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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### Department of the Interior

Effective upon publication in the FEDERAL REGISTER, paragraph (m), subparagraphs (1), (2), and (3), are added to § 6.310 as set out below.

##### § 6.310 Department of the Interior.

- (m) *Bureau of Outdoor Recreation.*  
(1) The Director.  
(2) One Associate Director.  
(3) One Confidential Assistant to the Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 62-4215; Filed, May 1, 1962; 8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1156; Amdt. 433]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Canadair CL-44D4 Aircraft With Rolls Royce Tyne Engines

Amendment 430, 27 F.R. 3916 (AD 62-9-2), requires periodic inspection of the magnetic plugs and filters in the scavenge oil lines of Canadair CL-44D4 aircraft equipped with Rolls Royce Tyne engines. Subsequent to the issuance of this directive a service bulletin was provided by the manufacturer specifying the plugs and filters to be inspected. Since one United States operator already has raised a question relative to the accomplishment of the inspection, Amendment 430, is being amended to specify that the inspection is to be performed in accordance with Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79-12.

Since this amendment clarifies an existing requirement and since it imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 430, 27 F.R. 3916, Canadair CL-44D4 aircraft with Rolls Royce Tyne engines, is amended by

1. Changing the first sentence of the first paragraph to read as follows: "To preclude further cases of bearing failure inspect the magnetic plug and the filter in the scavenge oil line from the high pressure turbine bearing for deposits of hard carbon as specified in the note under paragraph 2B of Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79-12."
2. Adding the following reference statement at the end of the AD:

(Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79-12 dated March 30, 1962, covers this same subject.)

This amendment shall become effective May 2, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 26, 1962.

G. S. MOORE,  
*Acting Director,*  
*Flight Standards Service.*

[F.R. Doc. 62-4252; Filed, May 1, 1962; 8:50 a.m.]

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-58]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

##### PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

##### Alteration of Federal Airway and Associated Control Areas

On February 1, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 949), stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 51 by designating an east alternate and its associated control areas from the Bakerton Intersection (intersection of the London, Ky., VORTAC 260° and the New Hope, Ky., VOR 163° True radials) to the Louisville, Ky., VORTAC.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to

me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

##### § 600.6051 [Amendment]

1. In the text of § 600.6051 (14 CFR 600.6051, 26 F.R. 8246, 10723), "Louisville, Ky., VORTAC;" is deleted and "Louisville, Ky., VORTAC, including an E alternate from the INT of the London, Ky., VORTAC 260° and the New Hope VOR 163° radials to the Louisville VORTAC via the INT of the Lexington, Ky., VORTAC 213° and the Louisville VORTAC 148° radials;" is substituted therefor.

2. Section 601.6051 (14 CFR 601.6051) is amended to read as follows:

##### § 601.6051 VOR Federal airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).

All of VOR Federal airway No. 51 including E and W alternates, but excluding the airspace between the main airway and its E alternate between the INT of the London, Ky., VORTAC 260° and the New Hope, Ky., VOR 163° radials and the Louisville, Ky., VORTAC.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

D. D. THOMAS,  
*Director, Air Traffic Service.*

[F.R. Doc. 62-4222; Filed, May 1, 1962; 8:47 a.m.]

[Airspace Docket No. 61-NY-108]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

##### PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

##### Alteration of Federal Airway and Associated Control Areas

On February 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1495) stating that the Federal Aviation Agency (FAA) proposed the extension of low altitude VOR Federal airway No. 246 from the Mansfield, Ohio, VORTAC, via the Mansfield VORTAC 066° True radial to the intersection of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° True radials.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and



due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6246 (14 CFR 600.6246) is amended to read:

§ 600.6246 VOR Federal airway No. 246 (Rosewood, Ohio, to the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials).

From the Rosewood, Ohio, VOR via the Mansfield, Ohio, VOR; via the Mansfield, Ohio, VORTAC 066° of the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials.

2. The caption of § 601.6246 (14 CFR 601.6246) is amended to read:

§ 601.6246 VOR Federal airway No. 246 control areas (Rosewood, Ohio, to the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials).

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

D. D. THOMAS,  
Director, Air Traffic Service.

[F.R. Doc. 62-4223; Filed, May 1, 1962; 8:47 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

#### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

##### TEXTRYLS

The Commissioner of Food and Drugs having evaluated the data submitted in a petition filed by Kimberly Clark Corporation, Neenah, Wisconsin, and other relevant material, has concluded that the following regulation should issue with respect to the food additive textryls used as articles or components of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625),

the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

#### § 121.2545 Textryls.

Textryls identified in this section may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food, subject to the provisions of this section.

(a) Textryls are nonwoven sheets prepared from natural or synthetic fibers, bonded with fibryl (Fibryl consists of a polymeric resin in fibrous form commingled with fiber to facilitate sheet formation and subsequently heat cured to fuse the fibryl and effect bonding).

Substances	Limitations
(1) Fibers prepared from polyethylene terephthalate resins.	Conforming with § 121.2524.
(2) Fibryls prepared from vinyl chloride-vinyl acetate copolymer.	As the basic polymer.
(3) Adjuvant substance, dimethylformamide.	As a solvent in the preparation of fibryl.

(d) Textryls meeting the conditions of test prescribed in subparagraph (1) of this paragraph are used as prescribed in subparagraph (2) of this paragraph.

(1) *Conditions of test.* Textryls, when extracted with distilled water at reflux temperature for 1 hour, yield total extractives not to exceed 1.0 percent.

(2) *Uses.* Textryls are used for packaging or holding food at ordinary temperatures and in the brewing of hot beverages.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 25, 1962.

JOHN L. HARVEY,  
Deputy Commissioner  
of Food and Drugs.

[F.R. Doc. 62-4238; Filed, May 1, 1962; 8:48 a.m.]

(b) Textryls are prepared from the fibers, fibryls, and adjuvants identified in paragraph (c) of this section, and subject to limitations prescribed in that paragraph; *Provided, however,* That any substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation for that substance as a component of polymeric resins used as food contact surfaces, and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(c) The fibers, fibryls, and adjuvants permitted are as follows:

#### SUBCHAPTER C—DRUGS

#### PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

#### PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

#### Order Changing Name of Streptomycylidene Isonicotinyl Hydrazine Sulfate to Streptonicozid Sulfate

One objection was filed to a notice of proposed rule making published in the FEDERAL REGISTER of February 17, 1962 (27 F.R. 1501), with regard to changing the name of streptomycylidene isonicotinyl hydrazine sulfate to streptonicozid sulfate. The Commissioner of Food and Drugs has concluded, however, that the name change would be in the public interest. Therefore, pursuant to the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments are ordered:

In Part 141b and Part 146b, the name "streptomycylidene isonicotinyl hydrazine sulfate" is changed to read "streptonicozid sulfate" in the following instances:

1. In § 141b.121, the section heading is changed to read as follows:

§ 141b.121 Streptonicozid sulfate.

2. In § 141b.121(a)(1), third sentence.  
3. In § 141b.121(a)(2)(ii), first sentence.

4. In § 146b.116, the section heading is changed to read as follows:

**§ 146b.116 Streptonicozid sulfate.**

- 5. In § 146b.116(a), first sentence.
- 6. In § 146b.116(c).
- 7. In § 146b.116(d), first sentence.

*Effective date.* This order shall become effective for all batches received for certification by the Food and Drug Administration after June 1, 1962.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 25, 1962.

JOHN L. HARVEY,  
Deputy Commissioner  
of Food and Drugs.

[F.R. Doc. 62-4239; Filed, May 1, 1962; 8:48 a.m.]

## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

#### PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

##### Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3)

##### Employment in Retail Establishments

In the September 6, 1961, issue of the FEDERAL REGISTER (26 F.R. 8399) notice was given to interested persons of opportunities to present oral or written data, views, and arguments regarding what changes, if any, should be made in the above entitled subpart in its application to the employment of 14- and 15-year-old minors in retail establishments. After careful consideration of the information presented pursuant to this notice, I hereby determine that the occupations performed by persons employed by retail, food service, and gasoline service establishments which are permitted by virtue of the amendments to the Code of Federal Regulations provided herein do not involve conditions which interfere with the health or well-being of 14- and 15-year-old minors.

Accordingly, pursuant to authority contained in section 3(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(1)) and Reorganization Plan No. 2 of 1946 (3 CFR 1943-1948; Comp., p. 1064), I hereby amend 29 CFR Part 4, Subpart C, effective June 1, 1962, as hereinafter set forth.

1. The following changes are hereby made in the numbering of sections contained in 29 CFR Part 4, Subpart C:

- Section 4.34 is redesignated as § 4.35.
- Section 4.35 is redesignated as § 4.36.
- Section 4.36 is redesignated as § 4.37.
- Section 4.37 is redesignated as § 4.38.

2. A new § 4.34 is hereby added to read as follows:

**§ 4.34 Occupations in retail, food service, and gasoline service establishments.**

(a) This subpart shall apply to the following permitted occupations for

minors between the ages of 14 and 16 employed by retail, food service, and gasoline service establishments.

- (1) Office and clerical work, including the operation of office machines;
- (2) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;
- (3) Price marking and tagging by hand or by machine, assembling orders, packing and shelving;
- (4) Bagging and carrying out customers' orders;
- (5) Errand and delivery work by foot, bicycle, and public transportation;
- (6) Clean up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, or cutters;
- (7) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as but not limited to, dish-washers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;
- (8) Work in connection with cars and trucks if confined to the following: Dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(9) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from those where the work described in paragraph (b) (7) of this section is performed;

(b) Paragraph (a) of this section shall not be construed to permit the application of this subpart to any of the following occupations in retail, food service, and gasoline service establishments:

- (1) All occupations listed in § 4.33 except occupations involving processing, operation of machines and work in rooms where processing and manufacturing take place which are permitted by paragraph (a) of this section.
- (2) Work performed in or about boiler or engine rooms;
- (3) Work in connection with maintenance or repair of the establishment, machines or equipment;
- (4) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;
- (5) Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;
- (6) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers, and cutters, and bakery-type mixers;
- (7) Work in freezers and meat coolers and all work in the preparation of meats for sale except as described in paragraph (a) (9) of this section;

(8) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(9) All occupations in warehouses except office and clerical work.

(52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,  
Secretary of Labor.

[F.R. Doc. 62-4261; Filed, May 1, 1962; 8:52 a.m.]

(8) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(9) All occupations in warehouses except office and clerical work.

(52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,  
Secretary of Labor.

[F.R. Doc. 62-4261; Filed, May 1, 1962; 8:52 a.m.]

#### PART 12—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941) requires every employer as defined in that Act to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered by the Act and to install, furnish, maintain, and use the devices and safeguards with particular reference to equipment used by and working conditions established by such employers prescribed by the Secretary of Labor to be reasonably necessary to protect life, health, and safety of his employees and to render safe such employment and places of employment, and to prevent injury to his employees. Such devices and safeguards are prescribed in 29 CFR Parts 8 and 9. Section 41 also authorizes the Secretary of Labor to enforce its provisions by holding hearings, issuing orders, and making decisions upon findings of fact. These regulations are intended to furnish rules of practice for any enforcement proceedings conducted under this authority.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 72 Stat. 835, 33 U.S.C. 941) and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations, is amended by adding thereto a new part, designated as Part 12, which is hereinafter set forth.

These regulations shall become effective upon their publication in the FEDERAL REGISTER since they prescribe only procedural rules and no notice and public participation with respect thereto is required by the Administrative Procedure Act, nor does such notice and public participation appear to be otherwise appropriate.

The new 29 CFR Part 12 reads as follows:

##### Subpart A—Applicability of Rules: Definitions

- |      |                         |
|------|-------------------------|
| Sec. |                         |
| 12.1 | Applicability of rules. |
| 12.2 | Definitions.            |

##### Subpart B—Prehearing Procedures

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| 12.3 | Complaints.                 |
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**Subpart C—Hearing and Related Matters**

- Sec.  
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- 12.17 Service; copies of documents and pleadings.  
 12.18 Witnesses and fees.  
 12.19 Depositions.  
 12.20 Subpoenas.  
 12.21 Hearing examiner.  
 12.22 Computation of time.

AUTHORITY: §§ 12.1 to 12.22 issued under sec. 41, 44 Stat. 1444, 72 Stat. 835, R.S. 161; 5 U.S.C. 22, 33 U.S.C. 941.

**Subpart A—Applicability of Rules; Definitions****§ 12.1 Applicability of rules.**

This part provides rules of practice for administrative hearings relating to the enforcement of section 41 of the Longshoremen's and Harbor Workers' Compensation Act and the safety regulations promulgated thereunder which are published in Parts 8 and 9 of this subtitle. This part applies only to proceedings held under section 41(b)(5) of the Act. It does not apply to any other administrative proceedings held under section 41 of the Act.

**§ 12.2 Definitions.**

- (a) "Act" means the Longshoremen's and Harbor Workers' Compensation Act.  
 (b) "Chief Hearing Examiner" means the Chief Hearing Examiner, United States Department of Labor, Washington 25, D.C.  
 (c) "Respondent" means the person or organization proceeded against.  
 (d) "Director" means the Director of the Bureau of Labor Standards, United States Department of Labor.

**Subpart B—Prehearing Procedures****§ 12.3 Complaints.**

- (a) *Issuance.* The Deputy Solicitor of Labor shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the respondent.  
 (b) *Contents.* The complaint shall contain a clear and concise factual statement sufficient to inform the respondent with reasonable definiteness of the types of acts or practices alleged to have occurred and to violate section 41 of the Act or the provisions of Parts 8 and 9 of this subtitle.  
 (c) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended in the discretion of the hearing examiner and on such terms as he may approve.  
 (d) *Notice of hearing.* The hearing examiner shall notify the parties of the time and place for a hearing within 10 days after the service of the complaint.

§ 12.4 Answer.

(a) *Filing and service.* Within 14 days after the service of the complaint,

the respondent shall file an answer with the Chief Hearing Examiner. The answer shall be signed by the respondent or his attorney.

(b) *Contents; failure to file.* The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing. Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the hearing examiner without further hearing shall prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision, and to file briefs in support of the exceptions.

**§ 12.5 Motions and requests.**

Motions or requests shall be filed with the Chief Hearing Examiner, except that those made during the course of the hearing shall be filed with the hearing examiner or shall be stated orally and made part of the transcript. Each motion or request shall state the particular order, ruling, or action desired, and the grounds therefor. The hearing examiner is authorized to rule upon all motions or requests filed or made prior to the filing of his report.

**§ 12.6 Intervention.**

At any time after the institution of proceedings and before the hearing examiner makes his decision, the hearing examiner may, upon petition in writing and for good cause shown, permit any interested person, including an employer, employee, labor or trade organization, or Federal or State agency, to intervene therein. The petition shall state with precision and particularity: (a) The petitioner's relationship to the matters involved in the proceedings, (b) the nature of any material he intends to present in evidence, (c) the nature of any argument he intends to make, and (d) any other reason that he should be allowed to intervene.

**§ 12.7 Stipulations of compliance.**

At any time prior to the issuance of a complaint in the proceeding, the Assistant Solicitor in charge of trial litigation may in his discretion, enter into stipulations with the prospective respondent, whereby the latter admits the material facts and agrees to discontinue the acts or practices which are intended to be set up as violative of the Act or Parts 8 and 9 of this subtitle. Such stipulations shall be admissible as evidence of such acts and practices in any subse-

quent proceeding in law or equity or under these regulations against such person.

**§ 12.8 Consent findings and order.**

(a) *General.* At any time after the issuance of a complaint and prior to the reception of evidence in any proceeding, the respondent may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the hearing examiner, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide: (1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the hearing examiner or the Director; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing examiner for his consideration; or

(2) Inform the hearing examiner that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the hearing examiner within 30 days thereafter shall accept such agreement by issuing his decision based upon the agreed findings.

**§ 12.9 Prehearing conferences.**

(a) Upon his own motion or the motion of the parties, the hearing examiner may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;  
 (2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.



### Subpart C—Hearing and Related Matters

#### § 12.10 Appearances.

(a) *Representation.* The parties may appear in person or by counsel. The term "counsel" means a member in good standing of the bar of a Federal Court or of the highest court of any State or Territory of the United States.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's decision and to file exceptions thereto.

#### § 12.11 Postponement or change of place of hearing.

If in the judgment of the hearing examiner convenience or necessity so requires, he may postpone the time or change the place of the hearing.

#### § 12.12 Hearing.

(a) *Order of proceeding; burden of proof.* Except as may be determined otherwise by the hearing examiner, counsel supporting the complaint shall proceed first at the hearing. The Assistant Solicitor of Labor in charge of trial litigation, supporting the complaint, shall have the burden of proof. The burden of proof shall be satisfied by a preponderance of the evidence.

(b) *Evidence—(1) In general.* The testimony of witnesses shall be upon oath or affirmation administered by the hearing examiner and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The hearing examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceeding.

(3) *Exceptions.* Formal exception to an adverse ruling is not required.

(4) *Official notice.* Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the hearing examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(d) *Oral argument before the hearing examiner.* Oral argument before the hearing examiner may be allowed. However, such argument may be limited by the hearing examiner to any extent

that he finds necessary for the expeditious disposition of the proceeding.

(e) *Transcript.* Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties upon written application filed with the reporter, and upon the payment of fees at the rate provided in the agreement between the Director and the reporter.

### Subpart D—Decision and Order

#### § 12.13 Decision of the hearing examiner.

(a) *Filing of transcript of evidence.* As soon as practicable after the close of the hearing, the reporter shall transmit to the Chief Hearing Examiner the copies of the transcript of the testimony and the exhibits introduced in evidence at the hearing except such copies of the transcript and exhibits as are forwarded to the hearing examiner.

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days after receipt of notice that the transcript of the testimony has been filed or such additional time as the hearing examiner may allow, each party may file with the hearing examiner proposed findings of fact, conclusions of law, and order, together with a supporting brief including the reasons for any proposals. Such proposals shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

(c) *Decision of the hearing examiner.* Within a reasonable time after the termination of the time allowed for the filing of proposed findings of fact, conclusions of law, and orders, or after the date of submission of an agreement containing consent findings and order, the hearing examiner shall prepare his decision, which shall become the decision of the Director 20 days after service thereof unless exceptions are filed thereto, as provided in § 12.14 except in cases dealt with in 12.8(b). Except in cases under § 12.8(b) the decision of the hearing examiner shall include a statement of (1) findings and conclusions, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record, and (2) an appropriate order. Except in cases under § 12.8(b), the decision of the hearing examiner shall be based upon a consideration of the whole record and supported by reliable, probative, and substantial evidence and upon the basis of the preponderance of the evidence.

#### § 12.14 Exceptions.

Within 20 days after the date of the decision of the hearing examiner, the parties may file exceptions thereto with supporting reasons. Any party who desires to take exception to any matter set out in that decision shall transmit his exceptions in writing to the Chief Hearing Examiner, referring to the specific findings of fact, conclusions of law, or order excepted to, and the specific pages of transcript relevant to the exceptions, and suggesting corrected findings of fact, conclusions of law, or order.

#### § 12.15 Transmittal of record.

Immediately following the period allowed for filing exceptions, the hearing

examiner shall transmit the record of the proceeding to the Director. The record shall include: the pleadings, motions, and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions of law, and orders, and supporting reasons, as may have been filed in connection with the hearing; the hearing examiner's decision; and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

#### § 12.16 Decision and order of the Director.

Upon the basis of and after due consideration of the whole record, the Director shall render his decision, which shall adopt, modify, or set aside the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of the reasons or bases for the action taken. With respect to the findings of fact, the Director shall upset only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties.

### Subpart E—Miscellaneous

#### § 12.17 Service; copies of documents and pleadings.

(a) *Manner of service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the last known address. If the person upon whom service is made by mail resides 500 miles or more from the party effecting service, such mailing must be by airmail. When a party is represented by an attorney the service may be upon the attorney.

(b) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service of the pleading or other document.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, whether to the Assistant Solicitor in charge of trial litigation, the hearing examiner, or the Director, as the case may be.

#### § 12.18 Witnesses and fees.

Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like services in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

#### § 12.19 Depositions.

(a) *When, how, and by whom taken.* For good cause shown, the testimony of any witness may be taken by deposition in any proceeding, when a complaint has been filed, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner shall order shall be given for the taking of a deposition, but this shall not be less than 5 days' written notice when the deposition is to be taken within the United States and not less than 15 days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him, and certified by the officer. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing examiner. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of hearing.

#### § 12.20 Subpoenas.

All applications for subpoenas ad testificandum and subpoenas duces tecum shall be made in writing to the hearing examiner. Application for subpoenas duces tecum shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope.

#### § 12.21 Hearing examiners.

(a) *Who presides.* All hearings shall be presided over by a hearing examiner appointed under section 11 of the Administrative Procedure Act.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Secretary or the Chief Hearing Examiner.

(c) *Powers.* Hearing examiners shall have all powers necessary to the conduct of fair and impartial hearings, including the following:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas upon proper applications as provided in § 12.20;
- (3) To rule upon offers of proof and receive relevant evidence;
- (4) To take or cause to be taken depositions and to determine their scope;
- (5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider and rule upon procedural requests;

(8) To make and file decisions in conformity with this part.

(9) To take any action authorized by the rules in this part or in conformance with the Administrative Procedure Act.

(d) *Consultation.* The hearing examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(e) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record directed to the Chief Hearing Examiner.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Chief Hearing Examiner a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Chief Hearing Examiner shall rule upon the motion.

(f) *Contemptuous conduct; failure or refusal of a witness to appear or answer.* In the event of contemptuous conduct, including the failure or refusal of a witness to appear at any hearing or to answer any question which has been ruled to be proper, the hearing examiner may take any action reasonable under 41 CFR 50-203.8(1), promulgated under section 5 of the Act of June 30, 1936 (41 U.S.C. 39).

