles or foreign matter on screens and sump drain plugs.

(4) Engine mount—for cracks, looseness of mounting, and looseness of engine to mount.

(5) Flexible vibration dampeners—for poor condition and deterioration.

(6) Engine controls—for defects, improper travel, and improper safetying.

(7) Lines, hoses, and clamps—for leaks, improper condition, and looseness.

(8) Exhaust stacks—for cracks, defects, and improper attachment.

(9) Accessories—for apparent defects in security of mounting.

(10) All systems—for improper installation, poor general condition, defects, and insecure attachment.

(11) Cowling—for cracks, and defects.

(e) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the landing gear group:

(1) All units—for poor condition and insecurity of attachment.

(2) Shock absorbing devices—for poor condition and improper oleo fluid level.

(3) Linkage trusses and members—for undue or excessive wear, fatigue, distortion, and insecurity of attachment.

(4) Retracting and locking mechanism—for improper operation.

(5) Hydraulic lines—for leakage.

(6) Electrical system—for chafing and improper operation of switches.

(7) Wheels—for cracks, defects, and poor condition of bearings.

(8) Tires—for wear and cuts.

(9) Brakes—for improper adjustment.

(10) Floats and skis—for insecure attachment, poor condition and obvious or apparent defects.

(f) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the wing and center section groups:

Wing and center section assembly including components—for poor general condition, fabric or skin deterioration, distortion, evidence of failure, and insecurity of attachment.

(g) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the empennage group:

Empennage including components—for poor general condition, fabric or skin deterioration, distortion, evidence of failure, insecure attachment, improper component installation, and improper component operation.

(h) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the propeller group:

(1) Propeller assembly—for cracks, nicks, binds, and oil leakage.

(2) Bolts—for improper torquing and lack of safetying.

(3) Anti-icing devices—for improper operations and obvious defects.

(4) Control mechanisms—for improper operation, insecure mounting, and restricted travel.

(i) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the radio group:

(1) Radio and electronic equipment—for improper installation, and insecure mounting.

(2) Wiring and conduits—for improper routing, insecure mounting, and obvious defects.

(3) Bonding and shielding—for improper installation and poor condition.

(4) Antenna including trailing antenna—for poor condition, insecure mounting, and improper operation.

(j) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) all installed miscellaneous items not otherwise covered by this listing for improper installation and improper operation.

[Revision note: Combines §§ 18.30–18 (less 18.30–18(a)), last sentences of 18.30–18(a)(1)(i)(iii) (v), and (vi), and 18.30–(a)(1) (x), and (xi)]

DISTRIBUTION TABLE

Present section	*Revised section*
18.0	43.1
18.1	([1])
18.1–1	([2])
18.1–2	([3])
18.1–3	([2])
18.1–4	([3])
18.1–5	([3])
18.1–6	([2])
18.10	43.3
18.10–1	43.3
18.11 (as applicable to return to service aspect)	43.5
18.11 (less applicability to return to service aspect; 7th through 31st words of (b)(2) and 14th through 39th words of (b)(5))	43.7
18.11 (7th through 31st words of (b)(2))	([4])
18.11 (14th through 39th words of (b)(5))	([5])
18.11–1	([1])
18.11–2	([3])
18.12 (as applicable to performance aspect)	43.3
18.12 (less applicability to performance aspect)	43.7
18.12–1	([1])
18.13	43.5
18.20	([1])
18.20–1	([6])
18.21	43.9
18.21–1 (2d sentence)	43.9
18.21–1 (less 2d sentence)	([3])

See footnotes at end of table.

DISTRIBUTION TABLE—Continued

Present section	Revised section
18.22	43.9
18.22-1	([2])
18.22-2	([2])
18.23	43.11
18.23-1	([7])
18.24	43.9
18.30	43.13
18.30-1	43.13
18.30-2—18.30-17	([3])
18.30-18(a)	([1])
18.30-18(a) (1)	([3])
18.30-18(a) (1) (i)—(ix) (less last sentences of (i), (iii), (v), and (vi))	([6])
18.30-18(a) (1) (i), (iii), (v), and (vi) (last sentences only)	43.15
18.30-18(a) (1) (x)	43.15
18.30-18(a) (1) (xi) (Note: This exhausts § 18.30-18)	43.11
18.30-19(a)	([3])
18.30-19(b) (less last two sentences)	43.15
18.30-19(b) (last two sentences)	([6])
18.30-19(c)	([9])
18.30-19(d)	43.15
18.30-19 (less (a)-(d))	43.11
18.30-20	([6])
18.30-21	([1])
18.30-22	([3])
Appendix A	([3])
Appendix B	([3])
Appendix C	([3])
Appendix D	([3])

[1] Surplusage.
[2] Appendix A.
[3] Not a rule.
[4] Transferred to Part 65 [New].
[5] Transferred to Part 145 [New].
[6] Obsolete.
[7] Appendix B.
[8] Appendix C.
[9] Transferred to Part 91 [New].

[F.R. Doc. 63-10634; Filed, Oct. 7, 1963; 8:46 a.m.]

[14 CFR Parts 44, 129 [New]]

[Reg. Docket No. 1994; Notice 63-38]

OPERATIONS OF FOREIGN AIR CARRIERS

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Part 44 of the Civil Air Regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 25, 1963, will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material which was announced in Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

The object of the new part is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to the proposed rules.

When finally adopted, the new parts will include the substance of any applicable rules or amendments adopted and effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rulemaking have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations by deleting Part 44 and adding a Part 129 [New] reading as hereinafter set forth.

This proposal is made under the authority of section 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C. on October 2, 1963.

N. E. HALABY,
Administrator.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

Sec.
129.1 Applicability.
129.11 Operations specifications.
129.13 Airworthiness and registration certificates.
129.15 Flight crewmember certificates.
129.17 Radio equipment.
129.19 Air traffic rules and procedures.
129.21 Control of traffic.

APPENDIX A—Applications for operations specifications by foreign air carriers.

§ 129.1 Applicability.

This part prescribes rules governing the operation within the United States of aircraft of each foreign air carrier holding a permit issued by the Civil Aeronautics Board under section 402 of the Federal Aviation Act of 1958 (49 U.S.C. 1372).

[Revision note. Based on § 44.01]

§ 129.11 Operations specifications.

(a) Each foreign air carrier shall conduct its operations within the United States in accordance with operations specifications issued by the Administrator, including—

(1) Airports to be used;

(2) Routes or airways to be flown; and

(3) Such operations rules and practices as are necessary to prevent collisions between foreign aircraft and other aircraft.

(b) An application for the issue or amendment of operations specifications must be submitted in duplicate, at least 30 days before beginning operations in the United States, to the International District or Field Office in the area where the applicant's principal business office is located or to the Regional Director having jurisdiction over the area to be served by the operations. If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the applicant must secure written permission to do so from the Washington Headquarters of the military organization concerned and submit two copies of that written permission with his application. Detailed requirements governing applications for the issue or amendment of operations specifications are contained in Appendix A.

[Revision note: Combines §§ 44.2, 44.2-1(a)(1) (1st and 3d sentences), and 44.2-1(a)(2) (1st sentence)]

§ 129.13 Airworthiness and registration certificates.

(a) No foreign air carrier may operate an aircraft unless that aircraft carries current registration and airworthiness certificates issued or validated by the country of registry and displays the nationality and registration markings of that country.

(b) No foreign air carrier may operate a foreign aircraft within the United States except in accordance with the limitations on maximum certificated weights prescribed for that aircraft and that operation by the country of manufacture of that aircraft.

[Revision note: Based on § 44.3]

§ 129.15 Flight crewmember certificates.

No person may act as a flight crewmember unless he holds a current certificate or license issued by the country in which that aircraft is registered, showing his ability to perform his duties connected with operating that aircraft.

[Revision note: Based on § 44.5]

§ 129.17 Radio equipment.

Subject to the applicable laws and regulations governing ownership and

operation of radio equipment, each foreign air carrier shall equip its aircraft with such radio equipment as is necessary to properly use the air navigation facilities, and to maintain communications with ground stations, along or adjacent to their routes in the United States.

[Revision note: Based on § 44.4]

§ 129.19 **Air traffic rules and procedures.**

(a) Each pilot must be familiar with the applicable rules, the navigational and communications facilities, and the air traffic control and other procedures, of the areas to be traversed by him within the United States.

(b) Each foreign air carrier shall establish procedures to assure that each of its pilots has the knowledge required by paragraph (a) and shall check the ability of each of its pilots to operate safely according to applicable rules and procedures.

(c) Each foreign air carrier shall conform to the practices, procedures, and other requirements prescribed by the Administrator for U.S. air carriers for the areas to be operated in.

[Revision note: Based on § 44.6]

§ 129.21 **Control of traffic.**

(a) Subject to applicable immigration laws and regulations, each foreign air carrier shall furnish the ground personnel necessary to provide for two-way voice communication between its aircraft and ground stations, at places where the Administrator finds that voice communication is necessary and that communications cannot be maintained in a language with which ground station operators are familiar.

(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak both English and the language necessary to maintain communications with the aircraft concerned, and shall assist ground personnel in directing traffic.

[Revision note: Based on § 44.7]

APPENDIX A—APPLICATION FOR OPERATIONS SPECIFICATIONS BY FOREIGN AIR CARRIERS

(a) *General.* Each application must be executed by an authorized officer or employee of the applicant having knowledge of the matter set forth therein, and must have attached thereto two copies of the appropriate written authority issued to that officer or employee by the applicant. Negotiations for permission to use airports under U.S. military jurisdiction is effected through the respective embassy of the foreign government and the United States Department of State.