#### § 12.22 Computation of time.

Sundays and holidays shall be included in computing the time allowed for filing any document or paper under this part. When such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,  
Secretary of Labor.

[F.R. Doc. 62-4262; Filed, May 1, 1962; 8:52 a.m.]

### PART 13—INVESTIGATIONAL HEARINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941), authorizes the Secretary of Labor in administering the provisions of that section to make investigations with respect to safety provisions and the causes and prevention of injuries in employments covered by the Act. The regulations hereinafter promulgated provide for the use of investigational hearings in connection with such investigations whenever there is loss of life or serious injury resulting from accidents in the employments covered by

the Act and in any other appropriate circumstances, and prescribe the manner in which such hearings shall be conducted.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941), and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part, designated Part 13, which is hereinafter set forth.

These regulations shall become effective upon their publication in the FEDERAL REGISTER since they prescribe only procedural rules and no notice and public participation with respect thereto is required under the Administrative Procedure Act, nor does such notice and public participation appear to be otherwise appropriate.

The new 29 CFR Part 13 reads as follows:

Sec.	
13.1	Definitions.
13.2	Purpose and scope.
13.3	Composition of the Board.
13.4	Responsibilities of the Board; voting.
13.5	Notice of investigational hearings.
13.6	Investigational hearings.

AUTHORITY: §§ 13.1 to 13.6 issued under R.S. 161, sec. 41, 44 Stat. 1444, 72 Stat. 835; 5 U.S.C. 22, 33 U.S.C. 941.

#### § 13.1 Definitions.

(a) "Act" means the Longshoremen's and Harbor Workers' Compensation Act.

(b) "Board" means the Board of Investigation.

(c) "Bureau" means the Bureau of Labor Standards, United States Department of Labor.

(d) "Director" means the Director of the Bureau.

(e) "Injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury.

#### § 13.2 Purpose and scope.

Whenever any serious injury results from the employments covered by the Act or whenever it is otherwise appropriate, the Director may appoint a Board of Investigation to hold an investigational hearing during the course of any investigation made under section 41 of the Act. This part prescribes the manner in which any investigational hearings shall be conducted. This part does not apply to any adjudicative proceedings held under section 41(b)(5) of the Act.

#### § 13.3 Composition of the Board.

The Board shall be composed of three members appointed by the Director, one of whom shall be designated as Chairman. All members shall be employees of the United States Department of Labor, and shall have experience in the field of maritime safety.

#### § 13.4 Responsibilities of the Board; voting.

(a) *Determinations and recommendations.* To the extent possible, the Board shall determine the facts, conditions, and circumstances relating to any injury



or condition which is the subject of investigation, the probable cause thereof, and shall recommend measures which will provide the best means of preventing future injuries or conditions of similar character. The determinations and recommendations shall be made after hearing such witnesses and receiving such documents and other data relating to the subject or subjects of investigation as may be found available as a result of preliminary investigation.

(b) *Report.* Upon completion of the investigational hearing, the Board shall file a report of its investigation with the Director. The report shall contain the determinations and recommendations required under paragraph (a) of this section. Any member may file a separate report in order to express determinations, recommendations, or reasons for determinations or recommendations which differ from those of a majority of the Board.

(c) *Voting.* Actions of the Board, including the determinations and recommendations required under paragraph (a) of this section, shall require a vote of a majority of its members.

**§ 13.5 Notice of investigational hearings.**

The Chairman of the Board shall give reasonable notice of the time and place of any investigational hearing to any person whose conduct is or may be pertinent to the subjects of investigation; to any prospective witnesses; and to any Federal or State agency engaged in similar investigative work.

**§ 13.6 Investigational hearings.**

The Chairman shall regulate the course of the hearing; dispose of procedural requests, objections, and related matters; and confine the hearing to the matters for which the Board is responsible. In the performance of these duties, the Chairman may be assisted by counsel assigned by the Solicitor of Labor. In the discretion of the Board, the hearing may be stenographically reported. When the hearing is so reported, copies of the transcript may be obtained upon such terms as the Chairman may provide.

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,  
*Secretary of Labor.*

[F.R. Doc. 62-4263; Filed, May 1, 1962; 8:52 a.m.]

**Title 32A—NATIONAL DEFENSE, APPENDIX**

**Chapter I—Office of Emergency Planning**

[Defense Mobilization Order V-7 (Rev.) Amdt. I]

**DMO V-7—GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING**

**Disposals**

By virtue of the authority vested in me by Reorganization Plan No. 1 of

1958 and Executive Order 10773, it is hereby ordered that Defense Mobilization Order V-7, Revised, dated December 10, 1959, is amended by striking section 14 and substituting therefor the following:

14. *Disposals.* The Director of the Office of Emergency Planning will authorize the disposal of excess materials whenever possible under the following conditions: (a) Avoidance of serious disruption of the usual markets of producers, processors and consumers, (b) avoidance of adverse effects on the international interests of the United States, (c) due regard to the protection of the United States against avoidable loss, (d) avoidance of adverse effects upon domestic employment and labor disputes, and (e) except when materials are channeled to other agencies for their direct use, consultation with the Departments of the Interior, Commerce, State, Agriculture, Defense, Labor, and other governmental agencies concerned, and consultation as appropriate with the industries concerned. If within 30 days after such consultation either the Department of State or the Department of the Interior indicates an objection to the proposed plan which, after discussion, the Director does not support, he shall so notify the President and present the issue to him for decision. To the extent possible disposals should be made in accordance with long-run disposal plans which have been worked out in consultation with the interested departments and which take into account probable trends in supply and price both at home and abroad.

In making such disposals preference shall be given to materials in the DPA inventories.

Disposals of materials that deteriorate, that are likely to become obsolete, that do not meet quality standards, or that do not have stockpile objectives, are to be expedited.

The Administrator of General Services shall be responsible for conducting negotiations for the sale of materials and will consult with and advise the agencies concerned.

Dated: April 25, 1962.

EDWARD A. McDERMOTT,  
*Director,*  
*Office of Emergency Planning.*

[F.R. Doc. 62-4258; Filed, May 1, 1962; 8:51 a.m.]

**Title 41—PUBLIC CONTRACTS**

**Chapter 3—Department of Health, Education, and Welfare**

**PART 3-75—DELEGATIONS OF AUTHORITY**

**Subpart B—Delegates and Specific Limitations**

**OFFICE OF FIELD ADMINISTRATION**

Section 3-75.8(a), following the introductory text, is amended to read as follows:

**§ 3-75.8 Office of Field Administration.**

(a) \* \* \*

- (1) Director of Field Administration.
- (2) Associate Director of Field Administration.
- (3) Chief, Division of Field Management.
- (4) Regional Directors.
- (5) Assistant Regional Directors or Regional Executive Officers.
- (6) Supervisors, Regional Office Services Sections.

Dated: April 17, 1962.

RUFUS E. MILES, Jr.,  
*Administrative Assistant Secretary.*

[F.R. Doc. 62-4240; Filed, May 1, 1962; 8:48 a.m.]

**Title 44—PUBLIC PROPERTY AND WORKS**

**Chapter I—General Services Administration**

**SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT**

**PART 2—PUBLIC USE OF RECORDS AND FACILITIES OF THE NATIONAL ARCHIVES**

*Correction*

In F.R. Doc. 62-4203, appearing at page 4025 of the issue for Friday, April 27, 1962, the section heading and paragraphs (a) and (b) of § 2.13 were inadvertently omitted. They should be inserted following § 2.12, to read as follows:

**§ 2.13 Admission and use of the National Archives Theater.**

(a) Applications for admission to the National Archives Theater for the purpose of viewing motion pictures or hearing sound recordings deposited with the National Archives and Records Service shall be made to the Chief, Audio-Visual Branch. Applications should be made long enough in advance to permit the completion of necessary arrangements. A group of persons must be represented by an authorized spokesman, who in making application for their admission, must identify the group he represents. On approval of the application, a time will be fixed for the rendering of the service, and the applicant will be notified.

(b) As indicated in paragraph (a) of this section, the theater in the National Archives Building was designed to be used for the furnishing of reference services on the motion picture holdings of the National Archives, and its facilities are utilized primarily for that purpose. Assignments to any other agencies of the Federal Government, to agencies of the Government of the District of Columbia, or to private organizations may be made, but only when the theater is not required for the furnishing of reference services on those motion picture films or for other official use of the National Archives and Records Service. No application for the use of the theater by either a Federal or District of Columbia agency or a private organization will be approved unless the

purpose for which use is requested is related to the work of the National Archives and Records Service. Meetings in the theater shall not in any event be sponsored by profitmaking organizations, promote commercial enterprises or commodities, or have a political, sectarian, or similar nature or purpose.

## Title 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

#### SUBCHAPTER C—UNINSPECTED VESSELS

[CGFR 62-10]

#### PART 24—GENERAL PROVISIONS

#### Subpart 24.10—Definition of Terms Used in This Subchapter

##### MEASURING LENGTH OF MOTORBOATS; INTERPRETIVE RULING

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657-665), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962 for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to IX, inclusive, and the first proposal in Item VIII was "measuring length of motorboats." This document is the third of a series covering the regulations and actions considered at this Public Hearing and annual session of the Merchant Marine Council.

The amendment to 46 CFR 24.10-17 in this document is intended to standardize the method of measurement of motorboats, without regard to decks, by stating the measurement will be a straight line measurement of the overall length from the foremost part of the vessel to the aftermost of the vessel, measured parallel to the centerline; however, bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments are not to be included in such measurement. The proposed interpretive ruling regarding "measuring length of motorboats" in Item VIII is accepted as proposed in the Agenda. It was also described in the notice published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 664). In addition, the informal interpretations and sketches in the Coast Guard pamphlet "Recreational Boating Guide," CG-340, pages 6 and 7 are hereby superseded. In the next edition this information will be appropriately revised.

The initial problem intended to be resolved by the interpretive ruling in this document was to have uniformity in the manner for taking the measurements, and to have the same guidelines followed by all concerned. It should be noted that the Customs rules followed in admeasuring vessels to obtain gross tonnage are different, and must necessarily be based on "inside" dimensions because a basic problem in admeasure-

ment is to obtain the "volume" inside capacity of the vessel. In view of the fact that many existing vessels may have been measured to different guidelines than that described in the interpretive ruling, it is not contemplated that a major program will be undertaken to remeasure all existing vessels. Therefore, unless an existing motorboat is altered or required to be remeasured by some other action, the present measurement described in official Federal or State document will be accepted as the length of the motorboat for determining required equipment, etc.

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-32, dated September 23, 1958 (23 F.R. 7605), to promulgate rules and regulations in accordance with the statutes cited with the rule below, the following amendment to § 24.10-17 is prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

#### § 24.10-17 Motorboat.

(a) This term means any vessel indicated in column 6 of Table 24.05-1(a), 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the act of April 25, 1940, as amended (46 U.S.C. 526-526u), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.

Class 1—Any motorboat 16 feet or over and less than 26 feet in length.

Class 2—Any motorboat 26 feet or over and less than 40 feet in length.

Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

(b) The expression "length shall be measured from end to end over the deck excluding sheer" means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not to be included in the measurement. Length shall be stated in feet and inches.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

Dated: April 24, 1962.

[SEAL] A. C. RICHMOND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 62-4249; Filed, May 1, 1962; 8:50 a.m.]

[CGFR 62-8]

## MISCELLANEOUS VESSEL INSPECTION AMENDMENTS

Pursuant to the notices of proposed rule making published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657-665), and February 27, 1962 (27 F.R. 1801), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962 for the purpose of receiving comments, views and data. In general the Commandant, United States Coast Guard, has accepted proposed changes to the vessel inspection regulations as recommended by the Merchant Marine Council at its Annual Session held March 12-14, 1962. The recommendations are based on proposals contained in a Merchant Marine Council Public Hearing Agenda (CG-249), dated March 12, 1962, consisting of 9 items, an addendum to Item V, and the oral and written comments submitted by the public in conjunction with the public hearing on March 12, 1962.

The proposals considered were: I, rules and regulations for military explosives and hazardous munitions; II, dangerous cargoes; III, vessel operations and inspection; IV, lifesaving and fire protection; V, tank vessels; VI, marine engineering; VII, electrical engineering; VIII, uninspected vessels (motorboats); and IX, artificial islands and fixed structures on the Outer Continental Shelf. The Commandant accepted the proposed changes to the regulations, with certain changes from the Agenda which reflect views expressed in comments received, for Items I, II, IV, VII and IX, as well as the majority of proposals in Items III, V, and VI.

This document is the first of a series covering the regulations considered at the March 12, 1962 Public Hearing and Annual Session of the Merchant Marine Council. It includes the actions taken with respect to "marine casualty investigations," and "automatic lift toilet seats" in Item III; "painting of lifeboat interiors" and "distress signals on passenger vessels under 100 gross tons" in Item IV; "emergency lighting and power systems" for tank ships in Item V; and "miscellaneous electrical engineering amendments" in Item VII. These changes as proposed in the Agenda except for minor changes in 46 CFR 35.10-15 regarding emergency lighting and power systems on tank ships in Item V are adopted. Other documents containing changes in the regulations as recommended by the Merchant Marine Council will be published in the FEDERAL REGISTER as soon as possible. However, certain proposals on the Agenda were controversial and the actions recommended by the Merchant Marine Council, which are concurred in, are described briefly in succeeding paragraphs for the information of those concerned.

The proposals regarding "immediate reporting of spillages, etc., of dangerous materials or liquids" in Item III are withdrawn as regulatory material. In lieu



thereof, publicity will be given to the problems and suggested practices and procedures will be published as articles in the Proceedings of the Merchant Marine Council or Navigation and Vessel Inspection Circulars.

Many comments were received concerning "portable containers for combustible liquid cargoes" indicating a need for a further study of this subject. Therefore, these proposals and comments are being studied by a special committee before taking final action.

With respect to "gas freeing, inspection and testing required when making alterations, repairs, etc., involving hot work," certain comments indicated there were a number of important changes occurring regarding certified gas chemists. Therefore, the final actions on proposals and comments are deferred until after June 15, 1962.

Requests were received asking for additional time for submitting comments regarding the two proposals for inspection and certification of "seagoing barges." An additional 90-day extension of time is granted, and final actions on proposals and comments are deferred until after June 15, 1962.

The comments received concerning "oxygen type breathing apparatus (liquid chlorine and anhydrous ammonia)" indicate a need to resolve corollary problems concerning alternate places for keeping this equipment and possible use of alternate types of equipment. Therefore, exploratory discussions with those who submitted certain comments on this will be held. An additional 90-day extension of time is granted for submittal of comments, and final actions on proposals and comments are deferred until after June 15, 1962.

The proposal regarding "portable fire extinguishers" in Item IV was controversial. Many comments indicate that problems exist with regard to the inspection of dry chemical extinguishers with disposable containers without pressure gages. The proposals and comments concerning the inspection and labelling of these extinguishers are being studied by a special committee and final action will be taken shortly.

The proposals regarding "venting of cofferdams," as described in Item V and the Addendum to Item V, dated February 5, 1962, and published in the FEDERAL REGISTER on February 27, 1962 (27 F.R. 1801), were withdrawn for further study. The comments received indicate a divergence in opinions on the proposals and problems involved, and further discussions with those who submitted comments will be held.

At the Public Hearing a verbal request was made for 10 days additional time in which to submit written comments regarding "valves and fittings" in the proposals on "pressure vessels, dished heads, malleable iron, piping, bilge pumps and valves" in Item VI. This additional 10-day extension of time for submitting comments on "valves and fittings" is granted, and final actions on proposals and comments are deferred until after April 2, 1962.

With respect to "vent opening closures" in Item VI, after considering

the comments and proposals, the Merchant Marine Council rejected the proposals as set forth in the Agenda and stated the present regulations shall continue in effect. These proposals concerned the meaning of the term "satisfactory means" for closing openings of vent pipes in 46 CFR 55.10-60 of the marine engineering regulations and for closing openings of air pipes in 46 CFR 43.10-80 and 45.10-77 of the load line regulations.

The proposals in Item VIII concerned motorboats. The comments concerning the interpretation of the expression "length shall be measured from end to end over the deck excluding sheer" were, for the most part, very favorable to the proposal. Therefore, this interpretation as set forth in the Agenda is adopted. This will be in a separate document, the third in this series. The proposals concerning "portable fire extinguishers for all motorboats" and "ventilation" were commented on extensively, and a few set forth proposed modifications. Therefore, final actions are deferred until after further study is completed by the Coast Guard and also by two advisory panels to the Merchant Marine Council, namely, the Motorboat and Yacht Advisory Panel, and the Advisory Panel of State Officials. Until this study is completed and the recommendations of these two panels are considered, the existing regulations concerning fire extinguishers and ventilation for uninspected motorboats will remain unchanged.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and the 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; however, the new or revised requirements in this document shall be in full effect on and after July 1, 1962:

SUBCHAPTER D—TANK VESSELS

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

Subpart 32.40—Accommodations

Section 32.40-1(d) (10) is amended to read as follows:

§ 32.40-1 Crew accommodations on tank ships of 100 gross tons or over constructed after January 1, 1938—T/ALL.

(d) \* \* \*

(10) All toilets shall be installed and equipped with the proper plumbing for flushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated with a screen

constructed of fire-resistive material to afford privacy. Such screens may be installed so as to be open at top and bottom for ventilation purposes.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

Subpart 33.25—Markings, Care and Inspection

Section 33.25-5 is amended by revising paragraph (d) and adding a new paragraph (e) reading as follows:

§ 33.25-5 Numbering and marking of lifeboats—TB/ALL.

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters either the words—"Danger—Lever Drops Boat," or the words—"Danger—Lever Releases Hooks."

PART 35—OPERATIONS

Subpart 35.07—Logbook Entries

1. Section 35.07-10(b) is amended by adding a new subparagraph (8) reading as follows:

§ 35.07-10 Actions required to be logged—TB/ALL.

(b) \* \* \*

(8) Operation and inspection of the emergency lighting and power systems. Once in each week that the vessel is navigated. See § 35.10-15.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 35.10—Fire and Emergency Requirements

2. Subpart 35.10 is amended by inserting after § 35.10-10 a new § 35.10-15 reading as follows:

§ 35.10-15 Emergency lighting and power systems—T/ALL.

(a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are tested and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be



tested under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for 6 hours.

(d) The date of the tests required by this section and the condition and performance of the apparatus shall be noted in the vessel's Official Logbook or in logs or records considered to take the place of the Official Logbook.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

#### SUBCHAPTER H—PASSENGER VESSELS

### PART 72—CONSTRUCTION AND ARRANGEMENT

#### Subpart 72.20—Accommodations for Officers and Crew

1. Section 72.20-25(e) (1) is amended to read as follows:

##### § 72.20-25 Washrooms and toilet rooms.

(e) \* \* \*

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

2. Section 72.20-90(d) (2) (iv) is amended to read as follows:

##### § 72.20-90 Vessels contracted for prior to November 19, 1952.

(d) \* \* \*  
(2) \* \* \*

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction will be made in the required number of toilets.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4481, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

### PART 75—LIFESAVING EQUIPMENT

#### Subpart 75.90—Ship's Distress Signals

Section 75.90-5 is amended to read as follows:

##### § 75.90-5 Vessels in ocean or coastwise service.

(a) All vessels in ocean service and all vessels in coastwise service shall carry within the pilothouse or on the

navigator's bridge, 12 approved hand-held rocket-propelled parachute red flare distress signals constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter.

(b) All vessels under 100 gross tons in coastwise service may carry in lieu of signals required by paragraph (a) of this section within the pilothouse or in other locations considered suitable by the Officer in Charge, Marine Inspection, pyrotechnic signals as follows:

(1) Six hand red flare distress signals and 6 hand orange smoke distress signals; constructed in accordance with Subpart 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or

(2) Twelve hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(c) All pyrotechnic signals shall be stowed in a portable watertight container.

(d) The service use of the distress signals shall be limited to a period of 3 years from the date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

### PART 78—OPERATIONS

#### Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

Section 78.47-60(f) is amended to read as follows:

##### § 78.47-60 Lifeboats.

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

#### SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

### PART 92—CONSTRUCTION AND ARRANGEMENT

#### Subpart 92.20—Accommodations for Officers and Crew

1. Section 92.20-25(e) (1) is amended to read as follows:

##### § 92.20-25 Washrooms and toilet rooms.

(e) \* \* \*

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open

front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

2. Section 92.20-90(d) (2) (iv) is amended to read as follows:

##### § 92.20-90 Vessels contracted for prior to November 19, 1952.

(d) \* \* \*  
(2) \* \* \*

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction will be made in the required number of toilets.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, 41 Stat. 405, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

### PART 97—OPERATIONS

#### Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

Section 97.37-37(f) is amended to read as follows:

##### § 97.37-37 Lifeboats.

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

#### SUBCHAPTER J—ELECTRICAL ENGINEERING

### PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

#### Subpart 111.50—Distribution and Circuit Loads

1. Section 111.50-20(c) is amended by revising subparagraphs (2), (3) (ii), (4) (ii), and (5) (but not subdivisions (i) and (ii)) so that they read as follows:

##### § 111.50-20 Circuit loads and demand factors.

(c) \* \* \*

(2) 15-ampere lighting branch circuits. The connected load on a lighting branch circuit shall not exceed 12 amperes, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet unless the

design of the fixture precludes the possibility of installing lamps of a higher wattage than those originally installed. Circuits supplying electric discharge type lamp shall be computed on the basis of ballast input current. Receptacle outlets provided for the convenience of passengers or crew to which no ship's service apparatus, such as room fans, desk lamps, table lamps, etc., will be connected, need not be counted as a connected load.

(3) \* \* \*  
(ii) The connected load shall not exceed 16 amperes.

(4) \* \* \*  
(ii) The connected load shall not exceed 24 amperes.