(b) *Format of application.* The following outline must be followed in completing the information to be submitted in the application.

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(OUTLINE)

To: The Federal Aviation Agency
Washington, D.C., 20553

In accordance with the Federal Aviation Act of 1958 (49 U.S.C. 1372) and Part 129 of the Federal Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant must submit the following information only with respect to those parts of his proposed operations that will be conducted within the United States.

SECTION I. *Operations.* State whether the operation proposed is day or night, visual flight rules, instrument flight rules, or a particular combination thereof.

SEC. II. *Operational plans.* State the route by which entry will be made into the United States, and the route to be flown therein.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Regular route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.
4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating the type of facility to be used, such as radio range, ADF, VOR, etc.

B. *Airports.* Submit the following information with regard to each regular terminal and alternate to be used in the conduct of the proposed operation:

1. Name of airport or landing area.
2. Location (direction distance to and name of nearest city or town).

SEC. IV. *Radio facilities: Communications.* List all ground radio communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States.

SEC. V. *Aircraft.* Submit the following information in regard to each type and model aircraft to be used.

A. *Aircraft.*

1. Manufacturer and model number.
2. State of origin.
3. Single-engine or multiengine. If multiengine, indicate number of engines.
4. What is the maximum takeoff and landing weight to be used for each type of aircraft.

B. *Aircraft Radio.* List aircraft radio equipment necessary for instrument operation within the United States and/or Ter- aircraft?

C. *Licensing.* State name of country by whom aircraft are certificated.

SEC. VI. *Airmen.* List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. State the type and class of certificate held by each flight crewmember.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument letdowns along or adjacent to the route to be flown within the United States.

C. State whether or not personnel are familiar with those parts of the Federal Air Regulations pertaining to the conduct of foreign air carrier operations within the United States.

D. State whether pilot personnel are able to speak and understand the English language to a degree necessary to enable them to properly communicate with Airport Traffic Control Towers and Airway Radio Communication Stations using radiotelephone communications.

SEC. VII. *Dispatchers.*

A. Describe briefly the dispatch organization which you propose to set up for air carrier operations within the United States.

B. State whether or not the dispatching personnel are familiar with the rules and regulations prescribed by the Federal Air Regulations governing air carrier operations.

C. Are dispatching personnel able to read and write the English language to a degree necessary to properly dispatch flights within the United States?

D. Are dispatching personnel certificated by the country of origin?

SEC. VIII. *Additional Data.*

A. Furnish such additional information and substantiating data as may serve to expedite the issuance of the operations specifications.

B. Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this ______ day of __________ 19__.

____
(Name of Applicant)

By _________________________
(Name of person duly authorized to execute this application on behalf of the applicant.)

DISTRIBUTION TABLE

Present section	Revised section
44.0	129.1
44.1	(1)
44.2	129.11
44.2-1(a)(1) (1st and 3d sentences)	129.11
44.2-1(a)(2) (1st sentence)	129.11
44.2-1 (less (a)(1) (1st and 3d sentences)) and (a)(2) (1st sentence)	(2)
44.3	129.13
44.4	129.17
44.5	129.15
44.6	129.19
44.7	129.21

[1] Transferred to Part 1 [New].
[2] Appendix A.

[F.R. Doc. 63-10653; Filed, Oct. 7, 1963; 8:48 a.m.]

[14 CFR Parts 47 [New], 49 [New], 187 [New], 501, 502, 503, 504, and 505]

[Reg. Docket No. 1996; Notice No. 63-39]

AIRCRAFT REGISTRATION AND RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to add Part 47—Aircraft Registration [New] and Part 49—Recording of Aircraft Titles and Security Documents [New], to Chapter I of Title 14 of the Code of Federal Regulations.

The purpose of the new parts is to revise Part 501—Registration of Aircraft, Part 502—Dealers' Aircraft Registration Certificates, Part 503—Recordation of

Aircraft Ownership, Part 504—Recordation of Encumbrances against Specifically Identified Aircraft Engines and Propellers, and Part 505—Recordation of Encumbrances against Aircraft Engines, Propellers, Appliances, or Spare Parts, of the regulations of the Administrator. The revision would provide for a temporary certificate of registration, increased registration and recording fees, changed procedures for special aircraft identification numbers, and accomplish other changes designed to clarify and implement the administration and use of these rules. In addition, the new parts would reduce to two the number of these related regulations on registration and recordation and bring them into the recodified series of regulations called the "Federal Aviation Regulations" with formats consistent therewith.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket and draft release numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C. All communications received on or before December 10, 1963, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In each of the new parts, provisions generally applicable to persons and transactions subject to it would be brought together in one place, designated "Subpart B" in each case. This would avoid redundancy and would make the regulations more readily usable.

The provisions treated in this manner in new Part 47 concern the definition and types of applicants for registration (§ 47.11); signatures; acknowledgments of conveyance instruments accompanying applications for registration, and applications made by representatives (§ 47.13); identification numbers (§ 47.15); fees for registration (§ 47.17); nontransferability of certificates of registration (§ 47.19); and a designation of the FAA Aircraft Registration Branch, Oklahoma City, Oklahoma, as the "FAA Aircraft Registry," for the submission to the FAA of all applications, requests, notifications, and other communications, except for the obtaining of identification numbers from FAA inspectors (§ 47.21).

The provisions treated in this manner in new Part 49 concern a similar designation of the "FAA Aircraft Registry" (§ 49.11); signatures and acknowledgments of conveyance instruments (§ 49.13); fees for recording (§ 49.15); and the definition and types of conveyances recorded (§ 49.17).

Also, the date a conveyance is received by the FAA Aircraft Registry would be considered the effective date of recording (§ 49.19). This would implement the provision of section 503(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1403) that a recorded conveyance should have effect from the time of its filing for recordation, and would preclude any doubt that might arise from illegible dates on mailing envelopes. For the latter reason, the new Part 47 also would provide that the FAA would consider an aircraft, except one last previously registered in a foreign country, to be registered under it when the required documents are received by the FAA Aircraft Registry (§ 47.39(a)). The FAA would consider as registered an aircraft previously registered in a foreign country, only after the required documents have been received and examined by the FAA Aircraft Registry and the duplicate of the application for registration returned to the applicant (§ 47.39(b)).

The new Part 47 would increase the existing registration fees from $4.00 to $5.00 for registration of individual aircraft and for recording a contract of conditional sale accompanying that kind of application; from $5.00 to $10.00 for a dealer's aircraft registration certificate; from $1.00 to $2.00 for a duplicate certificate of registration or additional dealer's aircraft registration certificate; and from $10.00 to $20.00 for a special or changed, reassigned, or reserved identification number. The new Part 49 would increase the existing fee for recording a conveyance, from $4.00 to $5.00 (from $2.00 to $5.00 in the case of encumbrances against engines, propellers, appliances, or spare parts, maintained at a designated location). The proposed increase has been derived from a consideration of the cost of the services involved as compared with the amounts of user charges collected for these activities.

The new Part 47 would limit the assignment of special identification numbers (one to three symbols) to FAA-owned aircraft and to other aircraft which will not structurally accommodate a larger number, and also would delete the provision for assignment of series of numbers to manufacturers which are consecutive, since the Agency does not have left sufficient low numbers for further assignment to other Government-owned aircraft, or blocks of consecutive numbers for assignment to manufacturers § 47.15 (c) and (d)). Manufacturers still could apply for groups of numbers sufficient to supply their estimated production for 18 months. Also the new provisions would limit the reserve status of a special identification number reserved for later assignment to one year, and would require the aircraft owner to receipt for the special identification number to the FAA Aircraft Registry, acknowledging that he has affixed the number to his aircraft, and to keep the duplicate of the application in his aircraft as temporary proof of authority to operate with that number pending receipt of revised registration and airworthiness certificates bearing the special number (§ 47.15(d)(3)).

The provisions for application for or cancellation of registration, and for recording of conveyances made by persons doing business under a trade name, and by a representative of the owner (such as by an agent, or for a corporation, partnership, or cotenancy) would be revised and clarified (§§ 47.13 (c) and (d) and 49.13(b)). Furthermore, a power of attorney or similar evidence of a person's authority to execute a document for another, submitted under either new Part, would be considered by the FAA to be valid for no longer than two years, in order to permit the purging of obsolete records from its files (§§ 47.13(e) and 49.13(d)).

The revised provisions for registration of individual aircraft would substitute for the present Part A "Certificate of Registration," of Form FAA-500, a new "Temporary Certificate of Registration" (§ 47.31). Under the existing procedures, it has been possible for an applicant to retain the duplicate of Part B "Application for Registration" as temporary authorization to operate the aircraft indefinitely. The proposed procedure would limit this temporary authorization to 30 days. The FAA would issue to the applicant a new Part A temporary certificate which would authorize operation of the aircraft until the application has been processed and, upon approval, would issue the regular certificate. The new provisions also would clarify and strengthen the provisions for applications for registration of amateur-built aircraft, aircraft built from kits, and aircraft assembled to conform to approved type designs by persons other than the holders of the type certificates (§ 47.33 (b) and (c)).