(5) *Multi-lamp fixtures.* Multi-lamp fixtures employing a large number of low-wattage lamps, where the total load of the fixture exceeds 12 amperes, may be supplied by a polyphase branch circuit provided all the conditions covered in this subparagraph are complied with.

\* \* \* \* \*  
(iii) The current in any conductor of the polyphase branch circuit does not exceed 12 amperes.

**Subpart 111.60—Wiring Methods and Materials**

2. Section 111.60-10(b) (8) is amended to read as follows:

**§ 111.60-10 Wire and cable installation.**

(b) \* \* \*

(8) *Feeder and branch circuit cables.* Cable of every description shall be located with a view to avoiding, as far as practicable, spaces where excessive heat and gases may be encountered as well as spaces where they may be exposed to damage such as exposed sides of deck houses. Electrical conductors shall not enter oil tanks and shall avoid cofferdams adjacent to and extending below the tops of oil tanks except as permitted by §§ 111.70-10 and 111.60-40.

**Subpart 111.65—Special Requirements for Certain Locations and Systems**

3. Section 111.65-45(b) (1) is amended to read as follows:

**§ 111.65-45 Special requirements for electric air heaters.**

\* \* \* \* \*

(b) *General requirements.* (1) Electric heaters shall be so constructed that the risk of fire is reduced to a minimum. Unspecified construction and circuit details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Electric Space-Heating Equipment.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

**SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS**

**PART 136—MARINE INVESTIGATION REGULATIONS**

**Subpart 136.07—Investigations**

1. In § 136.07-40 *Coast Guard vessels involved in marine casualties*, paragraphs (a) and (b) are canceled.

2. In § 136.07-42 *Marine casualties occurring within the scope of Coast Guard rescue operations*, paragraphs (a) and (b) are canceled.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416.)

**SUBCHAPTER Q—SPECIFICATIONS**

**PART 160—LIFESAVING EQUIPMENT**

**Subpart 160.035—Lifeboats for Merchant Vessels**

Section 160.035-2(c) (1) is amended to read as follows:

**§ 160.035-2 General requirements for lifeboats.**

\* \* \* \* \*

(c) \* \* \*

(1) The thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange in accordance with Federal Specification TT-P-59a. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

**SUBCHAPTER R—NAUTICAL SCHOOLS**

**PART 167—PUBLIC NAUTICAL SCHOOL SHIPS**

**Subpart 167.35—Lifesaving Equipment**

Section 167.35-25 is amended by revising paragraph (d) and adding a new paragraph (e), reading as follows:

**§ 167.35-25 Numbering and marking of lifeboats.**

\* \* \* \* \*

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control shall be painted or otherwise colored white, to provide a contrasting background for the control.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418,

as amended, 4426, as amended, 4428-4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1-22, 54 Stat. 163-167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406-412, 239, 481, 489, 363, 367, 526-526u, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: April 24, 1962.

[SEAL] A. C. RICHMOND,  
Admiral, U.S. Coast Guard  
Commandant.

[F.R. Doc. 62-4248; Filed, May 1, 1962; 8:50 a.m.]

**Title 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

[FCC 62-424]

**PART 1—PRACTICE AND PROCEDURE**

**Miscellaneous Amendments**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

The Commission having under consideration certain amendments and additions to its rules of practice and procedure; and

It appearing that § 1.18(g), concerning the computation of time, should be amended for purposes of clarity and, in particular, to specify that the additional time allowed under paragraph (g) for filing responses is not allowed in the case of violation notices served under § 1.76 of the Commission's rules; and

It further appearing that § 1.56 should specify the time within which service is to be made; that it should more clearly state the manner in which service upon Commission counsel is to be effected; that it should more clearly indicate its applicability to the service of Commission documents; and that it should be revised generally to more clearly state the requirements for service of documents; and

It further appearing that orderly and efficient administration in the public interest requires that the Commission be able to contact its licensees promptly, and that the rules should specify the licensee's obligation in this respect; and

It further appearing that § 1.76(a) should be conformed to section 9(b) of the Administrative Procedure Act and section 312(e) of the Communications Act, upon which it is based, and that the public interest may in some circumstances warrant or require immediate action by the Commission consistent with those statutory provisions; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to matters of procedure and hence that compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

It is ordered, Effective May 4, 1962, That the Commission's rules of practice

and procedure are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 27, 1962.

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

1. Sections 1.18(g), 1.56, and 1.76(a) are amended, and § 1.57 is added to read as follows:

§ 1.18 Computation of time.

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served by mail (see § 1.56(f)), and where the filing period for a response thereto is 10 days or less, an additional three days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.76 or 1.193(c).

§ 1.56 Service of documents and proof of service.

(a) Where the Commission or any person is required by statute or by the provisions of this chapter to serve any document upon any person, service shall (in the absence of specific provisions in this chapter to the contrary) be made in accordance with the provisions of this section.

(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed: *Provided, however*, That formal complaints, including supplemental, cross, and amended complaints, filed under section 208 of the Communications Act will be served by the Commission.

(c) Commission counsel who formally participate in any proceeding shall be served in the same manner as other persons who participate in that proceeding. The filing of a document with the Commission does not constitute service upon Commission counsel.

(d) Documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served, or, if there is no one in charge of such office, leaving it in a conspicuous place therein; or, if such office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode

with some person of suitable age and discretion then residing therein.

(f) Service by mail is complete upon mailing. If the person upon whom service by mail is being made resides 500 miles or more from the person effecting service, such mailing must be by airmail.

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgment of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may allow the proof to be amended or supplied at any time, unless to do so would result in material prejudice to a party.

§ 1.57 Mailing address furnished by licensee.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

§ 1.76 Notice of violations.

(a) Except in cases of wilfulness or those in which public health, interest, or safety requires otherwise, any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension, or cease and desist proceedings are instituted, be served with a written notice calling these facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

[F.R. Doc. 62-4278; Filed, May 1, 1962; 8:54 a.m.]

[FCC 62-426]

**PART 13—COMMERCIAL RADIO OPERATORS**

**Examination Elements**

In the matter of amendment of Part 13 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) with regard to the qualifications of radio operators.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

The Commission having under consideration the provisions of Article 23 of

the Geneva Radio Regulations (1959), "Operators Certificates for Ship and Aircraft Station"; and

It appearing that under sections B and C of Article 23, candidates for the Second Class Radiotelegraph Operator's Certificate and the Radiotelegraph Operator's Special Certificate are required, among other matters, to give proof of ability to send correctly by hand and to receive correctly by ear in the Morse Code a plain language text at a speed of twenty words a minute; and

It further appearing that the Commission's Radiotelegraph Second Class Operator License and its Radiotelegraph Third Class Operator Permit correspond, respectively, to the aforementioned Certificates; and

It further appearing that Part 13 should be amended to bring it into conformity with Article 23 with respect to Morse Code requirements and that this may be done by adding a plain language requirement to § 13.22 (c) and (f) of Part 13; and

It further appearing that the changes are interpretative, and hence that compliance with section 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for the issuance of this Order is contained in sections 4(i), 303(l), and 303(r) of the Communications Act of 1934, as amended.

It is ordered, That effective June 25, 1962, Part 13 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 27, 1962.

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

In § 13.22, paragraphs (c) and (f) are amended to read as follows:

§ 13.22 Examination elements.

(c) *Radiotelegraph second-class operator license.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(f) *Radiotelegraph third-class operator permit.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, and 5.

[F.R. Doc. 62-4277; Filed, May 1, 1962; 8:54 a.m.]



# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35, 43, 61 [New], 63 [New], 65 [New], 67 [New]]

[Special Civil Air Regulations SR-428 and SR-434]

[Reg. Docket No. 1179, Draft Release No. 62-20]

### AIRMEN [NEW]

#### Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35, certain associated sections of Part 43 of the Civil Air Regulations, and Special Civil Air Regulations SR-428 and SR-434. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter D—Airmen [New] containing the proposed recodified regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views, or arguments as they may desire. Communications must be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All comments received on or before June 25, 1962, will be considered before taking action on the proposed recodification. The proposal 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 Docket Section for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new subchapter 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 sec-

tion 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 change has 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 proposed Part 1 [New], published in the FEDERAL REGISTER on February 21, 1962 (27 F.R. 1654), would apply to proposed Subchapter D [New].

When finally adopted, the new subchapter will include the substance of any applicable rules or amendments adopted and effective during the period between the date of the 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.

This proposal reflects recent amendments, to the present parts, issued for clarification purposes in connection with the recodification project. For example, present Part 20 had included two classes of airmen—"limited flight instructors" and "flight instructors" and had referred to both classes together as "flight instructors." Present Part 25 had included two classes of airmen—"parachute riggers" and "master parachute riggers" and had referred to both classes together as "parachute riggers." It is thus readily seen that there was ample ground for confusion and misunderstanding as to the applicability of certain specific rules contained in those parts. One basic purpose of the recodification project is to eliminate this type of confusion by never referring to the whole by the name of one of its parts and by not adopting two meanings for the same word. The clarification amendments to Parts 20 and 25 have permitted the recodifiers to freely reword the affected sections of the regulations in the interest of clarity, brevity, and understanding.

A number of inconsistencies in the present regulations have been eliminated. Proposed § 61.9(g) merges the requirements concerning the return of invalid airline transport and lighter-than-air pilot certificates so as to make them identical, but without increasing the burden on either type of certificate holder (see present §§ 21.24(c), 22.21(e), and 22.32(b)).

Similarly, it was determined that the written test requirements for both lighter-than-air (see present § 22.11(f)) and heavier-than-air (see present §§ 20.33, 20.63, and 20.93) private pilot certificates are essentially the same and they have been consolidated in proposed § 61.83. A companion consolidation was effected in § 61.133 governing written test

requirements for commercial pilot certificates. Unnecessary regulations, such as present §§ 20.10-3, 20.11-1, and 21.24-1 governing the voluntary surrender of certificates, have been dropped. It is emphasized that the elimination of unnecessary and inconsistent regulatory material has been done only in a manner which results, not in any increased regulatory burden on the public, but in lessening that burden.

In view of the foregoing, it is proposed to amend Chapter 1 of Title 14 of the Code of Federal Regulations by deleting Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35; §§ 43.40-43.42, 43.52-43.63, 43.64 (b), (c), and (d), 43.65, 43.68 of Part 43; and Special Civil Air Regulations SR-428 and SR-434 and further amend that chapter by adding Subchapter D [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on April 25, 1962.

N. E. HALABY,  
Administrator.

### SUBCHAPTER D—AIRMEN [NEW]

#### Part

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

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

#### Subpart A—General

- Sec. 61.1 Applicability.
- 61.3 Certificates and ratings required.
- 61.5 Application and issue.
- 61.7 Temporary certificate.
- 61.9 Duration of certificates.
- 61.11 Exchange of certificate.
- 61.13 Change of name; replacement of lost or destroyed certificate.
- 61.15 Aircraft ratings.
- 61.17 Additional aircraft ratings after original issue of certificate.
- 61.19 Tests: general procedure.
- 61.21 Prerequisites for flight tests.
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- 61.25 Flight tests: required aircraft.
- 61.27 Retesting after failure.
- 61.29 Graduates of certificated flying schools; special rules.
- 61.31 Military pilots or former military pilots: special rules.
- 61.33 Special purpose pilot certificates: foreign citizens.
- 61.35 Instrument rating: experience requirements.
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- 61.41 Logbooks: airline transport pilots.
- 61.43 Medical certificates: duration.
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- 61.47 Recent flight experience.

- Sec.  
61.49 Cooperation during inspection or test.  
61.51 Change of address.

**Subpart B—Student Pilots**

- 61.61 Eligibility requirements: general.  
61.63 Requirements for solo flight.  
61.65 Airplane operations: flight area limitations.  
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61.71 Lighter-than-air operations: flight limitations.  
61.73 General limitations.

**Subpart C—Private Pilots**

- 61.81 Eligibility requirements: general.  
61.83 Aeronautical knowledge.  
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61.101 General privileges and limitations.

**Subpart D—Commercial Pilots**

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

**Subpart E—Airline Transport Pilots**

- 61.141 Eligibility requirements: general.  
61.143 Airplane rating: aeronautical knowledge.  
61.145 Airplane rating: aeronautical experience.  
61.147 Airplane rating: aeronautical skill.  
61.149 Rotorcraft rating: general requirements.  
61.151 Rotorcraft rating: aeronautical knowledge.  
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61.155 Rotorcraft rating: aeronautical skill.  
61.157 Additional category ratings.  
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**Subpart F—Flight Instructors**

- 61.171 Flight instructor certificate: requirements.  
61.173 Flight instructor records.  
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- 61.181 General requirements.  
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**Subpart A—General**

**§ 61.1 Applicability.**

This part prescribes the requirements for issuing the following certificates and

ratings, the conditions under which those certificates or ratings are necessary, and the general operating rules for the holders of those certificates and ratings:

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

[Revision note: Based on § 20.1]

**§ 61.3 Certificates and ratings required.**

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

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

(c) No person may act as pilot in command of an aircraft under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter.

(d) Each person who holds a pilot certificate described in paragraph (a) or (b) of this section shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer. An airline transport or lighter-than-air pilot must present his pilot certificate for inspection upon the request of any passenger. In addition, an airline transport pilot must present his pilot certificate for inspection upon the reasonable request of any other person.

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

[Revision note: Combines §§ 21.23; 22.32(a) (less (1)), 43.40, 43.41 (first sentence), and 43.65]

**§ 61.5 Application and issue.**

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

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

(c) An applicant for a pilot certificate who holds a medical certificate under § 67.19 of this chapter with special limitations on it and who meets all other

requirements for that pilot certificate, is entitled to a pilot certificate containing such operating limitations as the Administrator determines are necessary because of the applicant's physical deficiency.

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

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

[Revision note: Combines §§ 20.10 (less (d)); 20.10-1, 20.10-6; 21.21, 21.22 (introductory paragraph); and 22.20]

NOTE: §§ 20.10(b) (last sentence) and 20.10-6(b) are omitted as obsolete and unnecessary.

**§ 61.7 Temporary certificate.**

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

[Revision note: Combines §§ 20.11(c), 20.11-3; 21.22(a), 21.24(b); 22.21(d), and 22.21-2]

**§ 61.9 Duration of certificates.**

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

(b) A limited flight instructor certificate expires at the end of the 24th month after the month in which it is issued, but may, at any time before it expires, be exchanged for a flight instructor certificate with appropriate ratings without a further showing of the holder's ability to give flight instruction. After it expires, it may be exchanged for a flight instructor certificate with appropriate ratings upon a showing by the holder of his continued ability to give flight instruction. A flight instructor certificate is effective until it is surrendered, suspended, or revoked. In addition, each flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.171 (a).

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

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

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

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

(g) The holder of an airline transport or lighter-than-air pilot certificate



that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

[Revision note: Combines §§ 20.11 (less (c)), 20.11-2, 20.112 (last sentence), and 20.131; 21.24 (a) and (c), 21.27; 22.21 (less (d)), and 22.32(b)]

#### § 61.11 Exchange of certificate.

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

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

[Revision note: Combines §§ 20.10-3, 20.11-1; 21.24-1; and 22.27]

NOTE: § 20.11-1 is omitted as unnecessary.

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

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

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

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

(2) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued and the ratings on it; and

(3) Be accompanied by a check or money order for \$2.00, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., accompanied by a check or money order for \$2.00.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

[Revision note: Combines §§ 20.10-4, 20.10-5; 21.6; and 22.28]

#### § 61.15 Aircraft ratings.

(a) The category ratings to be placed on private, commercial, and airline transport pilot certificates are—

- (1) Airplanes;
- (2) Rotorcraft;
- (3) Glider; and
- (4) Lighter-than-air.

A helicopter rating that was placed on a pilot certificate before March 1, 1957, is treated as if it were a rotorcraft rating.

(b) Where applicable the class ratings to be placed on private, commercial, and airline transport pilot certificates are—

- (1) Single-engine land;
- (2) Multiengine land;
- (3) Single-engine sea; and
- (4) Multiengine sea.

For the purposes of subparagraphs (1) and (3) of this paragraph, an airplane with multiple jet engines in the fuselage or wing roots is treated as a single-engine airplane, since the failure of one engine does not require multiengine flight control techniques to control the airplane.

(c) In addition to the category and class ratings in paragraphs (a) and (b) of this section, the name of each type of large aircraft for which a pilot is rated, is placed on his certificate. In the case of airline transport pilots, a helicopter type rating is issued for each type of helicopter.

[Revision note: Combines §§ 20.120, 20.120-1, 20.120-2; 21.34, and 21.35]

NOTE: The class rating "unconventional" is omitted as obsolete and unnecessary.

#### § 61.17 Additional aircraft ratings after original issue of certificate.

(a) To be eligible for an additional aircraft rating after his certificate is issued to him, an applicant must meet the requirements of paragraphs (b) to (f) of this section, performing the procedures, maneuvers, and techniques specified in those sections, as applicable, that are not required for the certificates and ratings that he already holds.

(b) A pilot holding an airplane rating who applies for a rotorcraft rating must have a total of at least 25 hours of dual instruction and solo flight time in rotorcraft, at least 5 of which were solo, and must pass an appropriate flight test.

(c) A pilot holding an airplane or rotorcraft rating who applies for a glider rating must have a total of at least 2 hours of dual instruction and solo flight time in gliders, including at least 10 solo glider flights in which he made 360° right and left approaches, and must pass an appropriate flight test.

(d) A pilot holding a glider rating who applies for an airplane or rotorcraft rating must meet the requirements for the original issue of a certificate with an airplane or rotorcraft rating, including the flight test.

(e) A pilot holding a rotorcraft rating who applies for an airplane rating must have the flight time required for the original issue of a certificate with an airplane rating, including at least 5 hours of solo flight time in airplanes and must pass an appropriate flight test.

(f) An applicant for an additional class or type rating must—

(1) Have made at least five takeoffs and landings in an aircraft of the class or type for which he seeks a rating, in solo flight or as the only manipulator of the controls accompanied by a pilot rated for that aircraft, or, for an aircraft that required more than one pilot, as pilot in command or as second in command performing the duties of a pilot in command while the instructor or check pilot performed the duties of a second in command; and

(2) Pass an appropriate flight test.

(g) This section does not apply to airline transport pilot or lighter-than-air pilot certificates.

[Revision note: Combines §§ 20.121, 20.121-1, and 20.121-2]

#### § 61.19 Tests: general procedure.

Tests prescribed by or under this part are given at times and places, and by persons, prescribed by the Administrator.

[Revision note: Combines §§ 20.10(d); 21.32; and 22.24 (less (b)-(d))]

#### § 61.21 Prerequisites for flight tests.

To be eligible for a flight test for a certificate, or an aircraft or instrument rating, under this part the applicant must—

(a) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(b) Have the applicable aeronautical experience prescribed in this part; and

(c) Hold a medical certificate appropriate to the certificate he seeks.

Notwithstanding paragraph (a) of this section, an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, an air carrier or commercial operator may take the flight test for that certificate as long as he continues in that employment and training program.

[Revision note: Combines §§ 20.14; 21.15-1, 21.17-1(a); 22.11-3 (1st and last sentences), 22.12-4(b), and 22.13-6]

NOTE: § 21.15-1 (less (e)) is omitted as obsolete.

#### § 61.23 Flight tests: general procedures.

(a) The examiner of an applicant for a private or commercial pilot certificate or an instrument rating judges the applicant's performance of the procedures and maneuvers on the flight test on the basis of judgment, knowledge, smoothness, and accuracy. For this purpose, competent performance of a procedure or maneuver requires the pilot to be the obvious master of the aircraft, with the successful outcome of the maneuver never seriously in doubt.

(b) If an applicant fails any required item in a phase of the flight test he fails that phase and the entire test, and must pass that phase in any later retesting.

(c) The examiner or the applicant may discontinue the test at any time when the failure of a required item makes passing the test impossible. In such a case, the applicant is entitled to



credit for only those entire phases that he passed.

(d) This section does not apply to airline transport or lighter-than-air pilot certificates.

[Revision note: Combines §§ 20.35-1 (a) (1) (less 1st sentence) and (2), and (b); 20.45-1 (a) (1) (less 1st sentence) and (2), and (b); 20.65-1 (a) (1) (less 1st sentence) and (2), and (b); 20.75-1 (a) (1) (less 1st sentence) and (2), and (b); 20.95-1 (a) (1) (less 1st sentence) and (2), and (b); 20.105-1 (a) and (1) (less 1st sentence) and (2), and (b); and 20.128-1 (a) (2) (less 1st sentence) and (3), and (b) (1st sentence)]

#### § 61.25 Flight tests: required aircraft.

(a) An applicant for a certificate or rating under this part must furnish, for each flight test that he is required to take, an appropriate aircraft of United States registry. However, the applicant may, in the examiner's discretion, furnish an aircraft of foreign registry that is properly certificated by the country of registry, or a military aircraft in an operational status if its use is allowed by an appropriate military authority.

(b) An aircraft furnished under paragraph (a) of this section for any flight test (other than an airline transport pilot or lighter-than-air pilot certificate) must have functioning dual controls, unless, after considering all of the factors, the examiner determines that the flight test can be conducted safely without them.

(c) An aircraft furnished under paragraph (a) of this section for an airline transport pilot test must have a suitability that excludes the applicant from outside forward vision but does not unduly restrict the examiner's vision, must have functioning dual controls, and must accommodate the applicant and the examiner. For the purposes of this paragraph, an aircraft that has only one elevator and aileron control for two seats or is so arranged that all flight and engine controls cannot be handled in a normal manner from either seat, is not considered to have dual controls. If the applicant is employed by an air carrier, the air carrier may have a check pilot on the aircraft during a flight test under this subsection. In such a case, the aircraft must provide adequate vision for the pilot and the check pilot.