Other changes which would be made by the new Part 47 provide for the termination of a certificate of registration when the registered owner dies (§47.41 (a)(6)), and for cancellation of registration for export purpose (§ 47.47). Also, the holder of a dealer's aircraft registration certificate, other than a manufacturer, would be required to provide to the FAA evidence of his ownership of each aircraft he operates while using his certificate (§ 47.67). This has been added in order to facilitate identification of that dealer as the owner of aircraft operated under his certificate. Also, the existing requirement of display of a certificate of registration would be deleted, since § 91.27 of Part 91 of the Federal Aviation Regulations "General Operating and Flight Rules" [New] provides the rule on carrying certificates.

In the new Part 49, provision would be made for the recording of a mortgage upon the interest of a conditional vendor of an aircraft, which is not permitted under existing Part 503 (§ 49.17(e)(1)). The Part would in terms preclude the recording of Federal tax liens (§49.17), since under the Internal Revenue Code these liens are required to be filed elsewhere.

In consideration of the foregoing, it is proposed to amend Chapter III of Title 14 of the Code of Federal Regulations by deleting Parts 501, 502, 503, 504, and 505, and § 406.14 (c) and (d), Regulations of the Administrator, and to amend Chapter I of that title by adding new Parts 47 and 49 as hereinafter set forth, and by adding a reference to the increased fees for duplicates of certificates of aircraft registration in § 187.3

(b) of Part 187 Fees for Copying and Certifying Federal Aviation Agency Records [New].

In order to avoid its issuance, and then immediate reissuance in a recodified form, this revision is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material. In the FEDERAL REGISTER for August 9, 1962 (27 F.R. 7908), this Agency published a notice of proposed rulemaking for a proposed Subchapter C—Aircraft [New] in Chapter I of Title 14. There was included in that subchapter proposed Parts 47 [New] and 49 [New] to contain a recodification of Parts 501–505 of the regulations of the Administrator. This proposal would replace the recodification of those parts.

This amendment is proposed under the authority of sections 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1405, 1502).

Issued in Washington, D.C. on October 3, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

PART 47—AIRCRAFT REGISTRATION

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Subpart A—Introduction

§ 47.1 Applicability of this part.

This part applies to the registration of aircraft required or permitted by section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401). Subpart B of this part provides rules which govern, where applicable by their terms, all persons and transactions subject to this part. Subpart C of this part applies to registration of aircraft by owners other than manufacturers and sellers who are eligible for dealers' aircraft registration certificates under Subpart D of this part.

§ 47.3 Unlawful operation of unregistered aircraft.

(a) No person may operate any aircraft eligible for registration under this part, other than aircraft of the national-defense forces, unless that aircraft has been registered by its owner.

(b) Eligibility for registration is defined by section 501(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1401) as follows:

(b) An aircraft shall be eligible for registration if, but only if—

(1) It is owned by a citizen of the United States and it is not registered under the laws of any foreign country; or

(2) It is an aircraft of the Federal Government, or of a State, Territory, or possession of the United States, or the District of Columbia, or a political subdivision thereof.

Subpart B—General

§ 47.11 Applicants.

(a) A citizen of the United States who wishes to register an aircraft in this country must apply for a certificate of registration under this part. "Citizen of the United States" is defined by section 101(13) of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

(b) An aircraft may be registered only by and to its owner. However, section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) states that "registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue." The FAA does not issue any certificate of ownership or endorse information with respect to ownership on certificates of registration. It issues the certificate of registration to the person who appears to be the owner on the basis of the evidence of ownership the applicant submits to it.

(c) For the purposes of this part, "owner" includes the buyer in possession, bailee, or lessee, of an aircraft under a contract of conditional sale, within the meaning of the definition of "conditional sale" in section 101(16) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and the assignee of the interest of such a person.

(d) When he applies for registration, the buyer, bailee, or lessee must submit the contract of conditional sale as proof of ownership, and the contract must be eligible for recording under § 49.17(d) of this chapter. When he applies for registration, the assignee must submit the original contract (unless it has already been recorded by the FAA) and his assignment from the original buyer, bailee, or lessee, or prior assignee thereof. The assignment also must be eligible for recording under § 49.17(d) of this chapter, must be signed by the seller, bailor, or lessor under the contract of conditional sale, or his asignee and show that he agrees to this assignment.

(e) An applicant for registering an aircraft that he obtained by repossession or foreclosure proceedings must submit, as evidence of his ownership, a certificate of repossession on Form FAA–909, or its equivalent, executed by him, stating that the aircraft has been repossessed or otherwise seized under the financing agreement involved and applicable local laws. Unless the financing agreement has been previously recorded with the FAA, he must also submit the original or a true copy of it, imprinted on paper permanent in nature, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy. If the repossession was through foreclosure proceedings, he must also submit a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, autioneer, or other person responsible for conducting the sale.

(f) An applicant for registering an aircraft that he bought at a judicial sale or at a sale to satisfy a lien must submit, as evidence of his ownership, a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, auctioneer, or other person responsible for conducting the sale and stating that the sale was made under applicable local law.

(g) An applicant for registering an aircraft, the title to which has been in controversy and has been determined by a court, must submit, as evidence of his ownership, a certified copy of the decision of the court.

(h) The administrator or executor of the estate of the deceased former owner of an aircraft may apply for registering it in his name as administrator or executor. He must submit with the application a certified copy of the letters of administration or letters testamentary appointing him administrator or executor.

(i) An applicant for registering an aircraft that he bought from the estate of a deceased former owner must submit, as evidence of his ownership, a bill of sale, executed for the estate and acknowledged by the administrator or executor, and a certified copy of the letters of administration or letters testamentary. However, if no executor or administrator has been or is to be appointed, the bill of sale must be executed and acknowledged by the heir at law of the deceased former owner and be accompanied by an affidavit of the seller that no application has been made for appointment of an administrator or executor, that so far as he can determine none will be made, and that, under the law of the jurisdiction having authority, he is the person entitled to the aircraft or has the right to dispose of it.

(j) The appointed guardian of the property of another person may apply for registering an aircraft in his name as guardian. He must submit with his application a certified copy of the order of the court appointing him guardian.

(k) The appointed trustee of property including an aircraft may apply for registering the aircraft in his name as trustee. He must submit with his application a certified copy of the order of the court appointing him trustee or,

if he was appointed without order of a court, a complete copy of the trust instrument naming him, imprinted on material permanent in nature, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy.

§ 47.13 Signatures, acknowledgments, and instruments made by representatives.

(a) The signature on an application for a certificate of registration or instrument submitted as evidence of ownership, must be in ink.

(b) Any acknowledgment of a conveyance instrument must be made before a notary public or other officer authorized by the United States, a Territory or possession of the United States, a State, or the District of Columbia, to take acknowledgment of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable.

(c) An application for registration, or for canceling a registration, made by or on behalf of one or more persons doing business under a trade name must be made in the true name or names of the applicant or applicants, and must show the capacity of the person who signs, such as individual owner, agent, corporate representative, partner, or cotenant, as well as the trade name. However, an application made for an unincorporated association of five or more persons doing business under a trade name need not show the true names of more than five members.

(d) An application for registration, or for cancellation of registration, made by a representative of the owner, must comply with the following:

(1) An application made by an agent must bear the names of both the applicant and the agent, and indicate that he signs as agent or attorney-in-fact. It must be accompanied by a signed and acknowledged power of attorney or a true copy thereof, imprinted on paper permanent in nature, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy, or other satisfactory evidence of the agent's authority.

(2) An application made for a corporation must show on it the title of the signer's office and bear the corporation's seal. No person other than the president, vice president, secretary, or treasurer of a corporation may sign the document in its behalf unless the document is accompanied by a copy of his authority to sign from the board of directors of the corporation, certified as true by one of the officers named.

(3) An application made for a partnership must show the full name of the partnership, the names of all of the partners, and have the word "partner" following the signature of the person who signs for it.

(4) An application made for cotenants who are not engaged in business as partners must bear the signature of each person having title to the aircraft under that arrangement. However, an application made for an unincorporated association of five or more persons need not bear the signatures of more than five members.

(e) A power of attorney or other evidence of a person's authority to execute a document for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before [effective date of this part], two years after that date.

§ 47.15 Identification number.

(a) An applicant for registering an aircraft must first obtain the identification number ("registration mark") he places on Parts A, B, and C, Form FAA-500. This is the identification number for which §§ 1.100 through 1.109 of Part 1 of the Civil Air Regulations (Chapter I of Title 14 of the Code of Federal Regulations) provide rules for description, display, and maintenance thereof. The identification number assigned to the aircraft remains with it unless the owner obtains a different number under paragraph (d) of this section.

(1) If the aircraft was not last previously registered in a foreign country, the applicant must obtain the identification number, without charge, from the nearest FAA inspector in the field. However, he applies for a group of identification numbers, as an aircraft manufacturer, or for a special identification number, under paragraph (c) or (d) of this section.

(2) If the aircraft was last previously registered in a foreign country, the applicant must obtain the identification number from the FAA inspector at the port of entry of the aircraft into the United States or the appropriate FAA International Field Office. A U.S. identification number is assigned only after the foreign registration has been terminated or found to be invalid by the FAA Aircraft Registry. No charge is made for this identification number.

(b) In addition to the prefix "N", the identification number does not exceed five symbols. These may all be digits, or one to four digits may be followed by one letter, or one to three digits may be followed by two letters. A number followed by a specific letter that has been assigned to an aircraft is not assigned concurrently to another aircraft even with an additional suffix letter. For example, if number N100A is assigned, then that number with an additional suffix, such as "N100AB", is not concurently assigned. However, if the owner requests, he may be permitted, without charge, to add a second suffix letter to an assigned one to three digit number followed by a letter.

(c) An aircraft manufacturer may apply to the FAA Aircraft Registry for a group of identification numbers sufficient in number to supply his estimated production for the ensuing 18 months. No charge is made for this series.

(d) Unassigned identification numbers are available as special identification numbers. However, identification numbers of one to three symbols are reserved for assignment to FAA-owned aircraft and other aircraft which will not accommodate a larger number.

(1) If the owner wants a special identification number, or if he wants to change the identification number of his aircraft, he may apply to the FAA Aircraft Registry, accompanying his request with the fee provided in § 47.17.

(2) Any application for an identification number of one to three symbols must be accompanied by a statement of an FAA inspector that the aircraft is of such structural configuration or design as to preclude the placing of a registration number of more than three symbols on either its fuselage or vertical tail surface.

(3) Assignment of a special identification number is made on Form FAA– (new form in process). The owner must complete and sign the receipt contained therein, acknowledging that he has affixed the number to his aircraft on the date designated, and return the original of that form to the FAA Aircraft Registry within five days after affixing the number. Upon receipt, the FAA provides to the owner a revised certificate of registration, together with a new certificate of airworthiness changed only to show the special identification number. The owner shall carry the duplicate of Form FAA– (new form in process) in his aircraft together with the existing certificate of registration, if any, to serve as temporary proof of authority to operate the aircraft with the special identification number pending receipt of the revised certificates of registration and airworthiness, at which time the temporary authority expires.

(4) The owner of an aircraft to which a one to three symbol identification number was assigned before [effective date of this part] need not surrender that number. He may, before selling his aircraft, request the FAA Aircraft Registry to reassign that number to another aircraft owned by him or reserve it for later assignment, accompanying his request with the fee provided in § 47.17 for the number being reassigned or reserved. At the same time he must apply for a new identification number for the aircraft being sold. A special identification number reserved for later assignment is held in a reserve status by the FAA for no longer than one year. However, a number so reserved before [effective date of this part] will be held in a reserve status for one year after that date.

§ 47.17 Fees for registration.

(a) The fees for registering aircraft under this part are as follows:

(1) Registration of individual aircraft	$5.00
(2) Dealer's aircraft registration certificate	10.00
(3) Additional dealer's aircraft registration certificate issued to same dealer	2.00
(4) Special identification number (each number)	20.00
(5) Changed, reassigned, or reserved identification number	20.00
(6) Duplicate certificate of registration	2.00

(b) Fees must accompany the application in each case and may be paid by check or money order payable to the Federal Aviation Agency.

§ 47.19 Nontransferability of certificate.

A certificate of registration may not be transferred.

§ 47.21 FAA Aircraft Registry.

Except as provided in § 47.15(a) (1) and (2), all applications, requests, notifications, and other communications transmitted to the FAA under this part must be mailed or delivered only to the FAA, Aircraft Registration Branch, Oklahoma City, Oklahoma, which is called the "FAA Aircraft Registry" elsewhere in this part.

Subpart C—Owners' Certificates of Registration

§ 47.31 Application for registration.

(a) Application for registration of an aircraft under this subpart is made by sending to the FAA Aircraft Registry Form FAA-500 fully executed. The name of the applicant must be identical on each of Parts A, B, and C of the form. It must be accompanied by the fee required by § 47.17. The applicant must submit—

(1) The original and a duplicate copy of Part A—"Temporary Certificate of Registration."

(2) The original of Part B—"Application for Registration."

(3) The original of Part C—"Bill of Sale," or other evidence of ownership authorized by §§ 47.33, 47.35, or 47.37.

(b) Upon transmitting his application for registration, the applicant shall carry the duplicate copy of Part B of Form FAA-500 within the aircraft while operating it. This serves as temporary authorization to operate the aircraft, valid for not over 30 days after the date of execution until he receives back Part A, Temporary Certificate of Registration, or the regular certificate of registration. However, this paragraph does not apply to an applicant under § 47.37 for registration of an aircraft last previously registered in a foreign country.

§ 47.33 Registration of aircraft not previously registered anywhere.

(a) A U.S. citizen who is the owner of an aircraft that has not been registered under the Federal Aviation Act of 1958, or other law of the United States, or under foreign law, is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15, and 47.17; and

(2) Submits with his application a conveyance on Part C of Form FAA-500 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized by § 47.11 (b) through (k).

If the applicant cannot, for good reason, produce this proof, he must submit other evidence of ownership that is satisfactory to the Administrator. This evidence may be an acknowledged instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

(b) The owner of an amateur-built aircraft who applies for registration under paragraph (a) of this section must describe the aircraft by category, class, and type, and the engine by make, model, and horsepower, and must state whether the aircraft is built for land or sea operation. Also, he must submit as proof of ownership an acknowledged instrument stating that the aircraft was built from parts and that he is the owner. If he built the aircraft from a kit, the applicant must also submit an acknowledged bill of sale from the manufacturer of the kit.

(c) The owner, other than the holder of the type certificate, of an aircraft which he assembles from parts to conform to the approved type design, must describe the aircraft and engine in the manner required by paragraph (b) of this section and also submit evidence of ownership satisfactory to the Administrator, such as acknowledged bills of sale, for all major components of the aircraft.

§ 47.35 Registration of aircraft last previously registered in the United States.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the Federal Aviation Act of 1958, or other law of the United States, is entitled to have it registered under this part if he complies with §§ 47.11, 47.13, 47.15, and 47.17 and submits with his application a conveyance on Part C of Form FAA-500 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized by § 47.11 (b) through (k).

(1) If the applicant bought the aircraft from the last registered owner, the conveyance must be from that owner to him.

(2) If he did not buy the aircraft from the last registered owner, he must submit bills of sale or similar documents showing consecutive transactions from the last registered owner, through each intervening owner, to him.

(b) If the applicant cannot, for good reason, produce the evidence of ownership required by paragraph (a) of this section, he must submit other proof that is satisfactory to the Administrator. This evidence may be an acknowledged instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

§ 47.37 Registration of aircraft last previously registered in a foreign country.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the law of a foreign country is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15 and 47.17 of this chapter;

(2) Submits with the application a bill of sale from the foreign seller or other proof satisfactory to the Administrator that he owns the aircraft; and

(3) Submits evidence satisfactory to the Administrator that—

(i) If the country in which the aircraft was registered has not ratified the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830), the foreign registry has ended or is invalid; or

(ii) If that country has ratified the Convention, the foreign registry has ended or is invalid, and each holder of a recorded right against the aircraft has been satisfied or has consented to the transfer, or ownership in the country of export has been ended by a sale in execution under the terms of the Convention.

(b) For the purposes of paragraph (a)(3) of this section, satisfactory evidence may consist of—

(1) A statement that the registry has ended or is invalid, made by the official having jurisdiction over the national aircraft registry of the foreign country, showing that official's name and title, and describing the aircraft by make, model, and serial number; or

(2) A final judgment or decree of a court of competent jurisdiction that determines, under the law of the country concerned, that the registry has in fact become invalid.

§ 47.39 Effective date of registration.

(a) The FAA considers an aircraft, except one last previously registered in a foreign country, to be registered under this subpart upon the date that the documents required by §§ 47.33 or 47.35, whichever applies, are received by the FAA Aircraft Registry.

(b) The FAA considers an aircraft last previously registered in a foreign country to be registered under this subpart only after the documents required by § 47.37 have been received and examined by the FAA Aircraft Registry and the duplicate of Part A of Form FAA-500 has been returned to the applicant.

§ 47.41 Duration of registration and return of certificate of registration.

(a) Each certificate of registration issued by the FAA under this subpart remains effective, unless suspended or revoked, until the date—

(1) Subject to the International Convention on the Recognition of Rights in Aircraft, the aircraft is registered under the laws of a foreign country;

(2) The registration is canceled at the written request of the owner;

(3) The aircraft is totally destroyed or scrapped;

(4) Ownership of the aircraft is transferred;

(5) The registered owner loses his American citizenship; or

(6) The registered owner dies.

(b) The certificate of registration, with the reverse side thereof completed, must be returned to the FAA Aircraft Registry—

(1) Upon the termination of the registration, by the person who was owner of the aircraft before the registration under the laws of a foreign country;

(2) Within 60 days after the former owner's death, by the administrator or executor of his estate, or by his heir at law if no administrator or executor has been or is to be appointed; or

(3) Upon the termination of the registration, by the holder of the certificate of registration in all other cases mentioned in paragraph (a) of this section.

§ 47.43 Invalid registration.

(a) The registration of an aircraft is invalid if, at the time it is made—

(1) The aircraft is registered in a foreign country;

(2) The applicant is not the owner;

(3) The applicant is not a citizen of the United States; or

(4) The applicant is a citizen of the United States, but his interest in the aircraft was created by a transaction that was not entered into in good faith and was made to avoid (with or without the owner's knowledge) compliance with section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) that prevents registration of an aircraft owned by a person who is not a citizen of the United States.

(b) When the registration is invalid, the holder of the certificate of registration must return it to the FAA Aircraft Registry.

§ 47.45 Notice of change of address.

Within 30 days after any change in his permanent mailing address, the registered owner of an aircraft shall notify the FAA Aircraft Registry of his new address.

§ 47.47 Cancellation of registration for export purpose.