(d) An aircraft furnished under paragraph (a) of this section for a flight test for an instrument rating must—

- (1) Be one in which instrument flight is authorized by this chapter and by its equipment and operating limitations;
- (2) Have functioning dual controls; and
- (3) Have a hood, slats, polarized material, or other effective means (satisfactory to the examiner) of excluding outside visual reference by the pilot taking the test.

[Revision note: Combines §§ 20.15, 20.15-1, 20.15-2, 20.128-1(a) (1); 21.30, 21.33, and 21.33-1 and 22.24(d)]

NOTE: § 20.15-2 is omitted as unnecessary.

#### § 61.27 Retesting after failure.

(a) An applicant for a certificate or rating under this part (other than an

airline transport or lighter-than-air pilot certificate or associated rating) who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test;

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and now considers that he is ready for retesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with a rating for the subject failed.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating or a certificated ground instructor with a rating for the subject failed.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(b) An applicant for a certificate or rating under this part (other than an airline transport or lighter-than-air pilot certificate or associated rating) who fails a flight test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from a certificated flight instructor with an appropriate rating, certifying that he has given additional instruction to the applicant and now considers that the applicant is ready for retesting.

(c) An applicant for an airline transport pilot certificate or associated rating who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least 5 additional hours of instruction, from a person employed by an airline to instruct in that subject, or from whichever of the following is appropriate:

(i) A certificated airline transport pilot.

(ii) A certificated ground instructor for the subject failed.

(iii) A person qualified to instruct in instrument flight theory.

(d) An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting after he presents satisfactory evidence that he has—

(1) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of dual flight instruction with a certificated flight instructor or airline transport pilot; or

(2) Received such part of the practice or instruction prescribed in subparagraph (1) of this paragraph as, in the Administrator's opinion, warrants retesting.

However, an applicant is not retested on the maneuvers that he passed on his original flight test. An applicant who meets the requirements of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b) (1).

(e) An applicant covered by paragraph (c) (2) or (d) of this section must present a statement from his instructor certifying that he has given the additional instruction to the applicant and considers that he is ready for retesting.

(f) An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least five hours of instruction on each subject that he failed, from a ground instructor certificated for that subject and presents a statement from that instructor showing the amount of instruction given and stating that he considers that the applicant is ready for retesting.

(g) An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a flight test under this part may apply for retesting after he has logged at least three additional hours of flight time.

[Revision note: Combines §§ 20.13, 20.13-1; 21.28; 21.28-1, 21.28-2, and 22.24(c)]

#### § 61.29 Graduates of certificated flying schools: special rules.

(a) A graduate of a flying school that is certificated under Part ---- of this chapter [Present Part 50] is considered to meet the requirements of §§ 61.85, 61.89, 61.115, or 61.119 relating to aeronautical experience, if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115.

(b) An applicant for a certificate or rating under this part may be considered to meet the requirements of § 61.83 or § 61.113 relating to aeronautical knowledge, or of §§ 61.87, 61.91, 61.117, or 61.121 relating to aeronautical skill, or both, for that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part ---- of this chapter [Present Part 50] and is authorized by the Administrator to test applicants on aeronautical knowledge, or skill, or both.

[Revision note: Based on § 20.110]

#### § 61.31 Military pilots or former military pilots: special rules.

(a) An applicant for a private or commercial pilot certificate is entitled to that certificate if he passes a written test on the parts of this chapter relating to pilot privileges and limitations, general operating, air traffic, and accident reporting rules, and presents satisfactory documents showing that—

(1) He is a member of an Armed Force of the United States and is either on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months before the date he applies), or has,

within the 12 months before the date he applies, been graduated from, and rated as a pilot by, a military flying school; or

(2) He has been honorably discharged or released from such an Armed Force and was, at the time of the discharge or release, on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months).

However, a person covered by subparagraph (2) of this paragraph who was discharged or released more than 12 months before the date he applies must also pass the prescribed flight test and physical requirements, or in the case of an applicant for a private lighter-than-air pilot certificate, have had at least 10 hours of flight time as pilot in command in military lighter-than-air aircraft within that 12-month period.

(b) A person who applies for a particular category, class, or type rating (other than lighter-than-air), is entitled to an appropriate rating on the pilot certificate that he holds or for which he has applied, if he presents satisfactory documentary evidence that, within the 12 months before the date he applies, he has had at least 10 hours of flight time as pilot in command in military aircraft of a category, class, or type for which he seeks a rating or has passed either an official military checkout as pilot in command, or the equivalent, in the aircraft concerned or the flight test prescribed in § 61.17 (b) or (f). However, this subsection does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

(c) A private or commercial pilot who holds a current military instrument rating or card is entitled to an instrument rating under this part.

(d) For the purposes of this section—

(1) An official identification card issued by the armed force concerned showing that the holder is a member is satisfactory evidence of membership;

(2) An official order to solo flight status, an appropriate Air Force form or Navy flight logbook endorsed to show solo flight status, official order showing graduation from, and rating as a pilot by, a military flying school, or a copy of orders showing duty involving flying as a rated pilot, is satisfactory evidence of flight status;

(3) An appropriate Air Force form or a summary of it, or a certified military logbook, is satisfactory evidence of pilot flight time, but pilot-in-command flight time in an aircraft normally having two pilots must be substantiated by official checkout records; and

(4) An original or photostatic copy of a certificate of discharge or release from an armed force is satisfactory evidence of discharge or release.

However, a person who was discharged from an Armed Force or removed from flight status because of flight deficiency is not eligible for a pilot certificate under this section.

[Revision note: Combine §§ 20.111, 20.111-1, 20.111-2, 20.111-3; 22.11(1),

22.11-9, 22.11-10, 22.11-11, 22.12(j), 22.12-11, 22.12-12, and 22.12-13]

NOTE: §§ 20.111-1(c) (16th through 29th words) and 22.11-11 (16th through 29th words) are omitted as operationally obsolete and as surplusage.

**§ 61.33 Special purpose pilot certificates: foreign citizens.**

(a) An applicant for a pilot certificate who is a citizen of a foreign country, who holds a current pilot certificate issued by that country, and who meets the requirements of this section, may have a pilot certificate issued to him stating the operations it authorizes and containing ratings based on the ratings on his foreign pilot certificate. If he has no ratings on that certificate, the certificate issued under this section is limited to operating aircraft that he has flown for at least 10 hours, as pilot in command, during the preceding 12 months. However, no instrument rating may be placed on a certificate issued under this section.

(b) An applicant for a certificate under this section must submit satisfactory evidence of his aeronautical experience and must pass a test on Part ---- of this chapter [Present Part 60]. In addition, he must either submit satisfactory evidence that he currently meets the physical requirements for the foreign certificate that he holds or present an appropriate current medical certificate issued under Part 67 of this chapter.

(c) Each certificate issued under this section must show the basis upon which it was issued and may be used only for the specific purpose for which issued. If the applicant cannot read, speak, and understand the English language, the certificate may contain additional limitations that the Administrator considers necessary for air safety.

(d) This section does not apply to airline transport pilot certificates.

[Revision note: Combines §§ 20.112 (less last sentence); 20.112-2; and 22.29]

**§ 61.35 Instrument rating; experience requirements.**

An applicant for an instrument rating must—

(a) Hold at least—

(1) A commercial pilot certificate; or  
(2) A private pilot certificate and meet the requirements of § 61.115(a) (1) and (2);

(b) Pass a written test on—

(1) This subchapter as it applies to flight under IFR conditions;

(2) Radio navigation systems and procedures, instrument landing systems and procedures, and radio communication procedures; and

(3) Meteorology, including the characteristics of air masses and fronts and the weather associated with them, elementary principles of forecasting, and the availability, evaluation, and utilization of meteorological reports; and

(c) Have at least 40 hours of instrument time under instrument weather conditions or simulated instrument conditions (including time acquired in a synthetic trainer), of which at least 20 hours were in flight and at least 10 hours were instrument flight instruction given

by a person holding a flight instructor certificate with an instrument rating.

[Revision note: Combines §§ 20.125, 20.126, 20.127, and 20.127-1]

**§ 61.37 Instrument rating: skill requirements.**

(a) An applicant for an instrument rating must pass a practical test on the procedures and maneuvers listed in paragraph (c) of this section. The test is given in three phases, an oral operational test, an instrument flying test, and a radio navigation and approach procedures test. The applicant must perform the flight maneuvers solely by reference to instruments.

(b) Any significant error of a dangerous nature is disqualifying. Any error that makes it necessary for the examiner to take over the controls to avoid violating the aircraft's operating limitations, a loss of control, or a collision with the ground is disqualifying.

(c) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test.

(i) Instrument flight planning.

(ii) Preparing and filing an instrument flight plan.

(iii) Aircraft performance, range, and fuel requirements.

(iv) Required instruments and equipment, and their proper use.

(2) Phase II—instrument flying test.

(i) Straight and level flight, using needle, ball, and airspeed only.

(ii) Turns, climbs, and descents, using needle, ball, and airspeed only.

(iii) Stalls, and maneuvering at approach speeds.

(iv) Steep turns.

(v) Recovery from unusual attitudes, using needle, ball, and airspeed only.

(vi) Engine-out procedures, if test is in multiengine airplane.

(3) Phase III—radio navigation and approach procedures test.

(i) Radio navigation, including orientation using LF, OMNI range, or ADF.

(ii) Using radio for voice communication.

(iii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile), including holding procedures.

(iv) Missed approach procedures.

(v) Emergencies, such as radio or instrument malfunctions.

(vi) Compliance with air traffic control instructions and procedures.

[Revision note: Combines §§ 20.128 and 20.128-1 (a) (2) (1st sentence) and (4), and (b) (less 1st sentence)]

**§ 61.39 Pilot logbooks: except airline transport pilots.**

(a) The flight time used to meet the experience requirements for any pilot certificate or rating, or to meet the recent flight experience requirements of § 61.47 or § 61.177(c), must be shown by a reliable record. The logging of other flight time is not required. The instructor of a lighter-than-air pilot shall certify each entry on flight instruction that he gave to that pilot. Each pilot who keeps a logbook under this section shall enter into it the following information as to each flight:



(1) **General.** (i) Date;  
 (ii) Duration;  
 (iii) Points of departure and arrival;  
 and  
 (iv) Identification mark of the aircraft.

(2) **Type of piloting time.** (i) Pilot in command or solo;

(ii) Second in command;  
 (iii) Synthetic trainer; or  
 (iv) Dual instruction (or in the case of lighter-than-air pilots, flight instruction), including procedures and maneuvers.

(3) **Conditions of flight.** (i) Day or night;

(ii) Actual instrument flight; or  
 (iii) Simulated instrument flight.

(4) If, in the case of a lighter-than-air pilot, the flight resulted in serious damage to the aircraft, an entry to that effect.

(b) A student pilot may log as solo only that flight time during which he is the only occupant of the aircraft.

(c) A private or commercial pilot may log as pilot in command only the flight time during which he is the only manipulator of the controls of an aircraft for which he is rated. A flight instructor may log as pilot in command time all flight time during which he is serving as a flight instructor.

(d) A private or commercial pilot may log as second in command that flight time during which he is performing the duties of a second in command. He may be credited with not more than 50 percent of that kind of flight time toward the total flight time required for a higher certificate or rating. However, a private pilot may not be credited with more than 50 hours of flight time under this paragraph.

(e) A private or commercial pilot may log as dual instruction that flight time during which he is receiving flight instruction from a certificated flight instructor on board the aircraft.

(f) The pilot manipulating the controls of an aircraft during the time it is flown solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions may log that time as instrument flight time.

(g) A lighter-than-air pilot who keeps a logbook under this section shall present it for inspection upon the request of, and after reasonable notice by, the Administrator, an authorized representative of the Civil Aeronautics Board, or any State or local law enforcement officer.

(h) This section does not apply to airline transport pilots.

[Revision note: Combines §§ 20.16, 20.16-1, 20.17, and 22.32(f)]

#### § 61.41 Logbooks: airline transport pilots.

(a) Each airline transport pilot shall keep an accurate and legible record, in ink or indelible pencil, of his flying time in a bound logbook that is arranged for easy reference. Such a pilot must certify his solo flying time entries and the entries on instruction must be certified to by his instructor.

(b) Each person who is required to keep a logbook under this section shall

enter into it the following information as to each flight—

(1) The date.  
 (2) The category, class, and type of the aircraft he flew.

(3) The aircraft certificate number.

(4) The type of piloting time—pilot in command, dual instruction, on instruments, or night flying time.

(5) The duration.

(6) The points of arrival and departure.

(7) If the flight resulted in serious damage to the aircraft, a statement to that effect.

Dual instruction time is logged in the same manner, and the instructor must make complete entries in the logbook of his student showing the nature of each maneuver in which instruction was given and the time spent thereon. The instructor must attest each entry with his initials, pilot certificate number, and pertinent rating. The pilot shall present the logbook for inspection upon the demand and reasonable notice of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement office.

(c) An airline transport pilot may log all flight time during which he acts as pilot in command or second in command.

(d) An airline transport pilot may log instrument flight time as such only when he flies the aircraft solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions. He may not log over-the-top flying as instrument flight time.

(e) Each airline transport pilot shall furnish to the authorized airline medical examiner at the time of each physical examination a report of the amount and type of his aeronautical experience and any other information the Administrator may require covering the period since the last report of that pilot. Reports under this paragraph shall be forwarded to the Administrator.

[Revision note: Based on § 21.44]

#### § 61.43 Medical certificates: duration.

(a) A first-class medical certificate is valid until the first day of—

(1) The seventh month after the month in which it is issued, for operations requiring an airline transport pilot certificate;

(2) The 13th month after the month in which it is issued, for operations requiring only a commercial pilot certificate; and

(3) The 25th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(b) A second-class medical certificate is valid until the first day of—

(1) The 13th month after the month in which it is issued, for operations requiring a commercial pilot certificate, except in the case of a person who holds an airline transport pilot certificate; and

(2) The 25th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(c) A third-class medical certificate is valid until the first day of the 25th

month after the month in which it is issued, for operations requiring a private, student, or free balloon pilot certificate.

[Revision note: Combines §§ 21.40(c), 21.40-1 (last sentence); 22.31(e), 22.32(a)(1); 43.41 (less 1st sentence), and 43.41-1]

#### § 61.45 Operations during physical deficiency.

No person may act as pilot in command of an aircraft, and no person holding an airline transport pilot certificate may operate an aircraft, when he has a known physical deficiency, or increase of known physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

[Revision note: Combines §§ 21.26; 22.32(c) and 43.42]

#### § 61.47 Recent flight experience.

(a) No person may act as pilot in command of an aircraft carrying passengers unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop in an aircraft of the same category, class, and type. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(b) No person may act as pilot in command of an aircraft carrying passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise (as published in the American Air Almanac) unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop during that period of the day.

(c) An airline transport pilot may not pilot an aircraft in operations for which an airline transport pilot certificate is required, if it carries any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that aircraft unless, within the preceding 90 days he has made at least three takeoffs, and three landings to a full stop, in an aircraft of the same category, class, and type.

(d) A pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the preceding 6 calendar months, he has had at least 6 hours of instrument flight under actual or simulated instrument flight conditions. Not more than 3 hours in a synthetic instrument trainer acceptable to the Administrator may be substituted for 3 of the 6 hours of instrument flight time required. This section does not apply to operations requiring an airline transport pilot certificate.

(e) An airline transport pilot who has not had at least 2 hours of instrument flight time under instrument weather conditions or simulated instrument flight conditions within the preceding 6 months may not pilot an aircraft under those conditions in operations for which an airline transport pilot certificate is required until he has had at least 2 hours of flight time under those conditions, accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, and type rat-



ing for the aircraft concerned and an instrument rating.

(f) No person may act as pilot in command of a glider carrying passengers in aero-tow flight unless, within the preceding 12 months, he has made at least six aero-tow flights totaling at least 1 hour, during which he met the requirements of paragraph (a) of this section.

[Revision Note: Combines §§ 21.41, 21.42; 22.22; and 43.68 (less (c))]

NOTE: §§ 22.22 (a), (b), and (c) are omitted as superseded by §§ 43.56 and 43.68; § 22.32(d) is omitted as surplusage. The words "90 days" are substituted for the words "3 calendar months" in § 21.42(a), for uniformity.

**§ 61.49 Cooperation during inspection or test.**

Each applicant for an airline transport or lighter-than-air pilot certificate, and each person who holds such a certificate, shall cooperate fully in any inspection or tests made of him by the Administrator.

[Revision note: Combines §§ 21.36 and 22.32 (d)]

**§ 61.51 Change of address.**

Within 30 days after any change in his permanent mailing address, the holder of a pilot or instructor certificate shall notify the FAA Aircraft and Airman Records Branch, Oklahoma City, Okla., in writing, of his new address.

[Revision note: Combines §§ 20.18; 21.29 and 22.25]

**Subpart B—Student Pilots**

**§ 61.61 Eligibility requirements: general.**

(a) To be eligible for a student pilot certificate, a person must—

(1) Be at least 14 years of age for a certificate authorizing him to pilot a glider, or at least 16 years of age for a certificate authorizing him to pilot any other aircraft.

(2) Be able to read, speak, and understand the English language, or have such operating limitations on his student pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language; and

(3) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months, or in the case of glider operations, certify that he has no known physical defect that makes him unable to pilot a glider.

(b) An unmarried applicant under 21 years of age who is not a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such an Armed Force, must submit with his application the written consent of either parent or his guardian. No consent is required for a married male applicant under 21 years of age. A married female applicant under 21 years of age must submit the written consent of her husband, regardless of his age.

(c) An applicant under 21 years of age who is a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such

an Armed Force must state his membership and serial number on the application or attach to it a written statement from his commanding officer stating that he is a member of that Armed Force or is enrolled in that training program.

[Revision note: Combines §§ 20.20, 20.20-2, 20.20-3, 20.21, 20.21-1, 20.22, 20.22-1, 20.50, 20.50-1, 20.51, 20.51-1, 20.52, 20.52-1, 20.80, 20.80-1, 20.80-2, 20.81, 20.81-1, 20.82, 20.82-1, 22.10, 22.10-2, 22.10-3, and 22.10-4]

NOTE: §§ 22.10(e) (proviso) and 22.10-4 are omitted as superseded by § 29.5.

**§ 61.63 Requirements for solo flight.**

(a) A student pilot may not operate an aircraft in solo flight until—

(1) He is familiar with the general and visual flight rules of Part ---- of this chapter [Present Part 60];

(2) He has had—

(i) In the case of an airplane category, dual instruction in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; in taxiing, takeoff, landing, and parking; in traffic pattern procedures; level flight, turns, climbs, and glides; and in stalls and emergency landings;

(ii) In the case of a rotorcraft category, dual instruction, in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; taxiing, takeoff, hovering, landing, and parking; in traffic pattern procedures; and in emergency procedures including engine failure; or

(iii) In the case of a glider category, flight instruction in takeoff, landing, glide, and gliding turns; and in recovery from stalls entered into from all normally anticipated attitudes; and

(3) An appropriately rated flight instructor (or a commercial pilot with a glider rating in the case of gliders), finds that the student has complied with this section and is otherwise able to make solo flights, and has endorsed his student certificate to that effect.

(b) This section does not apply to student lighter-than-air pilots.

[Revision note: Combines §§ 20.23, 20.53, and 20.83]

**§ 61.65 Airplane operations: flight area limitations.**

A student pilot may not operate an airplane in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received dual instruction in—

(1) Crosswind and simulated soft field takeoffs and landings;

(2) Climbing and gliding turns at minimum safe speeds;

(3) Cross-country navigation by reference to aeronautical charts;

(4) Safe operating procedures in simulated emergencies such as engine failure, loss of flying speed, marginal vis-

ibility, deteriorating weather, getting lost, and similar critical situations;

(5) Conforming with air traffic control instructions by radio and lights; and

(6) The proper use of two-way radio communications and VFR navigational procedures and techniques; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

If ground electronic equipment and navigation aids are not available within 100 miles of the base of operations, a synthetic trainer may be used for training in air traffic procedures, phraseology, and radio navigation.

[Revision note: Based on § 20.24]

**§ 61.67 Rotorcraft operations: flight area limitations.**

A student pilot may not operate a rotorcraft in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received dual instruction in pilotage by reference to aeronautical charts; conforming to air traffic control instructions furnished by radio or lights, as appropriate; and safe operating practices in simulated emergencies that might occur due to engine failure, deteriorating weather, getting lost, and similar situations; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

[Revision note: Based on § 20.54]

**§ 61.69 Glider operations: flight area limitations.**

A student pilot may not operate a glider in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with obtaining and evaluating weather reports;

(b) He has received flight instruction in cross-country navigation by reference to aeronautical charts; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor, or a commercial pilot with a glider rating, who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

[Revision note: Based on § 20.84]

**§ 61.71 Lighter-than-air operations: flight limitations.**

(a) A student pilot (lighter-than-air) may not pilot an airship in solo flight until—

(1) He is familiar with, and passes a written test on as much of Part ---- [Present Part 60] of this chapter as relates to VFR flying, as certified to on his pilot certificate by his instructor;

(2) He has had six instruction flights of at least 1 hour each in free balloons and has logged at least 1 hour of solo flight in a free balloon, as certified to on his certificate by his instructor;

(3) He has had at least 35 hours of flight instruction in an airship, including level flight, right and left turns, landings and takeoffs, and is able to make a flight as pilot in command, as certified to on his certificate by his instructor.

Subparagraph (2) of this paragraph does not apply to a student pilot who has a free balloon pilot certificate.

(b) A student pilot (lighter-than-air) may not pilot a lighter-than-air aircraft carrying any person other than a commercial lighter-than-air pilot, a crewmember, or another student lighter-than-air pilot whose presence in the aircraft is authorized by the instructor under whose direction the flight is being made.

(c) A student pilot (lighter-than-air) may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he has—

(1) Passed a written test on so much of Part ---- [Present Part 60] of this chapter as relates to VFR flying; and—

(2) Had at least six instruction flights, of at least 1 hour each, in free balloons.