The registration of an aircraft is canceled for the purpose of export only upon the written request of the owner and, in the case of an aircraft under a contract of conditional sale, with the written consent of the conditional seller, bailor, or lessor, sent to the FAA Aircraft Registry. The request must state the registration number and describe the aircraft by make, model, and serial number, and country to which the aircraft will be exported. The FAA notifies that country of the cancellation by ordinary mail, or by airmail at the owner's request. The transmission of this notice by means other than ordinary mail or airmail must be arranged and paid for by the owner.

§ 47.49 Replacement of certificate.

(a) If a certificate of registration is lost, stolen, or mutilated, the person to whom it was issued may apply to the FAA Aircraft Registry for a duplicate certificate, accompanying his request with the fee required by § 47.17.

(b) If a person has applied for a duplicate certificate and needs to operate his aircraft before receiving it, the FAA Aircraft Registry, upon the owner's request, issues a temporary certificate, by a collect telegram, to be carried in the aircraft. This temporary certificate is valid until he receives the requested duplicate certificate issued by the FAA.

Subpart D—Dealers' Aircraft Registration Certificates

§ 47.61 Applicability.

(a) This subpart applies to the registration of aircraft by manufacturers and sellers, so as to—

(1) Allow manufacturers to make required production flight checks; and

(2) Facilitate operating, demonstrating, and merchandising aircraft by the manufacturer or seller without imposing the burden of obtaining an individual certificate of registration for each aircraft with each transfer of ownership, as required by Supart C of this part.

(b) A dealer's aircraft registration certificate is an alternative for the certificate of registration prescribed by Subpart C of this part. A dealer may, under this subpart, obtain one or more dealers' aircraft registration certificates additional to his original certificate, and he may use a certificate for any aircraft he owns.

§ 47.63 Application for registration.

Application for a dealer's aircraft registration certificate is made upon Form FAA-1706, accompanied by the fee required by § 47.17.

§ 47.65 Eligibility.

To be eligible for a dealer's aircraft registration certificate, a person must have an established place of business in the United States or one of its Territories or possessions, and must be substantially engaged in manufacturing or selling aircraft.

§ 47.67 Ownership.

Before operating an aircraft he owns while using his dealer's aircraft registration certificate, the holder of the certificate, other than a manufacturer, must send to the FAA Aircraft Registry evidence satisfactory to the Administrator that he is the owner of that aircraft. Part C of Form FAA-500 or its equivalent may be used for this purpose, and no recording fee need accompany it.

§ 47.69 Operating limitations.

A dealer's aircraft registration certificate is valid for operating aircraft only—

(a) By the owner of the aircraft to whom it was issued, his agent or employee, or a prospective buyer, and in the case of a dealer other than a manufacturer, only when he has complied with § 47.67;

(b) Within the United States, its Territories, and possessions;

(c) While a certificate is carried within the aircraft; and

(d) On a flight which is—

(1) For required flight tests; or

(2) In ordinary trade channels between any two or more of the following: the manufacturer, the seller, and the buyer from either of them; or

(3) For demonstration purposes necessary to sell the aircraft.

However, a prospective buyer may operate a single place aircraft for demonstration purposes only while he is under the direct supervision of the holder of the dealer's aircraft registration certificate or his agent.

§ 47.71 Duration of registration and notice of change of status.

(a) A dealer's aircraft registration certificate expires one year after the date on which it was issued. All additional certificates expire upon the date of expiration of the original certificate.

(b) Immediately after any change in his name or his address or a change that affects his status as a citizen of the United States, or upon discontinuance of his business, the holder of a dealer's aircraft registration certificate shall notify the FAA Aircraft Registry of that change or discontinuance of business.

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

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49.43 Eligibility for recording: General requirements.
49.45 Recording of releases, cancellations, discharges, and satisfactions: Special requirements.

Subpart E—Encumbrances Against Aircraft Engines, Propellers, Appliances, and Spare Parts

49.51 Applicability.
49.53 Eligibility for recording: General requirements.
49.55 Recording of releases, cancellations, discharges, and satisfactions: Special requirements.

Subpart A—Introduction

§ 49.1 Applicability of this part.

(a) This part applies to the recording of certain conveyances affecting title to, or any interest in—

(1) Any aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401);

(2) Any specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower;

(3) Any specifically identified aircraft propeller able to absorb 750 or more rated takeoff shaft horsepower; and

(4) Any aircraft engines, propellers, or appliances maintained by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or for such an air carrier.

(b) Subpart B of this part provides rules that govern, where applicable by their terms, conveyances subject to this part.

Subpart B—General

§ 49.11 FAA Aircraft Registry.

To be eligible for recording, a conveyance must be sent to the FAA, Aircraft Registration Branch, Oklahoma, City, Oklahoma, which is called the "FAA Aircraft Registry" elsewhere in this part.

§ 49.13 Signatures and acknowledgments.

(a) The signature on any conveyance must be in ink.

(b) Conveyances made by or on behalf of one or more persons doing business under trade names, and by agents, corporations, partnerships, cotenants, or unincorporated associations, must comply with the rules provided for applications for registration in § 47.13 (c) and (d) of this chapter.

(c) A conveyance or other instrument recorded under this Part must be acknowledged before a notary public or other officer authorized by the United States, a Territory or possession of the United States, a State, or the District of Columbia, to take acknowledgment of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable. These requirements do not apply to a notice of a charge arising out of a claim for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft, covered by § 49.37.

(d) A power of attorney or other evidence of a person's authority to execute a conveyance for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before [effective date of this part], two years after that date.

§ 49.15 Fees for recording.

(a) The fees charged for recording conveyances under this part are as follows:

(1) Conveyance of aircraft—

For each aircraft listed herein—$5.00

(2) Conveyance, made for security purposes, of a specifically identified aircraft engine or propeller, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart D—

For each engine or propeller—$5.00

(3) Conveyance, made for security purposes, of aircraft engines, propellers, appliances, or spare parts, maintained at a designated location or locations, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart E—

For the group of items at each location—$5.00

(b) There is no fee for recording a conveyance, other than a contract of conditional sale, that accompanies an application for registration and fee under Part 47 of this chapter.

(c) Fees must accompany conveyances and may be paid by check or money order made payable to the Federal Aviation Agency.

§ 49.17 Conveyances recorded.

(a) The instruments recorded under this part are conveyances" within the following definition in section 101(17) of the Federal Aviation Act of 1958 (49 U.S.C. 1301):

(17) "Conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property.

A Federal tax lien is not recordable under this part, since it is required by law to be filed at the domicile of the person owning the property subject to the lien.

(b) The kinds of conveyances recorded under this part include those used as proof of ownership under § 47.11 (b) through (k) of this chapter, if they are properly acknowledged.

(c) The recording of a conveyance does not imply a decision of the FAA that the instrument does, in fact, affect title to, or an interest in, the aircraft or other property it covers.

(d) The following rules apply to contracts of conditional sale, that are defined in § 47.11(b)(1) of this chapter, and assignments thereof:

(1) A contract of conditional sale may be recorded by either party to it. It must be signed and acknowledged by both parties.

(2) An assignment of the interest of the seller, bailor, or lessor under a contract of conditional sale must be signed and acknowledged by the assignor and, unless it is attached to and is a part of the contract itself, must contain a description of the contract including the date of the contract, the names of the parties, the date of FAA recording, and the recorded document number.

(3) An assignment of the interest of the buyer, bailee, or lessee under a contract of conditional sale must clearly identify the original contract, and must be signed and acknowledged by the assignor (original conditional buyer, bailee, or lessee, or his assignee) and signed by the holder of the contract (original conditional seller, bailor, or lessor, or his assignee) to show the latter's consent to the assignment. The description of the contract must include its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) When the conditions of a contract of conditional sale for the passing of title to the conditional buyer, bailee, or lessee have been met, the holder of the conditional seller's, bailor's, or lessor's interest shall execute a release on Form FAA-818 provided to him by the FAA when he recorded the conveyance to him, or its equivalent, and send it to the FAA Aircraft Registry for recording.

(e) The following rules apply to chattel mortgages:

(1) A chattel mortgage must be signed and acknowledged by the mortgagor, and he must be the registered owner of the aircraft. However, if he is not the registered owner, the chattel mortgage must be accompanied by his application for registration under Part 47 of this chapter, unless—

(i) He holds a dealer's aircraft registration certificate and he submits documents proving his ownership as provided in § 47.67 of this chapter (if applicable);

(ii) He was the owner of the aircraft on the date the mortgage was executed, as shown by documents recorded by the FAA Aircraft Registry; or

(iii) He is the vendor, bailor, or lessor under a contract of conditional sale.

(2) The name of a cosignor may not appear in the mortgage as a mortgagor (owner). If a person other than the registered owner signs as cosignor, he must show the title "cosignor" under his signature.

(3) An assignment of a chattel mortgage must be signed and acknowledged by the mortgagee (assignor) and, unless it is attached to and is a part of the original mortgage, must describe the mortgage in enough detail to identify it including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) A supplement to a chattel mortgage that has been recorded by the FAA must meet the requirements for recording a chattle mortgage and describe the original mortgage in enough detail to identify it including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(5) When a debt secured by a chattel mortgage has been satisfied or any of the mortgaged aircraft released from the chattel mortgage, the holder shall execute a release on Form FAA-506 provided to him by the FAA when he recorded the conveyance made to him, or its equivalent, and shall send it to the FAA Aircraft Registry for recording. If the debt is secured by more than one aircraft and all of the collateral is released, the collateral need not be described in detail in the release document. However, the description of the mortgage must include the names of the parties, the date of FAA recording, and the recorded document number.