[Revision note: Based on § 22.31(a)]

#### § 61.73 General limitations.

(a) Except as provided in paragraph (b) of this section, a student pilot may not act as pilot in command of an aircraft—

- (1) That is carrying a passenger;
- (2) That is on an international flight;
- (3) For compensation or hire;
- (4) In furtherance of a business; or
- (5) Other than the make and model endorsed on his certificate by his certificated flight instructor.

(b) Notwithstanding paragraph (a) (2) of this section, a student pilot may make international flights for the purpose of solo cross-country training from the Haines, Gustavus, or Juneau Airports, Alaska, to White Horse, Yukon Territory, over the Province of British Columbia, and return.

(c) A student pilot who has not acted as pilot in command of a powered aircraft within the preceding 90 days, may not pilot such an aircraft in solo flight until he has passed a flight check given by a certificated flight instructor who so endorses his student pilot logbook.

[Revision note: Combines §§ 43.52, 43.55, 43.56, and SR 428]

#### Subpart C—Private Pilots

##### § 61.81 Eligibility requirements: general.

To be eligible for a private pilot certificate, a person must—

(a) Be at least 16 years of age for a glider rating, at least 18 years of age for a lighter-than-air rating, and at least 17 years of age for any other rating;

(b) Be able to read, speak, and understand the English language, or have such operating limitations placed on his pilot certificate as are necessary for the safe operation of aircraft, to be removed

when he shows that he can read, speak, and understand the English language;

(c) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

[Revision note: Combines §§ 20.30, 20.31, 20.31-1, 20.32, 20.32-1, 20.60, 20.61, 20.61-1, 20.62, 20.62-1, 20.90, 20.90-1, 20.91, 20.91-1, 20.92, 20.92-1; 22.11 (a)-(e), 22.11-1, 22.11-2, and 22.24(b) (less (2))]

NOTE: §§ 22.11(e) (proviso) and 22.11-2 are omitted as superseded by § 29.5.

#### § 61.83 Aeronautical knowledge.

An applicant for a private pilot certificate must pass a written test on—

(a) The regulations of this chapter governing private pilot privileges and limitations, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(b) Practical cross-country flying including, for airplane or rotorcraft rating, flight planning, map reading, pilotage, and radio communication procedures, and for airplane rating, radio navigation and emergency procedures;

(c) Recognizing dangerous weather conditions and evaluating weather reports; and

(d) General safety practices in operating airplanes, rotorcraft, or gliders, as the case may be.

[Revision note: Combines §§ 20.33, 20.63, 20.93; 22.11(f) and 22.11-3 (less 1st and last sentences)]

#### § 61.85 Airplane rating: aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must hold a student pilot certificate endorsed for solo and cross-country flights and must have had—

(1) A total of at least 40 hours of dual instruction and solo flight time;

(2) At least 20 hours of solo flight time of which at least 15 were in an airplane;

(3) At least 10 hours of solo cross-country flight time, during which each flight included a landing at a place more than 25 miles from the place of departure, and, except as provided in paragraph (b) of this section, during which at least one flight included a landing at a place more than 100 miles from the place of departure;

(4) At least 3 hours of dual instruction, after his first solo cross-country flight, including a review of procedures and maneuvers previously learned and additional instruction in preparation for the private pilot flight test; and

(5) Dual instruction, from a certificated flight instructor with an airplane rating, in controlling an airplane by instruments only, in an airplane with at least a sensitive altimeter, turn and bank indicator, and a means of simulating instrument flight.

The instrument instruction required by subparagraph (5) of this paragraph must be integrated with the dual flight instruction in primary flight maneuvers given before and after solo.

(b) That part of paragraph (a) (3) of this section requiring a flight including a landing at a place more than 100 miles from the place of departure does not apply to an applicant who shows, on the Island of Okinawa, Ryukyu Islands, that he is otherwise entitled to a private pilot certificate and has completed a solo cross-country flight between those airports on the Island of Okinawa that are the farthest apart. However, the pilot certificate issued to a person who qualifies under this paragraph must contain the following limitation:

The holder may not pilot any aircraft carrying passengers except on flights over the Island of Okinawa, within a radius of 40 miles of the airport of takeoff.

(c) The holder of a private pilot certificate with the limitation prescribed in paragraph (b) of this section, is entitled to have that limitation removed if he passes the test prescribed by § 61.87(b) (3) and presents satisfactory evidence to an FAA inspector that he has complied with the 100-mile flight requirements of paragraph (a) (3) of this section.

[Revision note: Combines § 20.34 and SR 434]

#### § 61.87 Airplane rating: aeronautical skill.

(a) An applicant for a private pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in three phases, an oral operation test, a basic piloting technique test, and a cross-country test.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test.

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic piloting technique test.

(i) Preflight operations.

(ii) Taxiing or sailing and docking.

(iii) Normal and crosswind takeoffs and landings.

(iv) Climbs, level flight, and descents at normal speeds and at minimum controllable speeds.

(v) Stalls from all normally anticipated flight attitudes, with and without power.

(vi) 720° steep turns about a point.

(vii) Wheel landings in tailwheel-type airplanes, and full stall landings in tricycle-type airplanes.

(viii) Short field takeoff and power approach and landing.

(ix) Soft field takeoff and landing.

(x) Slips and a slip to a landing (if a three control airplane is used).

(xi) Emergency operation of airplane equipment.

(xii) Engine-out emergencies, if a multiengine airplane is used, including—

(a) Maneuvering with one engine out (feathered if possible);

(b) Engine-out minimum control speed demonstration;

(c) Use of engine-out best rate-of-climb speed;

(d) Effect on engine-out performance of failing to feather, extension of gear and flaps, and combinations of them; and

(e) Approach and landing with an engine set for zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—cross-country test.

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Cross-country emergencies (lost, weather, overheating engine, power failure, etc.).

(iv) Use of radio aids to VFR navigation.

[Revision note: Combines §§ 20.35 and 20.35-1(a) (1) (1st sentence) and (3)]

**§ 61.89 Rotorcraft rating: aeronautical experience.**

An applicant for a private pilot certificate (rotorcraft) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) A total of 40 hours of dual instruction and solo flight time;

(b) 15 hours of solo flight time in rotorcraft; and

(c) 3 hours of solo cross-country flying, including a landing at an airport that is more than 25 miles from the place of departure.

[Revision note: Based on § 20.64]

**§ 61.91 Rotorcraft rating: aeronautical skill.**

(a) An applicant for a private pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques, and precision maneuvers. An applicant for a flight test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic technique.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (if rotorcraft equipped to taxi on the surface).

(iv) Normal and crosswind takeoffs and landings.

(v) High altitude takeoffs and roll-on landings.

(vi) Climbs and descents.

(vii) Emergencies, including autorotative approaches.

(2) Phase II—precision maneuvers.

(i) Hovering—upwind, downwind, and crosswind.

(ii) Hovering turns—180° and 360°, right and left.

(iii) Turns with medium banks.

(iv) S turns.

(v) Pattern flying with constant heading.

(vi) Rapid flying decelerations (quick stops).

[Revision note: Combines §§ 20.65 and 20.65-1(a) (1) (1st sentence) and (3)]

**§ 61.93 Glider rating: aeronautical experience.**

An applicant for a private pilot certificate (glider) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) 1 hour of flight instruction in a powered airplane or a glider in recovery from stalls entered into from all normally anticipated flight attitudes; and

(b) At least one of the following:

(1) 100 glider flights, including 25 flights during which a 360° turn was made;

(2) 10 hours of glider flight time, including 50 glider flights, or 30 glider flights in which aero tows were used; or

(3) 3 hours of instruction from a flight instructor in light airplanes directed toward glider training and seven hours of glider flight time including 50 gliding flights.

If the instruction required by subparagraph (1) of this paragraph was received in a powered airplane, it must have been given by a flight instructor with an airplane instructor rating.

[Revision note: Combines §§ 20.94 and 20.94-1]

**§ 61.95 Glider rating: aeronautical skill.**

(a) An applicant for a private pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is in two phases, basic techniques and special maneuvers.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques;

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow; or airplane tow.

(iv) 360° approaches, right and left, landing within 200 feet beyond a line or mark.

(2) Phase II—stalls and slow flight in a glider.

[Revision note: Combines §§ 20.95 and 20.95-1(a) (1) (1st sentence) and (3)]

**§ 61.97 Lighter-than-air rating: aeronautical experience.**

An applicant for a private pilot certificate (lighter-than-air) must hold a student pilot certificate (lighter-than-air) and must have at least 50 hours of flight time at the controls of an airship, including at least 5 hours as pilot in command, at least 5 hours of cross-country flight, and at least 5 hours of flight time at the controls of an airship within the 60 days before the date he applies.

[Revision note: Based on §§ 22.11(g), 22.11-4, and 22.11-5]

**§ 61.99 Lighter-than-air rating: aeronautical skill.**

An applicant for a private pilot certificate (lighter-than-air) must—

(a) Exercise smoothness in required flight maneuvers and exercise reasonable judgment in them by complying with Part ---- of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and

(b) Pass a flight test on the following maneuvers;

(1) Ground handling and mooring.

(2) Preflight checks.

(3) Runups.

(4) Takeoffs.

(5) Ascents.

(6) Turns (right and left) and figure eights.

(7) Straight and level flight.

(8) Descents.

(9) Landings (positive static balance).

(10) Landings (negative static balance).

[Revision note: Combines §§ 22.11(b), 22.11-6, and 22.11-7]

**§ 61.101 General privileges and limitations.**

(a) Except as provided in paragraph (f) of this section, a private pilot may not act as pilot in command of an aircraft for compensation or hire. However, an aircraft salesman who is a private pilot with at least 200 hours of flight time may demonstrate aircraft in flight to a prospective buyer.

(b) A private pilot may act as pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire.

(c) A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if—

(1) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days before the flight, and furnishes any essential information that the Office requests;

(2) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(3) He has logged at least 200 hours of flight time;

(4) No acrobatic or formation flights are conducted;

(5) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of § ---- of this chapter [Present § 43.22]; and

(6) The flight is made under VFR rules during the day. For the purposes of this paragraph, a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List, Organizations Described in section



170(c) of the Internal Revenue Code of 1954", as amended.

(d) A private pilot may not serve as pilot in command of an aircraft carrying passengers, other than in an aircraft of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(e) Unless other limitations on his certificate prohibit it, a private pilot may serve as pilot in command of an aircraft for which he is not rated when it is not carrying passengers or for which he receives no remuneration.

(f) A private pilot (lighter-than-air) may not give flight or instrument instruction in an airship. However, he may pilot a free balloon for compensation or hire and give instruction therein.

[Revision note: Combines §§ 22.31(b); 43.60, and 43.63 (as applicable to private pilots)]

#### Subpart D—Commercial Pilots

##### § 61.111 Eligibility requirements: general.

To be eligible for a commercial pilot certificate, a person must—

(a) Be at least 18 years of age;

(b) Be able to read, speak, and understand the English language, or have such operating limitations on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter during the preceding 12 months, or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

[Revision note: Combines §§ 20.40, 20.41, 20.41-1, 20.42, 20.42-1, 20.70, 20.71, 20.71-1, 20.72, 20.72-1, 20.100, 20.101, 20.101-1, 20.102, 20.102-1; 22.12 (a)-(e), 22.12-1, 22.12-2 and 22.24(b) (2)]

NOTE: §§ 22.12(e) (proviso) and 22.12-2 are omitted as superseded by § 29.5.

##### § 61.113 Aeronautical knowledge.

(a) An applicant for a commercial pilot certificate must pass a written test on—

(1) The regulations in this chapter relating to the privileges and limitations of a commercial pilot, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(2) Meteorology, including recognizing basic weather conditions and trends, and acquiring and using weather information furnished by the U.S. Weather Bureau, such as hourly sequence reports, terminal forecasts, winds aloft reports, and reading and interpreting weather maps;

(3) Navigation, including pilotage and—

(i) For an airplane rating, dead reckoning, using instruments and radio aids to air navigation, proper radio frequency utilization, radiotelephone procedures and techniques, flight planning, emergency procedures, preflight and inflight

services for pilots, and notices to airmen;

(ii) For a rotorcraft rating or lighter-than-air rating, dead reckoning, and using instruments and radio aids to air navigation;

(iii) For a glider rating, using navigational instruments; and

(4) Principles of safe flight operations, including flight theory, operating and maintaining airplanes, rotorcraft, gliders, or lighter-than-air aircraft, as the case may be, and (except for glider rating) general safety practices and procedures for emergencies and critical situations.

(b) An applicant for a commercial pilot certificate (lighter-than-air) must pass the written test prescribed in paragraph (a) of this section before taking the flight test required by § 61.129(a). However, an applicant who holds a heavier-than-air commercial pilot certificate is required to pass only that part of the test relating to instruments and the general servicing and operation of airships, or, if he also holds an instrument rating, he is required to pass only that part relating to the general servicing and operation of airships.

[Revision note: Combines §§ 20.43, 20.73, 20.103; 22.12(f), 22.12-3, 22.12-4 (less (b)), and 22.12-5]

##### § 61.115 Airplane rating: aeronautical experience.

(a) An applicant for a commercial pilot certificate (airplane) must have at least 200 hours of flight time, including at least—

(1) 100 hours of flight time in powered aircraft, including 50 hours in airplanes of which at least 15 hours were solo;

(2) 100 hours of flight time as pilot in command, including—

(i) 50 hours of cross-country, each flight including a landing more than 25 miles from the place of departure;

(ii) Takeoffs and landings from at least two different airports under two-way radio instruction from an airport control tower; and

(iii) One cross-country flight of at least 350 miles including landings at three points, one of which is at least 150 miles from the place of departure;

(3) 10 hours of dual instruction, preparing for the commercial pilot flight test, within the six months immediately before the flight test, in addition to any dual instruction received before his private pilot certificate was issued to him; and

(4) 10 hours of instruction in operating an airplane by instruments only, including at least 5 hours of dual instruction given by a rated instrument flight instructor and the remaining hours if any, by a flight instructor with an airplane rating.

The holder of a commercial pilot certificate who did not meet the requirements of subparagraph (4) of this paragraph, and whose certificate was endorsed to that effect, is entitled to have that endorsement removed if he presents written evidence showing that he has met those requirements and has passed the skill test prescribed by § 61.17(c).

(b) If an applicant for a commercial pilot certificate has not had at least 5

hours of flight time at night, including at least 10 takeoffs and 10 landings as pilot in command and as the only manipulator of the controls, his pilot certificate will be endorsed as follows:

Holder does not meet the night flight requirements of ICAO.

[Revision note: Combines §§ 20.44, 20.44-2, 20.44-3, and 20.44-4]

##### § 61.117 Airplane rating: aeronautical skill.

(a) An applicant for a commercial pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in three phases, an oral operational test, basic techniques, and precision maneuvers.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test.

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic techniques.

(i) Preflight operations.

(ii) Taxiing.

(iii) At least three takeoffs with three accuracy landings beyond and within 200 feet of a mark, including—

(a) A slip to a landing, if a three-control airplane is used;

(b) Crosswind takeoff and landing;

(c) Short field takeoff and power approach and landing;

(d) Soft field takeoff and landing; and

(e) Wheel landings in tailwheel-type airplanes, or full stall landings in tricycle-type airplanes.

(iv) Airport traffic patterns.

(v) Forced landings (single-engine only) and simulated emergencies.

(vi) Emergency operation of airplane equipment.

(vii) Engine-out emergencies, if a multiengine airplane is used, including—

(a) Engine-out minimum control speed demonstration;

(b) Use of engine-out best rate-of-climb speed;

(c) Maneuvering with one engine out (feathered if possible, otherwise cut off and windmilling);

(d) Effect on engine-out performance of failure to feather, extension of gear and flaps, and various combinations of these; and

(e) Approach and landing with one engine set to zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—precision maneuvers.

(i) Gliding spirals about a point on the ground.

(ii) Three consecutive shallow on-pylon eights.

(iii) Three consecutive steep on-pylon eights.

(iv) One right and one left 720° steep power turn.

- (v) Lazy eights.
- (vi) Chandelles.
- (vii) Maneuvering at minimum controllable airspeed.
- (viii) Stalls from all normally anticipated flight attitudes with and without power.

(c) In addition, the applicant must demonstrate in simulated instrument flight his ability to safely control an aircraft manually solely by reference to instruments, including the following:

- (1) Recovery from a well-developed power-on moderate turn spiral in a medium banked attitude.
- (2) Recovery from a high angle climb in a turn.
- (3) Standard rate turns of 180° and 360° duration to within ±10° and ±20°, respectively, of proper heading and ±150 feet of altitude.
- (4) Maximum safe performance climbing turns of 180° duration followed by continued straight climb to predetermined altitude requiring not less than one minute straight climb performed with ±10 knots of airspeed and ±10° of proper heading.
- (5) Two consecutive descending 90° turns using normal approach power for reducing altitude performed within ±10° of proper heading and at completion of first 90° turn continue straight descent for 1 minute, then complete second 90° descending turn and continue straight descent for 1½ minutes.
- (6) Straight and level flight performed within ±10° of proper heading, 100 feet of altitude and 10 knots of airspeed.

[Revision note: Combines §§ 20.45 and 20.45-1(a) (1) (1st sentence) and (3)]

**§ 61.119 Rotorcraft rating: aeronautical experience.**

(a) An applicant for a commercial pilot certificate (rotorcraft) must have at least 150 hours of flight time, including at least—

- (1) 100 hours in powered aircraft, including 50 hours in rotorcraft of which at least 15 hours were solo;
- (2) 100 hours as pilot in command, including 20 hours of cross-country; and
- (3) 10 hours of instruction, from a certificated flight instructor, in rotorcraft preparing for the commercial pilot flight test.

(b) A commercial pilot certificate (rotorcraft) issued under this part to a pilot who either does not have at least 200 hours of flight time or has not graduated from an approved commercial rotorcraft pilot training course, will be endorsed as follows:

Holder does not meet the flight time requirements of ICAO.

[Revision note: Based on §§ 20.74 and 20.74-2]

**§ 61.121 Rotorcraft rating: aeronautical skill.**

(a) An applicant for a commercial pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and precision maneuvers. An applicant for a flight

test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

- (1) Phase I—basic technique.
  - (i) Preflight check and oral equipment test.
  - (ii) Preflight operations.
  - (iii) Taxiing (in rotorcraft equipped to taxi on the surface).
  - (iv) Normal takeoffs and landings.
  - (v) Crosswind takeoffs and landings.
  - (vi) High altitude takeoff and roll-on landing.
  - (vii) Climbs and descents.
  - (viii) Emergencies, including autorotative approaches (landing optional, as appropriate).
- (2) Phase II—precision maneuvers.
  - (i) Hovering upwind, downwind, and crosswind.
  - (ii) Pattern flying with constant and with changing headings.
  - (iii) Hovering turns—180° and 360°, right and left.
  - (iv) S turns.
  - (v) Turns with medium banks.
  - (vi) Rapid decelerations (quick stops).

[Revision note: Combines §§ 20.75 and 20.75-1(a) (1) (1st sentence) and (3)]

**§ 61.123 Glider rating: aeronautical experience.**

An applicant for a commercial pilot certificate (glider) must have at least 25 hours of flight time, including at least—

- (a) 20 hours of flight time in gliders;
- (b) 2 hours of dual instruction preparing for the commercial pilot flight test;
- (c) 100 flights in gliders as pilot in command; and
- (d) 25 glider flights with 360° right and left approaches.

[Revision note: Based on § 20.104]

**§ 61.125 Glider rating: aeronautical skill.**

(a) An applicant for a commercial pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and special maneuvers.

(b) The applicant must perform the following procedures and maneuvers competently:

- (1) Phase I—basic techniques.
  - (i) Preflight check and oral equipment test.
  - (ii) Preflight operations.
  - (iii) Auto, pulley, or winch tow.
  - (iv) Airplane tow; above, below and to one side of slipstream.
  - (v) 360° approaches, right and left, landing within 100 feet beyond a line or mark.
- (2) Phase II—special maneuvers.
  - (i) Three-turn spirals, right and left, with bank at least 45°.
  - (ii) Stalls and slow flight (must be demonstrated in a glider).

[Revision note: Combines §§ 20.105 and 20.105-1(a) (1) (1st sentence) and (3)]

**§ 61.127 Lighter-than-air rating: aeronautical experience.**

An applicant for a commercial pilot certificate (lighter-than-air) must have at least 200 hours of flight time at the controls of an airship including—

- (a) At least 5 hours within the 60 days before the date he applies;
- (b) At least 50 hours as pilot in command;
- (c) At least 10 hours of cross-country;
- (d) At least 10 hours at night;
- (e) At least 20 hours of instrument instruction and practice in flight, including, when approved by the Administrator, not more than 10 hours of instruction and practice under simulated conditions not in flight; and

(5) In place of not more than 50 hours of the 200-hour total flight requirement, an equal or greater amount of flight time as a crewmember, upon approval by the Administrator.

[Revision note: Combines §§ 22.12(g) and 22.12-6]

**§ 61.129 Lighter-than-air rating: aeronautical and radio skills.**

(a) An applicant for a commercial pilot certificate (lighter-than-air) must—

- (1) Exercise reasonable judgment in performing flight maneuvers by complying with Part \_\_\_\_ of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and
- (2) Pass a flight test on the following maneuvers:

- (i) Ground handling and mooring.
- (ii) Preflight check.
- (iii) Runups.
- (iv) Takeoffs.
- (v) Ascents.
- (vi) Turns (right and left) and figure eights.
- (vii) Precision turns (180° and 360°).
- (viii) Straight and level flight.
- (ix) Climbing turns.
- (x) Diving turns.
- (xi) Descents.
- (xii) In-flight ETA computations.
- (xiii) Radio operation and tuning.
- (xiv) Radio orientation.
- (xv) Beam bracketing and tracking.
- (xvi) Locating cone of silence.
- (xvii) Traffic control and approach procedure.
- (xviii) Landings (positive and negative static balance).

(b) In performing the maneuvers required by paragraph (a)(2) of this section that involve radio skills, the applicant need not follow final approach procedures for airplanes. He may elect to consider his initial approach as a final approach and go directly to the airport, if that procedure does not require more than 90° of turn over the station. He may make his orientation and approach using either LF or VHF range facilities.

[Revision note: Combines §§ 22.12 (h) and (i), 22.12-7, 22.12-8, and 22.12-10]

### § 61.131 General privileges and limitations.

(a) Subject to paragraph (b) of this section, a commercial pilot may act as pilot in command of an aircraft for compensation or hire.

(b) A commercial pilot may not serve as pilot in command of an aircraft carrying passengers or operated for remuneration other than one of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(c) Unless prohibited by a limitation on his certificate, a commercial pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers or remuneration.

(d) A commercial glider pilot may give flight instruction in gliders. A commercial lighter-than-air pilot may give flight instruction in lighter-than-air aircraft.

[Revision note: Combines §§ 22.31(c); 43.61, and 43.63 (as applicable to commercial pilots)]

### Subpart E—Airline Transport Pilots

#### § 61.141 Eligibility requirements: general.

To be eligible for an airline transport pilot certificate, a person must—

(a) Be at least 23 years of age;  
(b) Be of good moral character;  
(c) Be able to read, write, and understand the English language and speak it without accent or impediment of speech that would interfere with two-way radio conversation;

(d) Be a high school graduate, or its equivalent in the Administrator's opinion, based on the applicant's general experience and aeronautical experience, knowledge, and skill;

(e) Have a first-class medical certificate issued under Part 67 of this chapter within the 6 months before the date he applies; and

(f) Comply with the sections of this part that apply to the rating he seeks.

[Revision note: Combines §§ 21.9, 21.10; 21.11, 21.12, 21.13, 21.14 and 21.31]

#### § 61.143 Airplane rating; aeronautical knowledge.

An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§ 61.141 and 61.145, make a grade of at least 70 percent on a written test on—

(a) The sections of this part relating to airline transport pilots and Parts \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of this chapter [Present Parts 1, 27, 40, and 60] and so much of Parts \_\_\_\_\_ and \_\_\_\_\_ of this chapter [Present Parts 4a and 4b] as relate to the operations of air carrier aircraft;

(b) The fundamentals of air navigation and use of formulas, instruments, and other navigational aids, both in aircraft and on the ground, that are necessary for navigating aircraft by instruments;

(c) The general system of weather collection and dissemination;

(d) Weather maps, weather forecasting, and weather sequence abbreviations, symbols, and nomenclature;

(e) Elementary meteorology, including knowledge of cyclones as associated with fronts;

(f) Cloud forms;

(g) Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations", as amended;

(h) Weather conditions, including icing conditions and upper-air winds, that affect aeronautical activities;

(i) Air navigation facilities used on Federal airways, including rotating beacons, course lights, radio ranges, and radio marker beacons;

(j) Information from airplane weather observations and meteorological data reported from observations made by pilots on air carrier flights;

(k) The influence of terrain on meteorological conditions and developments, and their relation to air carrier flight operations;

(l) Radio communication procedure in aircraft operations; and

(m) Basic principles of loading and weight distribution and their effect on flight characteristics.

[Revision note: Based on § 21.15]

#### § 61.145 Airplane rating: aeronautical experience.

(a) An applicant for an airline transport pilot certificate with an airplane rating must hold a commercial pilot certificate or a foreign airline transport pilot or commercial pilot license without limitations, issued by a member state of ICAO, or he must be a pilot in an Armed Force of the United States whose military experience qualifies him for a commercial pilot certificate under section 61.31 of this chapter.

(b) An applicant must have had—at least 250 hours of flight time as pilot in command, or as copilot performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, at least 100 hours of which were cross-country time and 25 hours of which were night flight time; and at least 1,200 hours of flight time as a pilot within the 8 years before the date he applies, including at least—

(1) 5 hours within the 60 days before the date he applies;

(2) 500 hours of cross-country flight time;

(3) 100 hours of night flight time; and

(4) 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight.

(c) If an applicant with less than 250 hours of pilot-in-command time otherwise meets the requirements of the introductory clause of paragraph (b) of this section, his certificate will be endorsed "Holder does not meet the pilot-in-command flight experience requirements of ICAO", as prescribed by article 39 of the "Convention on International Civil Aviation." Whenever he presents satisfactory written evidence that he has accumulated the 250 hours of pilot-in-

command time, he is entitled to a new certificate without the endorsement.

[Revision note: Based on §§ 21.16, 21.16-1 (less (b)), 21.16-2, and 21.16-3]

NOTE: § 21.16-3 is omitted as surplusage and as covered by revised paragraph (b).

#### § 61.147 Airplane rating: aeronautical skill.

(a) An applicant for an airline transport pilot certificate with a single engine or multiengine class rating must pass a flight test involving the following maneuvers:

- (1) Equipment test (oral).
- (2) Preflight check.
- (3) Taxiing, or sailing and docking.
- (4) Runups.
- (5) Takeoffs.
- (6) Climbs and climbing turns (if he does not hold an instrument rating).
- (7) Maneuvering at slow speed.
- (8) Stalls (single engine rating only) or approaches to stalls (multiengine rating only).
- (9) Airport traffic pattern.
- (10) Accuracy approaches and spot landings (single engine rating only).
- (11) Landing technique.
- (12) Cross-wind takeoff and landing.
- (13) Traffic control procedure.
- (14) Steep turns.
- (15) Timed turns (if he does not hold an instrument rating).
- (16) Recovery from unusual attitudes.
- (17) Use of radio equipment.
- (18) Orientation.
- (19) Beam bracketing.
- (20) Cone (station) identification.
- (21) Instrument approach procedures.
- (22) Missed approach procedures.
- (23) Use of directional radio.
- (24) Rapid descent and pullup.
- (25) Engine(s)-out procedure (multiengine rating only).
- (26) Maneuvering with engine(s) out (multiengine rating only).
- (27) Maneuvering for landing at weather minimums.
- (28) Takeoff and landing with simulated engine(s) failure (multiengine rating only).
- (29) Emergencies.
- (30) Smoothness and coordination.
- (31) Judgment.

The maneuvers described in subparagraphs (6), (7), (8), (14), (15), (16), (18), (19), (20), (21), (22), (23), (24), and (26) of this paragraph must be performed solely by reference to instruments.

(b) An applicant for an additional type rating to his airline transport pilot certificate with a multiengine rating must pass a flight test involving the maneuvers listed in paragraph (a) (1) to (5), (7) to (9), (11) to (14), (16), (17), (21), (22), and (24) to (31) of this section.

(c) Any maneuver required by this section may be modified by the examining inspector as necessary for the reasonable and safe operation of the aircraft being used.

[Revision note: Combines §§ 21.16-1(b), 21.17, 21.17-1 (less (a)), and 21.18]

NOTE: §§ 21.17(a) and 18(b) (1st sentence) are omitted as surplusage since §§ 21.16 and



21.16-1(b) require an applicant to have a commercial pilot certificate or the equivalent before he is eligible for an airline transport pilot certificate. See note to present § 21.17(a).

**§ 61.149 Rotorcraft ratings: general requirements.**

An applicant for an airline transport pilot certificate with a rotorcraft rating authorizing the piloting of rotorcraft under VFR only, must meet the requirements of §§ 61.151 to 61.155 in place of those in §§ 61.143 to 61.147.

[Revision note: Based on § 21.19]

NOTE: § 21.19 (proviso) is omitted as obsolete.

**§ 61.151 Rotorcraft rating: aeronautical knowledge.**

An applicant for an airline transport pilot certificate with a rotorcraft rating must pass a written test on—

- (a) So much of this chapter as relates to air carrier rotorcraft operations;
- (b) Rotorcraft design, components, systems, and performance limitations;
- (c) Basic principles of loading and weight distribution and their effect on rotorcraft flight characteristics;
- (d) Air traffic control systems and procedures relating to rotorcraft;
- (e) Procedures for operating rotorcraft in potentially hazardous meteorological conditions; and
- (f) Flight theory as applicable to rotorcraft.

[Revision note: Based on § 21.19a]

**§ 61.153 Rotorcraft rating: aeronautical experience.**

(a) An applicant for an airline transport pilot certificate with a rotorcraft rating must hold a commercial pilot certificate, or its equivalent as determined by the Administrator.

(b) In addition, such an applicant must have had at least 1,200 hours of flight time as a pilot within the 8 years before the date he applies including at least—

- (1) 5 hours in rotorcraft within the 60 days before that date;
- (2) 500 hours of cross-country flight time;
- (3) 100 hours at night including, at least 15 hours in rotorcraft; and
- (4) 200 hours in rotorcraft, including at least 75 hours as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof.

[Revision note: Based on § 21.19b]

**§ 61.155 Rotorcraft rating: aeronautical skill.**

An applicant for an airline transport pilot certificate with a rotorcraft rating must show his ability to satisfactorily pilot rotorcraft by performing at least the following:

- (a) Normal takeoffs and landings, crosswind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops.
- (b) Simulated emergency procedures, including failure of an engine, or other component or system, fire, ditching,

evacuation, and operating emergency equipment.

(c) Autorotative approaches and landings with simulated one engine inoperative.

(d) Any other maneuvers considered necessary to show his ability.

[Revision note: Based on § 21.19c]

**§ 61.157 Additional category ratings.**

(a) The holder of an airline transport pilot certificate (airplane rating) who applies for a rating authorizing him to pilot a rotorcraft under VFR only, must comply with §§ 61.151 and 61.155 and—

(1) Have at least 100 hours, including at least 15 hours at night, of rotorcraft flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate rotorcraft rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of rotorcraft flight time as pilot in command, second in command, or as dual instruction, or any combination thereof, including at least 15 hours of night flight time.

(b) The holder of an airline transport pilot certificate (rotorcraft rating) who applies for an airplane rating, must comply with §§ 61.143 to 61.147 [§§ 21.15 to 21.18] and—

(1) Have at least 100 hours, including at least 15 hours at night, of airplane flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate airplane rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of airplane flight time as pilot in command, second in command, or as dual instruction, or any combination thereof, including at least 15 hours of night flight time.

[Revision note: Based on § 21.19d]

**§ 61.159 Aircraft ratings.**

The category and class of aircraft and type, if it is a large aircraft, that an applicant for an airline transport pilot certificate is authorized to pilot shall be placed on his certificate. For unconventional planes the description must clearly define the aircraft that the applicant is authorized to pilot. He must show that he is able to pilot aircraft of the category and class and, if appropriate, the type, for which he seeks a rating, by performing the maneuvers listed in § 61.147(b) [§ 21.17-1(d)].

[Revision note: Combines §§ 21.20 and 21.20-1]

**§ 61.161 Tests.**

(a) Each applicant for an airline transport pilot certificate must pass each practical and theoretical test to the satisfaction of the Administrator. The

minimum passing grade in each subject is 70 percent. Each flight maneuver is graded separately. Other tests are graded as a whole.

(b) Information collected incidentally to such a test shall be treated as a confidential matter by the persons giving the test and by employees of the FAA.

[Revision note: Combines §§ 21.37 and 21.38]

**§ 61.163 Instruction in air transportation service.**

An airline transport pilot may instruct other pilots in air transportation service in aircraft of the category, class, and type for which he is rated. However, he may not instruct for more than 8 hours in one day nor more than 36 hours in any 7-day period. He may instruct under this section only on aircraft with functioning dual controls. Unless he has a flight instructor certificate, an airline transport pilot may instruct only as provided in this section.

[Revision note: Combines §§ 21.22 (less introductory paragraph and less (d)) and 21.43]

NOTE: § 21.22(b) is omitted as obsolete, since the special ratings to which it referred are no longer effective.

**§ 61.165 General privileges and limitations.**

(a) An airline transport pilot has the privileges of a commercial pilot with an instrument rating. The holder of a commercial pilot certificate who qualifies for an airline transport pilot certificate retains the ratings on his commercial pilot certificate, but he may exercise only the privileges of a commercial pilot with respect to them.

(b) An airline transport pilot may not operate any aircraft other than in accordance with the rating limitations on his pilot certificate. However, he may pilot an airplane as a—

- (1) Second in command, without a class or type rating for that airplane; or
- (2) Pilot in command, without a class or type rating for that airplane, if the airplane does not carry any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that airplane.

[Revision note: Combines §§ 21.40 (less (c)), 21.40-1 (less last sentence), and 43.62]

NOTE: § 21.40(b) is omitted as surplusage and covered by § ---- [§ 43.41]

**Subpart F—Flight Instructors**

**§ 61.171 Flight instructor certificate: requirements.**

(a) An applicant for a flight instructor certificate with an airplane, rotorcraft, glider, or instrument rating must—

(1) Hold an airline transport pilot or commercial pilot certificate, or hold a private pilot certificate and meet the aeronautical knowledge, skill, and experience requirements of this part for a commercial pilot certificate;

(2) Pass a written test on the fundamentals of flight instruction and the performance and analysis of flight train-

ing maneuvers, appropriate to the rating sought; and

(3) Pass the tests listed in paragraph (d) of this section, to show his ability to give accurate, effective flight instruction, appropriate to the rating sought.

A certificate issued under this section bears the same number as the applicant's pilot certificate.

(b) The holder of a flight instructor certificate may obtain additional category ratings on his flight instructor certificate by passing a written test on the performance and analysis of flight training maneuvers, and the tests listed in paragraph (d) of this section, appropriate to the rating he seeks.

(c) A limited flight instructor certificate that is valid on the date this part becomes effective is equal to a flight instructor certificate until it expires or is exchanged, as provided in § 61.9.

(d) The applicant must pass the following oral and applicable flight tests:

- (1) Oral test, all ratings.
  - (i) Application of effective flight instruction methods.
  - (ii) Knowledge of safe flying practices and principles.
  - (iii) Correctness and clarity of explanations.
  - (iv) Recognition of student errors (in flight and in postflight discussion).
  - (v) Cross-country flight planning.
- (2) Flight test, airplanes.
  - (i) Preflight check and oral equipment test.
    - (ii) Preflight operations.
    - (iii) Taxiing, or sailing and docking.
    - (iv) Straight flight and turns in climbs, glides, and level flight.
    - (v) Normal takeoffs and accuracy landings.
    - (vi) Crosswind takeoffs and landings.
    - (vii) Short-field takeoff and power approach with landing.
    - (viii) Soft-field takeoff and landing.
    - (ix) Slips to landings.
    - (x) Wheel landings in tailwheel type airplanes, or full stall landings in tricycle types.
    - (xi) Stalls from all normally anticipated flight attitudes, with and without power.
    - (xii) Maneuvering at minimum controllable airspeed.
    - (xiii) Spins, right and left.
    - (xiv) 720° power turns.
    - (xv) Chandelles.
    - (xvi) Lazy eights, shallow and steep.
    - (xvii) Pylon eights, shallow and steep.
    - (xviii) Airport traffic patterns-rectangular courses and S-turns.
    - (xix) Using radio for voice communication-traffic control procedures.
    - (xx) Emergency operation of airplane equipment; forced landings.
  - (3) Flight test, rotorcraft.
    - (i) Preflight check and oral equipment test.
      - (ii) Preflight operations.
      - (iii) Taxiing (if rotorcraft used is appropriately equipped).
      - (iv) Normal takeoffs and landings.
      - (v) Crosswind takeoffs and landings.
      - (vi) High altitude takeoffs and roll-on landings.
      - (vii) Climbs and descents.
      - (viii) Hovering upwind, crosswind, and downwind.

(ix) Hovering 360° turns.

(x) Pattern flying with constant and with changing headings.

(xi) S-turns.

(xii) Rapid decelerations.

(xiii) Autorotative landings.

(xiv) Emergency operation of rotorcraft equipment.

(4) Flight test, gliders.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow.

(iv) Airplane tow, above, below, and to one side of slipstream.

(v) 360° approaches, right and left, landing within 100 feet beyond a line.

(vi) Three-turn spirals, right and left, at banks of at least 45°.

(vii) Stalls and slow flight.

(viii) Spins, right and left.

(5) Flight test, instrument.

(i) Instrument flight planning.

(ii) Preparing and filing an instrument flight plan.

(iii) Aircraft performance, range, and fuel requirements.

(iv) Required instruments and equipment, and their proper use.

(v) Straight and level flight.

(vi) Turns, climbs and descents.

(vii) Stalls and maneuvering at approach speeds.

(viii) Steep turns.

(ix) Recovery from unusual attitudes.

(x) Engine-out procedures, if test is given in multiengine airplane.

(xi) Radio navigation, including orientation using LF, OMNI range, or ADF.

(xii) Using radio for voice communication.

(xiii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile) including holding procedures.

(xiv) Missed approach procedures.

(xv) Emergencies, such as radio or instrument malfunctions.

(xvi) Compliance with air traffic control instructions and procedures.

[Revision note: Combines §§ 20.130 and 20.130-1]

§ 61.173 Flight instructor records.

Each flight instructor shall—

(a) Sign each student pilot's record for each period of flight instruction that he gives;

(b) Record the name of each student pilot to whom he has given flight instruction and whose certificate he has endorsed, the type of each endorsement, and the date of each endorsement or flight instruction period;

(c) Record the name of each student pilot for whom he has signed a recommendation for a flight test under this part, the kind of test, and the date of the recommendation; and

(d) Keep each record required by paragraph (b) or (c) of this section separately, or in his logbook, for as long as he continues to be a flight instructor, or for 3 years, whichever is shorter.

[Revision note: Combines §§ 20.136 and 20.136-1]

§ 61.175 Flight instructor ratings.

A person who has a flight instructor rating endorsed on his pilot certificate

may not exercise the privileges of that rating, but may exchange it for a flight instructor certificate if he passes the appropriate test prescribed in § 61.171(d).

[Revision note: Combines §§ 20.138 and 20.138-1]

NOTE: §§ 20.138 (1st sentence) and 20.138-1(a) are omitted as executed.

§ 61.177 Limitations.

(a) A flight instructor may endorse the certificate of a student pilot for solo flight or flight in a different make or model of aircraft only if he determines that the student can make the flight safely. He may endorse such a certificate for cross-country flight only if he determines that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass.

(b) A flight instructor may instruct only in the category of aircraft for which he is rated.

(c) A flight instructor may not exercise the privileges of his certificate unless, within the preceding 12 months, he has—

(1) Given at least 10 hours of flight instruction while appropriately rated; or

(2) Shown his continued proficiency to the Administrator.

(d) A flight instructor may not give more than 8 hours of dual instruction in a day nor more than 36 hours in any 7-day period.

[Revision note: Based on §§ 43.64 (b), (c), and (d) and 43.68(c)]

### Subpart G—Free Balloon Pilot Certificate

§ 61.181 General requirements.

(a) To be eligible for a free balloon pilot certificate, a person must—

(1) Hold a student lighter-than-air pilot certificate;

(2) Be at least 17 years of age;

(3) Be able to read, speak, and understand the English language;

(4) Hold at least a third-class medical certificate issued under Part 67 of this chapter;

(5) Within 24 months before his certificate is issued, pass a written test on the following by answering 45 out of 50 questions correctly within 1 hour:

(i) So much of Parts ---- and ---- of this chapter [Present Parts 1 and 60] as relate to his certificate.

(ii) Prevailing weather conditions in the United States that are met in flying and the forecasting thereof.

(iii) Analyzing weather maps and sequence reports furnished by the U.S. Weather Bureau.

(iv) Practical air navigation problems using maps.

(v) Navigation by terrain and by dead reckoning, including using instruments and other aids to navigation in visual contact flying.

(vi) The general servicing and operation of airships;

(6) Have made at least eight ascents averaging 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of a certificated free balloon pilot, one ascent in control

to an altitude of 10,000 feet under that supervision, and one solo ascent;

(7) Successfully perform the following maneuvers:

- (i) Ground handling and mooring.
(ii) Preflight checks.
(iii) Takeoffs.
(iv) Ascents.
(v) Descents.
(vi) Landings (positive static balance); and

(8) Show his ability to satisfactorily pilot and maneuver a free balloon in solo flight.

Subparagraphs (5), (6), (7), and (8) of this paragraph do not apply to an applicant for a certificate that is limited to operating hot air balloons.

(b) The applicant must show his ability to exercise reasonable judgment in the flight maneuvers required by paragraph (a) (7) and (8) of this section, by complying with Part ... of this chapter [Present Part 60], avoiding critical situations, and observing accepted good operating practices for the flight conditions encountered.

[Revision note: Combines §§ 22.13, 22.13-1, 22.13-2, 22.13-3, 22.13-4, and 22.13-5]

§ 61.183 Limitations and privileges.

The holder of a free balloon pilot certificate may not pilot any lighter-than-air aircraft except a free balloon. He may pilot a free balloon for hire carrying passengers or property and may give flight instruction in a free balloon.

[Revision note: Based on § 22.31(d)]

PART 61—DISTRIBUTION TABLE

Table with 4 columns: Present section, Revised section, Present section, Revised section. Rows include 20.1 through 20.23 with various subsections and footnotes.

See footnotes at end of table.

PART 61—DISTRIBUTION TABLE—Continued

Table with 4 columns: Present section, Revised section, Present section, Revised section. Rows include 20.45-1 through 20.102 with various subsections and footnotes.

PART 61—DISTRIBUTION TABLE—Continued

Table with 4 columns: Present section, Revised section, Present section, Revised section. Rows include 21.19 through 22.12 with various subsections and footnotes.



## PART 61—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
43.63 (as applicable to commercial pilots)-----	61.131	43.65-----	61.3
43.64 (b), (c), and (d)-----	61.177	43.68(c)-----	61.179
		43.68 (less (c))-----	61.47
		SR 428-----	61.73
		SR 434-----	61.85

<sup>1</sup> Executed.