§ 49.19 Effective date of filing for recordation.

A conveyance is filed for recordation upon the date it is received by the FAA Aircraft Registry.

§ 49.21 Return of original conveyance.

A person submitting a conveyance for recording who wants the original returned to him must submit a true copy with the original. After recording, the copy is kept by the FAA and the original is returned to the applicant stamped with the date and hour of recording. The copy must be imprinted on paper permanent in nature, including dates, signatures, and acknowledgments, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy.

Subpart C—Aircraft Ownership and Encumbrances Against Aircraft

§ 49.31 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A bill of sale, contract of conditional sale, assignment of an interest

under a contract of conditional sale, mortgage, assignment of mortgage, lease, notice of tax lien or of other lien, or other instrument affecting title to, or any interest in, aircraft.

(b) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) of this section.

§ 49.33 Eligibility for recording: General requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It is in a form prescribed by, or acceptable to, the Administrator for that kind of conveyance;

(b) It describes the aircraft by make and model, manufacturer's serial number, and FAA registration number, or other detail that makes identification possible;

(c) It is an original document or a duplicate original of it, or if neither the original nor a duplicate original is available, a copy of a conveyance recorded under the laws of a State, the District of Columbia, or a Territory or possession of the United States, certified by the officer having custody of it;

(d) It affects aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401); and

(e) It is accompanied by the recording fee required by § 49.15. However, no fee is charged for recording a release, cancellation, discharge, or satisfaction of a conveyance named in § 49.31(a).

§ 49.35 Eligibility for recording: Ownership requirements.

If the seller of an aircraft is not shown on the records of the FAA as the owner of the aircraft, a conveyance, including a contract of conditional sale, submitted for recording under this subpart must be accompanied by bills of sale or similar documents showing consecutive transfers from the last registered owner, through each intervening owner, to the seller.

§ 49.37 Claims for salvage or extraordinary expenses.

The right to a charge arising out of a claim for compensation for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft in operations terminated in a foreign country that is a party to the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) may be noted on the FAA record by filing notice thereof with the FAA Aircraft Registry within three months after the date of termination of the salvage or preservation operations.

Subpart D—Encumbrances Against Specifically Identified Aircraft Engines and Propellers

§ 49.41 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, a specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower, or a specifically identified aircraft propeller capable of absorbing 750 or more rated takeoff shaft horsepower.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.43 Eligibility for recording: General requirements.

A conveyance is eligibile for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It affects and describes an aircraft engine or propeller to which this subpart applies, specifically identified by make, model, horsepower, and manufacturer's serial number; and

(b) It is accompanied by the recording fee required by § 49.15. However, no fee is charged for recording a release, cancellation, discharge, or satisfaction of a conveyance named in § 49.41 (a) or (b).

§ 49.45 Recording of releases, cancellations, discharges, and satisfactions: Special requirements.

(a) A release, cancellation, discharge, or satisfaction of collateral listed in an encumbrance must be in a form equivalent to release Form FAA-1991, and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the collateral released.

(b) If more than one engine or propeller, or both, is listed in the encumbrance and all of them are released, they need not be listed by serial number, but the release, cancellation, discharge, or satisfaction must state that all of the encumbered engines or propellers are released. The original recorded document must be clearly identified by the names of the parties, the date of FAA recording, and the document date.

Subpart E—Encumbrances Against Aircraft Engines, Propellers, Appliances, and Spare Parts

§ 49.51 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien, or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, any aircraft engine, propeller, or appliance maintained by or for an air carrier certified under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or for such an air carrier.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.53 Eligibility for recording: General requirements.

(a) A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(1) It affects any aircraft engine, propeller, appliance, or spare part, maintained at a designated location or locations by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b));

(2) It contains or is accompanied by a statement by the mortgagor, conditional purchaser, lessee, or other similar party that is an air carrier certificated under that section;

(3) It specifically describes the location or locations of the aircraft engines, propellers, appliances, or spare parts covered by it; and

(4) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a release, cancellation, discharge, or satisfaction of a conveyance named in § 49.51 (a) or (b).

(b) The conveyance need only describe generally, by type, the engines, propellers, appliances, or spare parts covered by it.

§ 49.55 Recording of releases, cancellations, discharges, and satisfactions: Special requirements.

(a) A release, cancellation, discharge, or satisfaction of all of the collateral listed in an encumbrance, or all of it at a particular place, must be in a form equivalent to release Form FAA-1991, acknowledged by the holder of all of the collateral at the particular place, and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the location of the released collateral.

(b) If the collateral at all of the places listed in the encumbrance is released, cancelled, discharged, or satisfied, the places need not be listed. However, the document must state that all of the collateral at all of the places listed in the encumbrance has been so released, canceled, discharged, or satisfied. The original recorded document must be clearly identified by the names of the parties, the date of recording by the FAA, and the document number.

[F.R. Doc. 63-10652; Filed, Oct. 7, 1963; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

BUREAU OF TRANSPORTATION AND INTERNATIONAL SERVICES

Revised Bureau Designation

The following is the text of Headquarters Circular No. 63-29, dated September 19, 1963, signed by the Deputy Postmaster General, which revised the title designation of the Bureau of Transportation.

Effective at once, the Bureau of Transportation will be known as the Bureau of Transportation and International Services.

The new title will be used to designate the Bureau in all correspondence, issuances, forms and other documents prepared hereafter. Existing forms and other printed matter bearing the old designation will be used until reprinted.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-10632; Filed, Oct. 7, 1963; 8:46 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 32, Modification]

UNITED STATES OPERATIONS MISSION TO VIETNAM

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961, I hereby modify the Delegation of Authority to execute contracts and other documents of November 26, 1954, as amended (19 F.R. 8049), as it applies to the United States Operations Mission to Vietnam to the effect that the Mission Director is authorized to redelegate, in whole or in part, the authority conferred upon him by the said Delegation of Authority of November 26, 1954 to the Deputy Director and one or more other members of the Mission Staff as the Director may designate. However, authorities redelegated to more than one such other member of the Mission Staff must relate to separate fields of activity.

This delegation of authority shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 31, 1963.

DAVID E. BELL,
Administrator.

[F.R. Doc. 63-10627; Filed, Oct. 7, 1963; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a doument relating to a joint call for report of condition of insured banks, see F.R. Doc. 63-10633, Federal Deposit Insurance Corporation, *infra.*

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business September 30, 1963 to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided,* That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130-A—Call No. 447,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 169,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 65,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January, 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

JESSE P. WOLCOTT,
Director, Federal Deposit Insurance Corporation.

JAMES J. SAXON,
Comptroller of the Currency.

WM. MCCHESNEY MARTIN, Jr.,
Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 63-10633; Filed, Oct. 7, 1963; 8:46 a.m.]

[1] Filed as part of original document.

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 63-10633, Federal Deposit Insurance Corporation, *supra.*

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CORTEZ LIVESTOCK AUCTION ET AL.

Notice of Approval of Certain Stockyards and Livestock Markets

On August 9, 1963, and August 27, 1963, notices were published in the FEDERAL REGISTER (28 F.R. 8220, 9401), which contained lists of all stockyards and livestock markets approved under § 76.16 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the

Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–26; 75 Stat. 481; 76 Stat. 126).

Pursuant to such authority, notice is hereby given that the following additional stockyards and livestock markets are approved under said regulations as indicated below:

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE ALL CLASSES OF SWINE

COLORADO

Cortez Livestock Auction, Cortez.

ILLINOIS

Illinois Producers Livestock Association, Payson.
Meredith Feeder Pigs, Elburn.
Woodford County Livestock, El Paso.

KANSAS

Cedar Vale Sales Co., Cedar Vale.
Dodge City Livestock Commission Co., Inc., Dodge City.
Koenig Sales Co., Inc., Junction City.
McPherson Sales Co., McPherson.
Onaga Community Sale, Onaga.
Rezac Livestock Commission Co., St. Marys.
Rostetter, Christine, Sale, Hesston.

MARYLAND

Aberdeen Sales Co., Aberdeen.
Caroline Sales, Denton.
Rudnick, Harry, & Sons, Inc., Galena.

MASSACHUSETTS

Brighton Stockyards Co., Brighton.
Northampton Co-Operative Auction, Northampton.

MISSOURI

Rock Port Sales Pavilion, Inc., Rock Port.

NEBRASKA

Alma Sale Barn, Alma.
Beatrice Sales Pavilion, Beatrice.
Beatrice 77 Livestock Sales Co., Inc., Beatrice.
Butte Livestock Market, Butte.
Crofton Livestock Sales, Crofton.
Fairbury Livestock Co., Fairbury.
Falls City Auction Co., Falls City.
Farmers Livestock Sale Co., Benkelman.
Hebron Livestock Commission Co., Hebron.
McKee Sales Co., Superior.
Oxford Livestock Commission Co., Oxford.
Red Cloud Livestock Commission Co., Inc., Red Cloud.
Republican Valley Livestock Auction Co., Franklin.
Superior Sale Co., Superior.
Tri-State Livestock Commission Co., Inc., McCook.
Weichman Pig Co., Inc., Fremont.

OHIO

Dicke Stockyards, New Bremen.
Orville Stockyards, Orville.
Staugler Stockyards, Fort Recovery.