<sup>2</sup> Transferred to Part 1.

<sup>3</sup> Surplusage.

<sup>4</sup> Not a rule.

<sup>5</sup> Obsolete.

<sup>6</sup> Transferred to Part 91.

## PART 63—CERTIFICATION: FLIGHT CREW MEMBER OTHER THAN PILOTS [NEW]

### Subpart A—General

#### Sec.

- 63.1 Applicability.
- 63.3 Certificates required.
- 63.11 Application and issue.
- 63.13 Temporary certificate.
- 63.15 Duration of certificates.
- 63.17 Tests: general procedure.
- 63.19 Operations during physical deficiency.
- 63.21 Change of address.

### Subpart B—Flight Engineers

- 63.31 Eligibility requirements: general
- 63.33 Knowledge requirements.
- 63.35 Experience requirements.
- 63.37 Skill requirements.
- 63.39 Re-testing after failure.
- 63.41 Limited certificates.

### Subpart C—Flight Navigators

- 63.51 Eligibility requirements: general.
- 63.53 Knowledge requirements.
- 63.55 Experience requirements.
- 63.57 Skill requirements.
- 63.59 Re-testing after failure.
- 63.61 Flight navigator courses.

### Subpart A—General

#### § 63.1 Applicability.

This part prescribes the requirements for issuing flight engineer and flight navigator certificates and the general operating rules for holders of those certificates.

[Revision note: Combines §§ 34.1 and 35.1]

#### § 63.3 Certificates required.

(a) No person may serve as a flight engineer assisting a pilot in the mechanical operation of an aircraft of U.S. registry as his primary assigned duty in flight in air commerce unless he has in his personal possession a current flight engineer certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(b) No person may serve as a flight navigator on an aircraft of U.S. registry in air commerce unless he has in his personal possession a current flight navigator certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(c) Each person who holds a flight engineer or flight navigator certificate shall present it or his medical certificate, or both, for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics

Board, or of any State or local law enforcement officer.

[Revision note: Combines §§ 34.41, 34.42, 34.43, 35.41, 35.42, and 35.43]

#### § 63.11 Application and issue.

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

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate.

[Revision note: Combine §§ 34.5, 34.6 (a), 35.5, and 35.6(a)]

#### § 63.13 Temporary Certificate.

A certificate effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate for which he applied.

[Revision note: Combines §§ 34.6 (less (a)), 34.7(b), 34.6-1; 35.6 (less (a)), and 35.7(b)]

#### § 63.15 Duration of certificates.

(a) A certificate issued under this part to a U.S. citizen is effective until it is surrendered, suspended, or revoked. A certificate issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date it is issued, but may be reissued without further proof of technical ability.

(b) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon request of the Administrator, return it to the Administrator.

[Revision note: Combines §§ 34.7 (less (b)), and 35.7 (less (b))]

#### § 63.17 Tests: general procedure.

(a) Tests prescribed by or under this part are given at times and places and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

[Revision note: Combines §§ 34.24 and 35.24]

#### § 63.19 Operations during physical deficiency.

No person may serve as a flight engineer or flight navigator during a period of known physical deficiency, or increase in physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

[Revision note: Combines §§ 34.44 and 35.44]

#### § 63.21 Change in address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this part shall notify the FAA Aircraft and Airman Records Branch, Oklahoma, City, Okla., in writing of his new address.

[Revision note: Combines §§ 34.8 and 35.8]

### Subpart B—Flight Engineers

#### § 63.31 Eligibility requirements: general.

To be eligible for a flight engineer certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his flight engineer certificates;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with §§ 63.33, 63.35, and 63.37.

[Revision note: Combines §§ 35.22, 35.23, and 35.27]

NOTE: § 35.27 (proviso) is omitted as superseded by § 29.5.

#### § 63.33 Knowledge requirements.

(a) An applicant for a flight engineer certificate must pass a written test on the following, with respect to transport category aircraft with four or more engines or aircraft with four or more engines and a flight engineer station:

(1) The regulations of this chapter that apply to the duties of a flight engineer.

(2) The theory of flight and elementary aerodynamics.

(3) Aircraft performance and aircraft engine operation with respect to limitations.

(4) Mathematical computations of engine operation and fuel consumption.

(5) Basic meteorology with respect to engine operations.

(6) Aircraft loading and center of gravity computations.

(7) General aircraft maintenance and operating procedures.

(8) Emergency procedures.

(b) An applicant may take the test prescribed by this section before acquiring the 5 hours of training required by § 63.35.

[Revision note: Based on § 35.32]

#### § 63.35 Experience requirements.

An applicant for a flight engineer certificate must present satisfactory documentary evidence of one of the following:

(a) At least 3 years of diversified practical experience in aircraft and aircraft engine maintenance (of which at least 1 year was in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(b) Graduation from at least a 2-year specialized aeronautical training course in maintaining aircraft and aircraft engines (of which at least 6 calendar months were in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or

more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(c) A degree in aeronautical, electrical, or mechanical engineering from a recognized college, university, or engineering school; at least 6 calendar months of practical experience in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft; and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(d) At least 200 hours of flight time as pilot in command, of aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(e) At least 100 hours of flight experience in the duties of a flight engineer.

(f) Within the 90 days before the date he applies, successful completion of an approved course of instruction adequate for the training of a flight engineer.

[Revision note: Combines §§ 35.26 and 35.31]

**§ 63.37 Skill requirements.**

An applicant for a flight engineer certificate must pass a practical test on the duties of a flight engineer on a transport category aircraft with four or more engines, or on an aircraft with four or more engines and a flight engineer station, on the preflight inspection, servicing, starting, and pretakeoff run-up, of aircraft. In addition, he must—

(a) In flight, show that he can satisfactorily perform normal duties and procedures relating to the aircraft, aircraft engines, propellers, and appliances; and

(b) In flight, or in an approved synthetic trainer that accurately simulates the flight characteristics and performance of the aircraft, show that he can satisfactorily perform emergency duties and procedures, and recognize and take appropriate action for, malfunctioning of aircraft, aircraft engines, propellers, and appliances.

[Revision note: Based on § 35.33]

**§ 63.39 Retesting after failure.**

An applicant for a flight engineer certificate who fails a written or practical test for that certificate may apply for retesting—

(a) After 30 days after the date he failed that test; or

(b) Upon presenting a signed statement from a certificated flight engineer or an appropriately rated ground instructor, certifying that, in the case of a failure of a written test, he has given the applicant at least 5 hours of additional instruction in each of the subjects failed, or that, in the case of a failure of a practical test, he has given the applicant such additional instruction as the Administrator requires, and in either case, certifying that he considers that the applicant is ready for retesting.

[Revision note: Based on § 35.25]

**§ 63.41 Limited certificates.**

(a) A flight engineer certificate for an aircraft with less than four engines may be issued to an applicant if—

(1) The aircraft has a satisfactory flight engineer station;

(2) He complies with §§ 63.31, 63.33, 63.35, and 63.39, except that his experience does not have to include flight time in aircraft with more than two engines; and

(3) He passes a practical test as required by § 63.37 in an aircraft with less than four engines.

(b) Each certificate issued under this section contains an appropriate limitation that may be removed whenever the holder of the certificate passes the practical test prescribed in § 63.37 for an aircraft with four or more engines.

[Revision note: Based on § 35.34]

**Subpart C—Flight Navigators**

**§ 63.51 Eligibility requirements: general.**

To be eligible for a flight navigator certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, write, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with §§ 63.53, 63.55, and 63.57.

[Revision note: Combines §§ 34.22, 34.23, 34.27 and 37.27-1]

NOTE: §§ 34.27 (proviso) and 34.27-1 are omitted as superseded by § 29.5.

**§ 63.53 Knowledge requirements.**

(a) An applicant for a flight navigator certificate must pass a written test on—

(1) The regulations of this chapter that apply to the duties of a flight navigator;

(2) The fundamentals of flight navigation, including flight planning and cruise control;

(3) Practical meteorology, including analysis of weather maps, weather reports, and weather forecasts; and weather sequence abbreviations, symbols, and nomenclature;

(4) The types of air navigation facilities and procedures in general use;

(5) Calibrating and using air navigation instruments;

(6) Navigation by dead reckoning;

(7) Navigation by celestial means;

(8) Navigation by radio aids;

(9) Pilotage and map reading; and

(10) Interpretation of navigation aid identification signals.

(b) The test prescribed by paragraph (a) of this section is a multiple choice test in four sections—

(1) The regulations of this chapter;

(2) Fundamentals of air navigation;

(3) Meteorology; and

(4) Plotting and computing.

Each section is graded separately and the passing grade for each section is 70.

(c) An applicant is not required to take section 3 of the test (meteorology), if he has—

(1) An airline transport pilot certificate;

(2) An instrument rating; or

(3) Satisfactorily completed, within the 24 months before the test, the subject of meteorology for such a certificate or rating.

(d) A report of the test is mailed to the applicant. A passing grade is evidence, for a period of 24 months after the test, that the applicant has complied with this section.

[Revision note: Combines §§ 34.32 and 34.32-1]

**§ 63.55 Experience requirements.**

(a) An applicant for a flight navigator certificate must be a graduate of a flight navigator course approved by the Administrator or present satisfactory documentary evidence of—

(1) Satisfactory determination of his position in flight at least 25 times by night by celestial observations and at least 25 times by day by celestial observations in conjunction with other aids; and

(2) At least 200 hours of satisfactory flight navigation, including celestial and radio navigation and dead reckoning.

A pilot who has logged 500 hours of cross-country flight time, of which at least 100 hours were at night, may be credited with not more than 100 hours for the purposes of subparagraph (2) of this paragraph.

(b) Flight time used exclusively for practicing long-range navigation methods, with emphasis on celestial navigation and dead reckoning, is considered to be satisfactory navigation experience for the purposes of paragraph (a) of this section. It must be substantiated by a logbook, by records of an armed force or a certificated air carrier, or by a letter signed by a certificated flight navigator and attached to the application.

[Revision note: Combines §§ 34.26, 34.31, 34.31-1, 34.31-2, 34.31-3, 34.31-4, and 34.31-5(a)]

**§ 63.57 Skill requirements.**

(a) An applicant for a flight navigator certificate must pass a practical test in operating flight navigation equipment, and must pass a practical test in navigating aircraft by—

(1) Dead reckoning;

(2) Celestial means; and

(3) Radio aids to navigation.

(b) An applicant must pass the written test prescribed by § 63.53 before taking the test under this section. However, if a delay in taking the test under this section would inconvenience the applicant or an air carrier, he may take it before he receives the result of the written test, or after he has failed any part of the written test except the section on plotting and computing.

(c) The test requirements for this section are set forth in Appendix B<sup>1</sup> of this part.

[Revision note: Combines §§ 34.33 and 34.33-1(a)]

<sup>1</sup> For the purposes of this circulation, Appendix B has not been printed. It will state present § 34.33-1 (less (a)) without change.

§ 63.59 Retesting after failure.

(a) An applicant for a flight navigator certificate who fails a written or practical test for that certificate may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a signed statement, from a certificated flight navigator, certificated ground instructor, or any other qualified person approved by the Administrator, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and considers that the applicant is ready for retesting.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is accepted, for the purposes of paragraph (a)(2) of this section, for all sections of the written test and for the ground and flight tests. A statement from a certificated ground instructor is accepted for section 1 of the written test if he is rated on the regulations in this chapter, and for section 3 of the written test if he is rated on meteorology. A statement from a supervising or check navigator with the armed forces is acceptable for sections 2, 3, and 4 of the written test and for the practical tests.

(c) If the applicant failed the flight test, the 5 hours of additional instruction must have been in flight.

[Revision note: Combines §§ 34.25, 34.25-1, and 34.25-2]

§ 63.61 Flight navigator courses.

An applicant for approval of a flight navigator course must submit a letter to the Administrator requesting approval, and must also submit three copies of the course outline, a description of his facilities and equipment, and a list of the instructors and their qualifications. Requirements for the course are set forth in Appendix A<sup>1</sup> to this part.

[Revision note: Based on § 34.31-5(b)]

PART 63—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
34.1	63.1	34.31-4	63.55
34.2	( <sup>1</sup> )	34.31-5(a)	63.55
34.5	63.11	34.31-5(b)	63.61
34.6(a)	63.11	34.31-5 (less (a) and (b))	( <sup>2</sup> )
34.6 (less (a))	63.13	(a) and (b)	( <sup>3</sup> )
34.6-1	63.13	34.32	63.53
34.7(b)	63.13	34.32-1	63.53
34.7 (less (b))	63.15	34.33	63.57
34.8	63.21	34.33-1(a)	63.57
34.21	( <sup>2</sup> )	34.33-1 (less (a))	( <sup>4</sup> )
34.22	63.51	34.41	63.3
34.23	63.51	34.42	63.3
34.24	63.17	34.43	63.3
34.25	63.59	34.44	63.19
34.25-1	63.59	35.1	63.1
34.25-2	63.59	35.2	( <sup>1</sup> )
34.26	63.55	35.5	63.11
34.27	63.51	35.6(a)	63.11
34.27-1	63.51	35.6 (less (a))	63.13
34.31	63.55	35.7(b)	63.13
34.31-1	63.55	35.7 (less (b))	63.15
34.31-2	63.55		
34.31-3	63.55		

See footnotes at end of table.

<sup>1</sup> For the purposes of this circulation, Appendix A has not been printed. It will state present § 34.31-5 (less (a) and (b)) without change.

PART 63—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
35.8	63.21	35.31	63.35
35.21	( <sup>2</sup> )	35.32	63.33
35.22	63.31	35.33	63.37
35.23	63.31	35.34	63.41
35.24	63.17	35.41	63.3
35.25	63.39	35.42	63.3
35.26	63.35	35.43	63.3
35.27	63.31	35.44	63.19

- <sup>1</sup> Transferred to Part 1.
- <sup>2</sup> Surplusage.
- <sup>3</sup> Appendix A.
- <sup>4</sup> Appendix B.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS [NEW]

Subpart A—General

- Sec. 65.1 Applicability.
- 65.11 Application and issue.
- 65.13 Temporary certificate.
- 65.15 Duration of certificates.
- 65.17 Tests: general procedure.
- 65.19 Retesting after failure.
- 65.21 Change of address.

Subpart B—Air-Traffic Control-Tower Operators

- 65.31 Eligibility requirements; general.
- 65.33 Knowledge requirements.
- 65.35 Ratings.
- 65.37 Skill requirements: junior rating.
- 65.39 Skill requirements: senior rating.
- 65.41 Performance of duties.
- 65.43 Maximum hours.
- 65.45 General operating rules.
- 65.47 Recent experience.

Subpart C—Aircraft Dispatchers

- 65.51 Certificate required.
- 65.53 Eligibility requirements: general.
- 65.55 Knowledge requirements.
- 65.57 Experience requirements.
- 65.59 Skill requirements.
- 65.61 Aircraft dispatcher courses.

Subpart D—Mechanics

- 65.71 Eligibility requirements: general.
- 65.73 Ratings.
- 65.75 Knowledge requirements.
- 65.77 Experience requirements.
- 65.79 Skill requirements.
- 65.81 General privileges and limitations.
- 65.83 Recent experience requirements.
- 65.85 Airframe rating; additional privileges.
- 65.87 Powerplant rating; additional privileges.
- 65.89 Display of certificate.
- 65.91 Inspection authorization.
- 65.93 Inspection authorization; renewal.
- 65.95 Inspection authorization; privileges and limitations.

Subpart E—Repairmen

- 65.101 Eligibility requirements: general.
- 65.103 Repairman certificate; privileges and limitations.
- 65.105 Display of certificate.

Subpart F—Parachute Riggers

- 65.111 Certificate required.
- 65.113 Eligibility requirements: general.
- 65.115 Senior parachute rigger certificate: experience, knowledge, and skill requirements.
- 65.117 Military riggers or former military riggers: special certification rule.
- 65.119 Master parachute rigger certificate: experience, knowledge, and skill requirements.
- 65.121 Type ratings.
- 65.123 Additional type ratings: requirements.
- 65.125 Certificates: privileges.

- Sec. 65.127 Facilities and equipment.
- 65.129 Performance standards.
- 65.131 Records.
- 65.133 Seal.

Subpart A—General

§ 65.1 Applicability.

This part prescribes the requirements for issuing the following certificates and associated ratings and the general operating rules for the holders of those certificates and ratings:

- (a) Air-traffic control-tower operators.
- (b) Aircraft dispatchers.
- (c) Mechanics.
- (d) Repairmen.
- (e) Parachute riggers.

[Revision note: Combines §§ 24.0; 25.0; and 27.1]

§ 65.11 Application and issue.

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

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate and rating.

[Revision note: Combines §§ 24.5, 24.6(a), 24.101; 25.5, 25.6(a); 27.5, and 27.6(a)]

§ 65.13 Temporary certificate.

A certificate and ratings effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate and ratings for which he applied.

[Revision note: Combines §§ 24.6 (less (a)), 24.7 (less (a)); 25.6 (less (a)), 25.7 (c); 26.19; 27.6 (less (a)), and 27.7(b)]

§ 65.15 Duration of certificates.

(a) Except for repairman certificates, a certificate or rating issued under this part to a U.S. citizen is effective until it is surrendered, suspended, or revoked.

(b) Except for repairman certificates, a certificate or rating issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date on which it is issued, but may be reissued without further proof of technical ability. However, an applicant for the reissue of a mechanic certificate and associated ratings must satisfactorily prove that he meets the recent experience requirements of § 65.83.

(c) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon the request of the Administrator, return it to the Administrator.

(d) Unless it is sooner surrendered, suspended, or revoked, a repairman certificate is effective until the holder is relieved from the duties for which he was employed and certificated. The holder of such a certificate that is no longer effective shall return it to the Administrator.



[Revision note: Combines §§ 24.7(a), 24.7-1, 24.102; 25.7 (less (c)); 26.18; and 27.7 (less (b))]

**§ 65.17 Tests: general procedure.**

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

[Revision note: Combines §§ 24.18(a); 25.24; 26.12; and 27.24]

**§ 65.19 Retesting after failure.**

An applicant who fails a written or practical test for a certificate and rating, or an additional rating, under this part may apply for retesting—

(a) After 30 days after the date he failed the test; or

(b) Upon presenting a statement from whichever of the following persons is applicable, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and now considers that the applicant is ready for retesting:

(1) For the air-traffic control-tower operator certificate—a certificated and appropriately rated ground instructor or air-traffic control-tower operator.

(2) For the aircraft dispatcher certificate—a certificated and appropriately rated ground instructor or a certificated aircraft dispatcher.

(3) For the mechanic certificate—a certificated and appropriately rated mechanic or ground instructor, or a certificated repairman who is experienced in the subject failed.

(4) For any parachute rigger certificate—a certificated and appropriately rated master parachute rigger or a person holding an appropriate military rating.

[Revision note: Combines §§ 24.19; 24.19-1; 25.25; 26.14; and 27.25]

**§ 65.21 Change of address.**

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this part shall notify the FAA Aircraft and Airman Records Branch, Oklahoma City, Okla., in writing, of his new address.

[Revision note: Combines §§ 24.11, 24.105; 25.10; 26.20; and 27.8]

**Subpart B—Air-Traffic Control-Tower Operators**

**§ 65.31 Eligibility requirements: general.**

To be eligible for an air-traffic control-tower operator certificate, a person must—

(a) Be at least 21 years of age or, in the case of a member of the Armed Forces of the United States, at least 18 years of age;

(b) Be of good moral character;

(c) Be able to read, write, and understand the English language, and speak it without accent or impediment of speech that would interfere with two-way radio conversations;

(d) Hold at least a second-class medical certificate issued under Part 67 of

this chapter within the 12 months before the date he applies; and

(e) Comply with § 65.33.

A certificate that is held by a member of an Armed Force who is less than 21 years of age is valid only while he is serving as a member in a control tower operated by an Armed Force.

[Revision note: Combines §§ 26.1, 26.2, and 26.13]

**§ 65.33 Knowledge requirements.**

(a) Each applicant for a certificate must pass a test on—

(1) The air traffic rules in Part ---- of this chapter [Present Part 60];

(2) Airport traffic control procedures, and this subpart;

(3) En route traffic control procedures;

(4) Radio frequencies and procedures used for airport traffic control;

(5) Using radio aids to air navigation;

(6) The making of weather observations; and

(7) Applicable regulations of the Federal Communications Commission.

Subparagraph (7) of this paragraph does not apply to a person who has a restricted radio telephone operator license, or higher grade of radio telephone operator license, issued by the Federal Communications Commission.

(b) This section does not apply to a person who has passed the written test for an Air Traffic Control Specialist Certificate.

[Revision note: Combines §§ 26.3, 26.3-2]

**§ 65.35 Ratings.**

The holder of an air-traffic control-tower operator certificate is entitled to a junior or senior rating, based on his qualifications to perform the duties of an operator at a particular airport.

[Revision note: Based on § 26.6]

**§ 65.37 Skill requirements: junior rating.**

For a junior rating, an air-traffic control-tower operator must pass a practical test on—

(a) The control tower, including equipment, its use, and hazards to operations;

(b) The airport, including rules, facilities and their use, and hazards to operations;

(c) The control zone, including prominent objects, reporting points, traffic patterns, and hazards to operations;

(d) Notices to airmen;

(e) Weather facilities and procedures, including weather stations, sequence reports, forecasts, and visibility check points; and

(f) Controlling air traffic under VFR conditions.