WEST VIRGINIA

Blue Ridge Livestock Sales, Inc., Charles Town.
Evans Stockyard, Inc., Elkins.
Moundsville Livestock Auction, Moundsville.
Ohio County Livestock Auction, Inc., Triadelphia.
Terra Alta Stockyard, Inc., Terra Alta.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE SLAUGHTER SWINE ONLY

ARKANSAS

Gentry, Community Sale, Gentry.

ILLINOIS

Mayer, Oscar & Co., Polo.
McPhillips, George, Transfer, Lena.
Staton Stock Yard, Lena.

MICHIGAN

Lugbill Brothers, Inc., Morenci.

MISSISSIPPI

Starkville Livestock Commission Co., Starkville.

OHIO

Producers Livestock Association, Greenville.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE FEEDING AND BREEDING SWINE ONLY

INDIANA

Ratcliff, John C., Russellville.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and livestock markets have been added to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such stockyards and livestock markets are adequate to effectuate the purposes of the regulations. This action relieves certain restrictions presently imposed and should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of October 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63-10641; Filed, Oct. 7, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of Emergency Transportation

[No. 21]

AIRCRAFT ALLOCATION ORDER

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Order 10999, and Department of Commerce Order 128 (Revised), I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense.

INTERNATIONAL FLEET

DC–6A

401US	6528C	37592	90776
402US	6541C	37593	90777
571	6579C	37594	90780
630NA	7822C	37595	90781
640NA	11565	37596	90782
650NA	34955	45500	90783
4061K	34956	45501	90784
6260C	34957	45502	90785
6519C	37590	45507	91306
6525C	37591	90771	

DC–7BF

336	342	6336C	6344C
337	350	6341C	6346C
341	394	6342C	6348C

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284	301G	737PA	755PA
288	302G	739PA	4059K
289	731PA	741PA	8215H
293	733PA	742PA	8216H
294	734PA	746PA	8217H
295	735PA	752PA	8218H
296	736PA	754PA	8219H

L–1049H

468C	5404V	6919C	6937C
469C	6912C	6922C	7121C
1880	6914C	6924C	7777C
1927H	6915C	6931C	9752C
5401V	6916C	6933C	
5402V	6917C	6935C	
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L–1649AF

7311C	7319C	8081H	45511
7315C	7322C	8082H	45512
7316C	7323C	8083H	
7317C	7324C	8084H	

CL–44

123SW	229SW	451T	603SA
124SW	446T	452T	604SA
125SW	447T	453T	605SA
126SW	448T	454T	
127SW	449T	455T	
228SW	450T	602SA	

B–707(300)F

351US	373WA	765PA	767PA
352US	374WA	766PA	

DC–8F

8782R	8008F

B–707(300)

701PA	720PA	758PA	766TW
702PA	721PA	759PA	767TW
703PA	722PA	760PA	768TW
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B–707(200)

7072	7073	7074	7075

B–707(100)

707PA	711PA	70773	74614
708PA	712PA	70774	
709PA	7524	74612	
710PA	7525	74613	

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802E	811PA	6572C	8030U
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8477H

DOMESTIC FLEET

C-46

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607Z	3944C	10415
608Z	3971B	10416
609Z	4718N	10426
610Z	4719N	62030
611Z	4873V	66326
612Z	5076N	67934
613Z	5130B	67938
614Z	5131B	67971
615Z	5132B	67977
617Z	5133B	67980
618Z	5134B	68964
619Z	7768B	68966
1243N	7923B	69343
1245N	9890Z	69346
1309V	9891F	74172
1312V	9891Z	74177
1649M	9892Z	74179
1807M	9893Z	75335
1823M	9902F	75388
1824M	9903F	75396
1825M	9905F	77693
1846M		

AW-650

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DC-4

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88891	88939	90427

DC-6A

91307	91309	93112
91308		

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to the Office of Emergency Transportation.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to the Office of Emergency Transportation together with full information concerning the identity of the transferor, the date and place of transfer, and the term and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 20, 28 F.R. 2833-34 of March 21, 1963.

E. G. PLOWMAN,
Director, Office of Emergency Transportation.

[F.R. Doc. 63-10620; Filed, Oct. 7, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-199]

MANHATTAN COLLEGE CORP.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to January 31, 1964, the latest completion date specified in Construction Permit No. CPRR-75 for the construction of a 0.1 watt (thermal), tank-type nuclear reactor on the campus of Manhattan College in New York City.

Copies of the Commission's Order and of the application for extension filed by Manhattan College are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of September 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 63-10619; Filed, Oct. 7, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14681]

WILLIAM D. WHITE AND FRANK P. DOW CO., INC.

Notice of Proposed Approval

Application of William D. White and Frank P. Dow Company, Inc. (a Washington corporation), for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 14681.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 1, 1963.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority:

Application of William D. White and Frank P. Dow Company, Inc. (a Washington corporation) for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended; Docket 14681.

By Order E-9552 adopted September 7, 1955 in Docket 7236, the Board approved, after hearing, the common control by William D. White of Frank P. Dow Company, Inc., Seattle, Washington (Dow-Seattle), a domestic air freight forwarder, and Frank P. Dow Company, Inc., Los Angeles, California (Dow-Los Angeles), an air cargo agent for certain airline members of the International Air Transport Association (IATA). Interlocking relationships resulting from Mr. White's positions as president and director of both Dow-Seattle and Dow-Los Angeles were likewise approved.

By application filed July 30, 1963, as amended September 6, 1963, Mr. White and Dow-Seattle request approval under sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), of the relationships resulting from Mr. White's common control of Dow-Seattle and Frank P. Dow Company, Inc., San Francisco, California ,Dow-San Francisco), and his positions as president and director of both companies.

The application states that Dow-San Francisco has recently become an agent for the sale of air cargo transportation for airline members of IATA, and that Mr. White owns 100 percent of the company's voting stock. It is further stated that each of the three Dow corporations, i.e., Seattle, Los Angeles and San Francisco, is engaged in the Custom House brokerage business, holds a Federal Maritime Board Registration, and is an applicant for a Federal Maritime Commission Registration which authorizes them to engage in freight forwarding in connection with the exportation of domestic shipments. None of the corporations engages in the warehouse or cartage business. In addition, Dow-Seattle holds Interstate Commerce Commission freight forwarder permit No. FF-173 under which it operates as a freight forwarder of import freight from Pacific Coast ports to overland territory in the area from Denver east. It employs the other Dow companies as agents to perform whatever services are required at other Pacific Coast ports in connection with its air freight forwarder and surface freight forwarder operations.

Applicants state, inter alia, that the relationships between Dow-Seattle and Dow-San Francisco are substantially the same as those approved by the Board in Order E 9552, and that the relationships will not present conflicts of interests or restrain competition.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, we have concluded that Dow-San Francisco is a person engaged in a phase of aeronautics, and that the common control by William D. White of Dow-Seattle and Dow-San Francisco is subject to section 408 of the Act. It has been further concluded, however, that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monoply and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and we find that the public interest does not require a hearing. The control relationships are similar to those involving Dow-Seattle and Dow-Los Angeles which were previously approved by the Board and essentially do not present any new sub-

stantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.[1]

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by William D. White of the positions described herein. However, we have concluded that a due showing has been made in the form and manner prescribed that the interlocking relationships will not adversely affect the public interest.[2]

Pursuant to authority duly delegated by the Board in the Board's regulations (14 CFR 385.13), it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control by William D. White of Dow-Seattle and Dow-San Francisco be and it hereby is approved; and
2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by William D. White of the positions set forth above be and they hereby are approved.

Persons entitled to petition the Board for review of this Order pursuant to the Board's regulations (14 CFR 385.50), may file such petitions within five days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this Order on its own motion.

J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10617; Filed, Oct. 7, 1963; 8:45 a.m.]

[Docket 13292]

SERVICE TO HOT SPRINGS, VA.

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be heard on October 30, 1963, is postponed to December 4, 1963, 10 a.m. (e.s.t.), Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 3, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10650; Filed, Oct. 7, 1963; 8:48 a.m.]

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[1] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[2] It is noted that two other individuals, H. K. White and Mary R. Edwards, hold positions with Dow-Seattle and Dow-San Francisco which create interlocking relationships within the purview of section 409 of the Act. However, it would appear that such interlocking relationships come within the exemption from the provisions of section 409 of the Act afforded by § 287.2(d) of the Board's Economic Regulations.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15178, 15179; FCC 63M-1076]

HUNDRED LAKES BROADCASTING CORP. (WSIR) AND WJBS, INC. (WJBS)

Order Scheduling Hearing

In re applications of Hundred Lakes Broadcasting Corporation (WSIR), Winter Haven, Florida, Docket No. 15178, File No. BP-13015; WJBS, Inc. (WJBS), DeLand, Florida, Docket No. 15179, File No. BP-13075; for construction permits.

It is ordered, This 30th day of September 1963, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 18, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., October 25, 1963.

Released: September 30, 1963.

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

[F.R. Doc. 63-10628; Filed, Oct. 7, 1963; 8:46 a.m.]

[Docket No. 14841; FCC 63M-1073]

VERNE M. MILLER

Order for Further Prehearing Conference

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

The Hearing Examiner has under consideration a letter filed by the applicant on September 10, 1963, in compliance with the Hearing Examiner's direction of August 1, 1963, submitting a further progress report (in the form of an attached sworn statement prepared by applicant's engineering consultant) with regard to the taking of required field measurments. The engineering statement reflects the expectation of the consultant that completion of all proposed field measurements and analysis of data should in no event extend beyond December 1, 1963. The explanation furnished by the consultant as to the steps being taken by him to obtain the needed measurement data shows a continuing reasonable effort on the consultant's part to accomplish his assignment without undue delay.

Under the circumstances of the progress outlined in the affidavit of applicant's engineer, counsel for this party has suggested that a further prehearing conference be scheduled for December 2, 1963, in anticipation of proceeding to an early hearing thereafter. Letters have been received by the Examiner from the several respondent parties stating that they have no objections to applicant's proposal for a December 2 conference, and Bureau counsel has informally advised the Examiner to the same effect. The above-mentioned report of applicant's engineer and the concurrence of the other parties to the suggestion of applicant regarding the further prehearing conference persuade the Examiner that the proposal should be adopted.

Accordingly, it is ordered, This 27th day of September 1963, on the Hearing Examiner's own motion, that a further Prehearing Conference of all parties, or their counsel, will be held at the offices of the Commission in Washington, D.C., on December 2, 1963, at 9:00 a.m., in preparation for the hearing to be held on a date to be determined at said conference.

Released: September 30, 1963.

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

[F.R. Doc. 63-10629; Filed, Oct. 7, 1963; 8:46 a.m.]

[Docket No. 15180; FCC 63M-1077]

OTTAWA BROADCASTING CORP. (WJBL)

Order Scheduling Hearing

In re application of Ottawa Broadcasting Corporation (WJBL), Holland, Michigan, Docket No. 15180, File No. BP-15189; for construction permit.

It is ordered, This 30th day of September 1963, that Sol Schildhause will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 18, 1963, in Washingto,n D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., October 23, 1963.

Released: September 30, 1963.

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

[F.R. Doc. 63-10630; Filed, Oct. 7, 1963; 8:46 a.m.]

[Docket No. 15134; FCC 63M-1080]

WENDELL-ZEBULON RADIO CO. (WETC)

Order Continuing Prehearing Conference

In re application of Wendell-Zebulon Radio Company (WETC), Wendell-Zebulon, North Carolina, Docket No. 15134, File No. BP-15344; for construction permit.

The Examiner having under consideration the petition for leave to amend, filed by the applicant herein on September 26, 1963, and the joint informal request of the parties hereto for a continuance of the prehearing conference presently scheduled for October 1, 1963; and

It appearing, that good cause has been shown for a grant of the relief requested:

It is ordered, This 30th day of September 1963, that the prehearing confer-

ence scheduled for October 1, 1963, is indefinitely postponed.

Released: September 30, 1963.

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

[F.R. Doc. 63-10631; Filed, Oct. 7, 1963; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8485-B-1, between American Mail Line, Ltd., American President Lines, Ltd., and Pacific Far East Line, Inc., provides that American Mail Line, Ltd., as of October 2, 1963, or as soon thereafter as approved by the Federal Maritime Commission pursuant to section 15 of the 1916 Shipping Act, shall be considered a signatory to Agreement No. 8485-B and shall have all the rights and obligations of a party thereto. The recital and consent of American Mail Line, Ltd., at the foot of the May 25, 1962, agreement No. 8485-B shall be stricken.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 3, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10654; Filed, Oct. 7, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2342]

CAMPBELL RED LAKE MINES, LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1963.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Campbell Red Lake Mines, Ltd.—File 7-2342

Upon receipt of a request, on or before October 17, 1963 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10625; Filed, Oct. 7, 1963; 8:45 a.m.]

[File 7-2341]

NATIONAL STEEL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1963.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

National Steel Corporation—File 7-2341

Upon receipt of a request, on or before October 17, 1963 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10626; Filed, Oct. 7, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 3, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 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. 38574: *Joint motor-rail rates between the East and the South.* Filed by Southern Motor Carriers Rate Conference, agent (No. 83), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other, via interchange point of Richmond, Va.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 10 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1246 and 8 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10642; Filed, Oct. 7, 1963; 8:47 a.m.]

[Notice 876]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 3, 1963.

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 special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. 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 65915. By order of September 30, 1963, the Transfer Board approved the transfer to Carlo Marfongelli and Joseph Marfongelli, Jr., a partnership, doing business as Salem Service Express, 42 Jefferson Avenue, Salem, Mass., of the Interstate operating rights claimed by Joseph Marfongelli, doing business as Salem Service Express, 42 Jefferson Avenue, Salem, Mass., under the "grandfather clause" of section 206 (a)(7)(b) in pending application No. MC 54657 (Sub No. 2), to the extent described in the BMC 75 statement, accepted in No. MC 54657 (Sub No. 1).

No. MC-FC 66122. By order of September 27, 1963, the Transfer Board approved the transfer to Vernon C. Rowley, doing business as Vernon C. Rowley Trucking, Blanding, Utah; of certificate in No. MC 112079 (Sub-No. 1), issued July 28, 1961, to John Wilson and T. L. Tucker, a partnership, doing business as Scotty Wilson Trucks, Blanding, Utah; authorizing the transportation of: Uranium and vanadium ores, in bulk, from points in San Juan County, Utah, to Naturita, Durango, and Uravan, Colo., and Thompson, Utah. Richard H. Moffat, 1311 Walker Bank Building, Salt Lake City, Utah, attorney for applicants.

No. MC-FC 66130. By order of September 30, 1963, the Transfer Board approved the transfer to Mary Ann Fix, doing business as Mary's Freight Lines, Breese, Ill., of certificate in No. MC 16067, issued May 14, 1963, to Stella P. Wieter, doing business as Mary's Freight Line, Breese, Ill., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Carlyle, Ill., and St. Louis, Mo., serving specified intermediate and off-route points, and milk, from Breese, Ill., and points in Illinois within 15 miles of Breese, to St. Louis, Mo. Mack Stephenson, 922 First National Bank Building, Springfield, Ill., attorney for applicants.

No. MC-FC 66135. By order of September 30, 1963, the Transfer Board approved the transfer to Jackie E. Dautel, doing business as Dautel Truck Line, Abilene, Kans., of certificate in No. MC 40624, issued April 13, 1955, to Francis Haas, doing business as Haas Truck Line, Longford, Kans., authorizing the transportation of: Agricultural machinery parts, agricultural implements, feed, hardware, binder twine, petroleum products in containers, livestock, general commodities, with the usual exceptions including household goods, empty molasses containers, agricultural commodities, building and fencing materials, road building materials, and tires, from, to or between specified points in Kansas and Missouri. John E. Jandera, 641 Harrison, Topeka, Kans., attorney for applicants.

No. MC-FC 66146. By order of September 30, 1963, the Transfer Board approved the transfer to Kay C. Schwedhelm, doing business as Schwedhelm Freight, Bancroft, Nebr., of certificates in Nos. MC 70040, MC 70040 (Sub-No. 1), and MC 70040 (Sub-No. 2), issued July 14, 1950, May 9, 1951, and December 21, 1960, respectively, to William C. Feller, doing business as Feller Freight, Bancroft, Nebr., authorizing the transportation of: Commodities in bulk, livestock, agricultural products, feed, lumber, hardware, agricultural implements, agricultural commodities, grain, household goods, and general commodities, with the usual exceptions including household goods from, to, or between specified points in Nebraska and Iowa. Rodney R. Smith, 1920 Dakota Avenue, South Sioux City, Nebr., attorney for applicants.

No. MC-FC 66165. By order of September 27, 1963, the Transfer Board approved the transfer to Oren E. Simmons and Lamar Simmons, a partnership, doing business as Simmons Truck Line, Overbrook, Kans., of certificate in Nos. MC 1945 and MC 1945 (Sub-No. 3), issued December 12, 1950 and October 9, 1951, to Art Skaggs, Overbrook, Kans., authorizing the transportation of: Livestock, seed, wool, building materials, burial cases and vaults, crated furniture, farm machinery and parts thereof, feed, hardware, petroleum products in containers, twine, wire, agricultural implements and parts, malt beverages, iron and steel pipe, and pumps, from, to, or between specified points in Kansas and Missouri. Donald S. Simons, 610 First National Bank Building, Topeka, Kans., 66603, attorney for applicants.

No. MC-FC 66209. By order of September 30, 1963, the Transfer Board approved the transfer to County Express, Inc., St. Louis, Mo., of the operating rights issued by the Commission April 16, 1958, under Certificate in No. MC 109862, to David V. Foley, Jr., doing business as Foley Truck Service, St. Louis, Mo., authorizing the transportation over irregular routes, of general commodities, except Class A and B explosives, household goods, and commodities requiring special equipment, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in St. Louis County, Mo., beyond the said commercial zone, except Valley Park, Mo. A. A. Marshall, 216 Buder Building, St. Louis 1, Mo., registered practitioner.

No. MC-FC 66248. By order of September 30, 1963, the Transfer Board approved the transfer to Perry Basham, doing business as Greenwood-Mansfield Truck Line, Fort Smith, Ark., of Certificate in No. MC 9385, issued November 10, 1949, to Harrison Fisher, doing business as Greenwood-Mansfield Truck Line, Fort Smith, Ark., authorizing the transportation, over regular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Mansfield, Hartford, and Fort Smith, Ark. J. W. Durden, Kelley Building, Fort Smith, Ark., attorney at law.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10643; Filed, Oct. 7, 1963; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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