[Revision note: Combines §§ 26.7, 26.7-1]

**§ 65.39 Skill requirements: senior rating.**

(a) For a senior rating, an air-traffic control-tower operator must pass the test for a junior rating, meet the requirements of paragraphs (b) and (c) of this section, and pass a practical test on—

(1) The tower, the center, and the airways serving the airport;

(2) Air navigation facilities, including beacons, ranges, fan markers, compass locators, and instrument landing systems and ground controlled approach if these procedures or facilities have been established;

(3) Using the Airman's Guide;

(4) Using the Flight Information Manual;

(5) Holding procedures;

(6) The standard instrument approach procedures and tower approach control procedures, if approach control has been established;

(7) Missed approaches;

(8) Alternate airports;

(9) Search and rescue procedures; and

(10) Controlling air traffic under IFR conditions.

(b) An applicant for a senior rating must have satisfactorily served—

(1) As an operator with a senior rating for at least 6 months;

(2) As an operator with a junior rating, for at least the 6 months before the date he applies for the rating, at the airport for which he seeks a rating;

(3) As an air-traffic control trainee for at least 6 months in the service of the United States; or

(4) As an operator with a junior rating, at an airport other than the one for which he seeks a rating or as an operator at a landing area under the jurisdiction of an Armed Force of the United States, for at least 1 of the 2 years before the date he applies for the rating.

(c) An applicant for a senior rating must show that he can satisfactorily supervise and manage all activities of the airport control tower, including preparing such reports as may be required by the airport manager or the Administrator.

[Revision note: Combines §§ 26.8 and 26.8-1]

**§ 65.41 Performance of duties.**

(a) An air-traffic control-tower operator shall perform his duties in accordance with the limitations in his certificate and rating and the procedures and practices prescribed in air traffic control manuals of the FAA, to provide for the safe, orderly, and expeditious flow of air traffic.

(b) Whenever weather conditions are at least as good as the basic minimums prescribed for VFR flight by Part ----, of this chapter [Present Part 60], an operator with either a senior or junior rating may control traffic at the airport concerned. However, if the character or volume of the air traffic, the type and equipment of aircraft using the airport, or the airport facilities, require that an operator with a junior rating be supervised, an operator with a senior rating shall supervise the controlling of all air traffic at the airport.

(c) Whenever weather conditions are below the basic minimums prescribed for VFR flight by Part ---- of this chapter [Present Part 60], an operator with a senior rating shall supervise the controlling of all air traffic at the airport concerned. However, he may not issue an air traffic clearance for flight

without advance authority from the appropriate air route traffic control center.

(d) In an emergency, an operator with a senior rating may delegate his authority to an operator with a junior rating.

[Revision note: Combines §§ 26.25, 26.26, and 26.27]

#### § 65.43 Maximum hours.

Except in an emergency, a certificated air-traffic control-tower operator must be relieved of all duties for at least 24 consecutive hours at least once during each 7 consecutive days. Such an operator may not serve or be required to serve—

(a) For more than 10 consecutive hours; or

(b) For more than 10 hours during a period of 24 consecutive hours, unless he has a rest period of at least 8 hours at or before the end of the 10 hours of duty.

[Revision note: Based on § 26.28]

#### § 65.45 General operating rules.

(a) The holder of an air-traffic control-tower operator certificate shall keep it readily available when performing duties under it, and must show it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(b) No person may act as an air-traffic control-tower operator under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter.

(c) An air-traffic control-tower operator may not perform duties under his certificate during any period of known physical deficiency that would make him unable to meet the physical requirements for his current medical certificate. However, if the deficiency is temporary, he may perform duties that are not affected by it whenever another certificated and qualified operator is present and on duty.

(d) A certificated air-traffic control-tower operator may not control air traffic with facilities that the Administrator has found to be inadequate.

(e) The holder of an air-traffic control-tower operator certificate, or an applicant for one, shall, upon the reasonable request of the Administrator, cooperate fully in any examination that is made of him.

[Revision note: Combines §§ 26.29, 26.30, 26.31, 26.32, 26.34, and 26.35]

#### § 65.47 Recent experience.

The holder of an air-traffic control-tower operator certificate may not perform any duties under that certificate unless—

(a) in the case of a junior operator, he has served for at least 3 of the preceding 12 months as an operator at the airport to which his rating applies;

(b) in the case of a senior operator, he has served for at least 3 of the preceding 6 months as an operator at the airport to which his rating applies; or

(c) he has shown to the satisfaction of the Administrator that he meets the standards for his certificate and rating.

[Revision note: Based on § 26.36]

### Subpart C—Aircraft Dispatchers

#### § 65.51 Certificate required.

(a) No person may serve as an aircraft dispatcher (exercising responsibility with the pilot in command in the operational control of a flight) in connection with any civil aircraft in air commerce unless he has in his personal possession a current aircraft dispatcher certificate issued under this subpart.

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

[Revision note: Combines §§ 27.41 and 27.42]

#### § 65.53 Eligibility requirements: general.

To be eligible for an aircraft dispatcher certificate, a person must—

(a) Be at least 23 years of age;

(b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his certificate;

(c) Comply with §§ 65.55, 65.57, and 65.59.

[Revision note: Combines §§ 27.21, 27.22, and 27.23]

#### § 65.55 Knowledge requirements.

(a) An applicant for an aircraft dispatcher certificate must pass a written test on—

(1) The regulations of this chapter that apply to the duties of an aircraft dispatcher;

(2) The general system of collecting and disseminating weather information;

(3) Interpreting aviation weather reports, including abbreviations and symbols, as prescribed in Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations," as amended;

(4) The fundamentals of meteorology as applied to aircraft operations, particularly as to—

(i) Surface and upper air weather maps and general characteristics of air masses, pressure systems, and frontal systems, including their symbols and nomenclature;

(ii) Cloud forms and their significance; and

(iii) Icing, turbulence, thunderstorms, fog and low ceilings, winds aloft, pressure pattern flying, the influence of terrain on meteorological conditions, and general principles of forecasting and analysis;

(5) Principles of aircraft navigation with particular respect to instrument operation and procedures;

(6) Communications facilities and procedures;

(7) Air navigation facilities and procedures; and

(8) Air traffic control procedures.

(b) A report of the test is sent to the applicant. A passing grade is evidence, for a period of 24 months after the date the test is given, that the applicant has complied with this section.

[Revision note: Combines §§ 27.32 and 27.33-1(a) (less 1st 3 sentences)]

#### § 65.57 Experience requirements.

An applicant for an aircraft dispatcher certificate must present documentary evidence satisfactory to the Administrator that he has the experience prescribed in any one of the following clauses:

(a) A total of at least 2 of the 3 years before the date he applies, in scheduled air carrier operations, scheduled military aviation operations, or any other aircraft operations that the Administrator finds provides equivalent experience—

(1) As a pilot member of a flight crew;

(2) As a flight radio operator or ground radio operator;

(3) As a flight navigator;

(4) As a meteorologist;

(5) Performing the duties of an aircraft dispatcher or his assistant; or

(6) Performing other duties that the Administrator finds provide equivalent experience.

(b) A total of at least 2 of the 3 years before the date he applies, as an air route traffic controller or a certificated air-traffic control-tower operator.

(c) A total of at least 1 of the 2 years before the date he applies, as an assistant in dispatching scheduled air carrier aircraft performing the duties of an aircraft dispatcher under the direct supervision of a certificated dispatcher.

(d) Within 90 days before the date he applies, successfully completing a course of instruction approved by the Administrator as adequate for the training of an aircraft dispatcher.

An applicant is entitled to credit any combination of experience in subparagraph (1), or subparagraphs (1) and (2), of this paragraph, if the aggregate of that experience is at least 2 years.

[Revision note: Combines §§ 27.26 and 27.31]

#### § 65.59 Skill requirements.

An applicant for an aircraft dispatcher certificate must pass a practical test—

(a) With respect to any one type of large aircraft used in air carrier operations, on—

(1) Weight and balance limitations;

(2) Performance operating limitations;

(3) Using cruise control charts;

(4) Fuel and oil capacities and rates of consumption; and

(5) Using the operations manual;

(b) On the characteristics of air routes and airports with particular reference to—

(1) Landing areas;

(2) Lighting facilities; and

(3) Approach and landing facilities and procedures;

(c) On the uses and limitations of sensitive-type altimeters;



(d) On applying available weather forecasts and reports to determine whether a flight can be made safely;

(e) On using the Airman's Guide and the Flight Information Manual;

(f) On dispatching and assisting a flight under adverse weather conditions; and

(g) On emergency procedures.

[Revision note: Combines §§ 27.33 and 27.33-1 (a) (1st 3 sentences), and (b)]

§ 65.61 Aircraft dispatcher courses.

An applicant for approval of an aircraft dispatcher course shall submit a letter to the Administrator requesting approval, and shall also submit three copies of the course outline, a description of his equipment and facilities, and a list of the instructors and their qualifications. Requirements for the course and the outline are set forth in Appendix A<sup>1</sup> to this part.

[Revision note: Based on § 27.31-1]

Subpart D—Mechanics

§ 65.71 Eligibility requirements: general.

(a) To be eligible for a mechanic certificate and associated ratings, a person must—

(1) Be at least 18 years of age;

(2) Be able to read, write, speak, and understand the English language, or in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a U.S. air carrier, have his certificate endorsed "Valid only outside the United States";

(3) Have passed all of the prescribed tests within a period of 24 months; and

(4) Comply with the section of this subpart that apply to the rating he seeks.

(b) A certificated mechanic who applies for an additional rating must meet the requirements of § 65.77 and, within a period of 24 months, pass the tests prescribed by §§ 65.75 and 65.79 for the additional rating sought.

(c) Notwithstanding paragraphs (a) and (b) of this section, an applicant for any certificate or rating under this subpart who, before May 29, 1962, has passed any part of the prescribed tests for that certificate or rating, may be credited with passing that part for a period of 24 months after that date.

[Revision note: Combines §§ 24.15, 24.16, 24.17, 24.17-1, 24.18 (less (a)), and 24.20]

§ 65.73 Ratings.

(a) The following ratings are issued under this subpart:

(1) Airframe.

(2) Powerplant.

(b) A mechanic certificate with an aircraft or aircraft engine rating, or both, that was issued before, and was valid on, June 15, 1952, is equal to a mechanic certificate with an airframe or powerplant rating, or both, as the case may be, and may be exchanged for such a corresponding certificate and rating or ratings.

[Revision note: Combines §§ 24.8, 24.8-1, 24.8-2, and 24.22]

§ 65.75 Knowledge requirements.

(a) Each applicant for a mechanic certificate or rating must pass a written test covering the construction and maintenance of aircraft appropriate to the rating he seeks, the regulations in this subpart, and the applicable provisions of Parts ---- and ---- of this chapter [Present Parts 18 and 43]. The basic principles covering the installation and maintenance of propellers is included in the powerplant test. A study guide for the written tests is contained in the "Airframe and Powerplant Mechanics Examination Guide" available from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., at a price of 20 cents.

(b) The applicant must pass each section of the test before applying for the oral and practical tests prescribed by § 65.79. A report of the test is sent to the applicant.

[Revision note: Combines §§ 24.5-1, 24.30, 24.30-1, and 24.32-1]

§ 65.77 Experience requirements.

Each applicant for a mechanic certificate or rating must present either an appropriate graduation certificate from a certificated mechanic school or documentary evidence, satisfactory to the Administrator, of—

(a) At least 18 months of practical experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in constructing, maintaining, or altering airframes, or powerplants appropriate to the rating sought; or

(b) At least 30 months of practical experience concurrently performing the duties appropriate to both the airframe and powerplant ratings.

[Revision note: Combines §§ 24.21, 24.31, and 24.32]

NOTE: § 24.32 (proviso) is omitted as surplusage.

§ 65.79 Skill requirements.

Each applicant for a mechanic certificate or rating must pass an oral and a practical test on the rating he seeks. The tests cover the applicant's basic skill in performing practical projects on the subjects covered by the written test for that rating. An applicant for a powerplant rating must show his ability to make satisfactory minor repairs to, and minor alterations of, propellers.

[Revision note: Combines §§ 24.33 and 24.33-1]

§ 65.81 General privileges and limitations.

(a) A certificated mechanic may perform or supervise the maintenance or alteration of an aircraft or appliance, or a part thereof, for which he is rated (but excluding major repairs to, and alterations of, propellers, and any repair to, or alteration of, instruments), and may perform additional duties in accordance with §§ 65.85, 65.87, 65.91, 65.95 and ---- [Present §§ 18.10, 18.11, 18.12]. However, he may not supervise the maintenance or alteration of, or approve and return to service, any aircraft or appli-

ance, or part thereof, for which he is rated unless he has satisfactorily performed the work concerned at an earlier date. If he has not so performed that work at an earlier date, he may show his ability to do it by performing it to the satisfaction of the Administrator or under the direct supervision of a certificated and appropriately rated mechanic, or a certificated repairman, who has had previous experience in the specific operation concerned.

(b) A certificated mechanic may not exercise the privileges of his certificate and rating unless he understands the current instructions of the manufacturer, and the maintenance manuals, for the specific operation concerned.

[Revision note: Combines §§ 24.40, 24.40-1, and 24.50]

NOTE: The parenthetical clause in paragraph (a) is inserted to reflect § 18.10(a).

§ 65.83 Recent experience requirements.

A certificated mechanic may not exercise the privileges of his certificate and rating unless, within the preceding 24 months—

(a) The Administrator has found that he is able to do that work; or

(b) He has, for at least 6 months—

(1) Served as a mechanic under his certificate and rating;

(2) Technically supervised other mechanics;

(3) Supervised, in an executive capacity, the maintenance or alteration of aircraft; or

(4) Been engaged in any combination of subparagraph (1), (2), or (3) of this paragraph.

[Revision note: Based on § 24.51]

§ 65.85 Airframe rating; additional privileges.

A certificated mechanic with an airframe rating may approve and return to service an airframe, or any related part or appliance, after he has performed, supervised, or inspected its maintenance (excluding major repairs) or minor alteration. In addition, he may perform the 100-hour inspection required by Part ---- of this chapter [Present Part 43] on an airframe, or any related part or appliance, and approve and return it to service.

[Revision note: Based on § 24.41]

§ 65.87 Powerplant rating; additional privileges.

A certificated mechanic with a powerplant rating may approve and return to service a powerplant or propeller or any related part or appliance, after he has performed, supervised, or inspected its maintenance (excluding major repairs) or minor alteration. In addition, he may perform the 100-hour inspection required by Part ---- of this chapter [Present Part 43] on a powerplant or propeller, or any part thereof, and approve and return it to service.

[Revision note: Based on § 24.42]

§ 65.89 Display of certificate.

The holder of a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present

<sup>1</sup> For the purposes of this circulation Appendix A has not been printed. It will state present § 27.31-1(b) (2) without change.



it for inspection upon request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement office.

[Revision note: Combines §§ 24.9 and 24.9-1]

**§ 65.91 Inspection authorization.**

(a) An application for an inspection authorization is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this section is entitled to an inspection authorization.

(c) To be eligible for an inspection authorization, an applicant must—

(1) Be a certificated mechanic who has held both an airframe rating and a powerplant rating for at least 3 years before the date he applies;

(2) Have been actively engaged, for at least the 2-year period before the date he applies, in maintaining aircraft certificated and maintained in accordance with this chapter;

(3) Have a fixed base of operations at which he may be located in person or by telephone during a normal working week, but it need not be the place where he will exercise his inspection authority;

(4) Have available to him the equipment, facilities, and inspection data necessary to properly inspect airframes, powerplants, propellers, or any related part or appliance; and

(5) Pass a written test on his ability to inspect according to safety standards for returning aircraft to service after major repairs and alterations and periodic and progressive inspections performed under Part ---- of this chapter [Present Part 18].

The procedures for the test are set forth in Appendix C.<sup>1</sup> An applicant who fails the test prescribed in subparagraph (5) of this paragraph may not apply for retesting until at least 90 days after the date he failed the test.

(d) Each inspection authorization expires on March 31 of each year.

[Revision note: Combines §§ 24.43(b) and 24.43-1 (less (c) and (e))]

**§ 65.93 Inspection authorization: renewal.**

(a) To be eligible for renewal of an inspection authorization for a one-year period an applicant must present evidence at an FAA General Aviation District Office or an International Field Office during the month of March that he still meets the requirements of § 65.91 (c) (1)-(4), and by showing that during the current period that he held the inspection authority he—

(1) Has performed at least one periodic inspection for each 90 days that he held the current authority; or

(2) Has performed inspections of at least two major repairs or alterations for each 90 days that he held the current authority; or

<sup>1</sup>For the purpose of this circulation Appendix C has not been printed. It will state present Appendix C to Part 24.

(3) Has performed or supervised and approved at least one progressive inspection in accordance with standards prescribed by the Administrator.

(b) The holder of an inspection authorization that, on the date it must be renewed, has been in effect for less than 90 days need not comply with paragraph (a) (1) to (3) of this section.

[Revision note: Based on § 24.43-1(e)]

**§ 65.95 Inspection authorization: privileges and limitations.**

(a) The holder of an inspection authorization may—

(1) Inspect and approve and return to service any aircraft, or related part or appliance (except aircraft operated under Parts ----, ----, or ---- of this chapter [Present Parts 40, 41, or 46], or large aircraft operated under Part ---- of this chapter [Present Part 42]) after a major repair or an alteration to it in accordance with Part ---- of this chapter [Present Part 18]; and

(2) Perform a periodic, or perform or supervise a progressive inspection according to § ---- of this chapter [Present § 18.30].

(b) When he exercises the privileges of an inspection authorization, the holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), the Administrator, or an authorized representative of the Civil Aeronautics Board.

(c) If the holder of an inspection authorization changes his fixed base of operation, he may not exercise the privileges of the authorization until he has notified the FAA General Aviation District Office or International Field Office for the area in which the new base is located, in writing, of the change.

[Revision note: Combines §§ 24.43 (less (b)), 24.43-1(c) and 24.43-2]

**Subpart E—Repairmen**

**§ 65.101 Eligibility requirements: general.**

To be eligible for a repairman certificate a person must—

(a) Be at least 18 years of age;

(b) Be specially qualified to perform maintenance on aircraft or components thereof, appropriate to the job for which he is employed;

(c) Be employed for a specific job requiring those special qualifications by a certificated repair station or by a certificated air carrier that is required by its operating certificate or approved operations specifications to provide a continuous airworthiness maintenance program according to its maintenance manuals;

(d) Be recommended for certification by his employer, to the satisfaction of the Administrator, as able to satisfactorily maintain aircraft or components, appropriate to the job for which he is employed;

(e) Have at least 18 months of practical experience in procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the maintenance duties of the

specific job for which he is to be employed and certificated; and

(f) Be able to read, write, speak, and understand the English language, or, in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a certificated repair station or by a certificated United States air carrier described in paragraph (c) of this section, have his certificate endorsed "Valid only outside the United States".

[Revision note: Combines §§ 24.100, 24.110, 24.111, 24.112, 24.120, and 24.121]

**§ 65.103 Repairman certificate: privileges and limitations.**

(a) A certificated repairman may perform or supervise the maintenance of aircraft or components thereof, appropriate to the job for which he was employed and certificated, but only in connection with duties for the repair station or air carrier by whom he was employed and recommended.

(b) A certificated repairman may not perform or supervise duties under his certificate unless he understands the current instructions of the air carrier or manufacturer of the article on which he is to perform or supervise those duties and the maintenance manuals relating to the specific operation concerned.

[Revision note: Combines §§ 24.130 and 24.140]

**§ 65.105 Display of certificate.**

The holder of a repairman certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

[Revision note: Combines §§ 24.103 and 24.103-1]

**Subpart F—Parachute Riggers**

**§ 65.111 Certificate required.**

(a) No person may pack, maintain, or alter any personnel-carrying parachute intended for emergency use in connection with civil aircraft of the United States (including the auxiliary parachute of a dual parachute pack to be used for intentional jumping) unless he holds an appropriate current certificate and type rating issued under this subpart and complies with §§ 65.127-65.133.

(b) No person may pack, maintain, or alter any main parachute of a dual parachute pack to be used for intentional jumping in connection with civil aircraft of the United States unless he has an appropriate current certificate issued under this subpart. However, a person who does not hold such a certificate may pack the main parachute of a dual parachute pack that is to be used by him for intentional jumping.

(c) The holder of a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(d) The following parachute rigger certificates are issued under this part:

- (1) Senior parachute rigger.
- (2) Master parachute rigger.

(e) This subpart does not apply to parachutes packed, maintained, or altered for the use of the armed forces.

[Revision note: Combines §§ 25.9 and 25.80 (less last proviso of (b))]

**§ 65.113 Eligibility requirements: general.**

(a) To be eligible for a parachute rigger certificate a person must—

- (1) Be at least 18 years of age;
- (2) Be able to read, write, speak, and understand the English language, or, in the case of a citizen of Puerto Rico, or a person who is employed outside of the United States by a U.S. air carrier, and who does not meet this requirement, be issued a certificate that is valid only in Puerto Rico or while he is employed outside of the United States by that air carrier, as the case may be; and
- (3) Comply with the sections of this subpart that apply to the certificate and type rating he seeks.

(b) Except for a master parachute rigger certificate, a parachute rigger certificate that was issued before, and was valid on, the date this revised subpart becomes effective, is equal to a senior parachute rigger certificate, and may be exchanged for such a corresponding certificate.

[Revision note: Combines §§ 25.21, 25.22, and 25.23]

NOTE: Paragraph (b) is added to reflect the change in name of the parachute rigger certificate.

**§ 65.115 Senior parachute rigger certificate: experience, knowledge, and skill requirements.**

(a) Except as provided in § 65.117, an applicant for a senior parachute rigger certificate must—

- (1) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of each type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating;
- (2) Pass a written test on the following, with respect to one type of parachute in common use:

- (i) Its construction, packing and maintenance.
- (ii) Its use.
- (iii) The manufacturer's instructions.
- (iv) The regulations of this subpart; and

(3) Pass an oral and practical test showing his ability to pack and maintain at least one type of parachute in common use, appropriate to the type rating he seeks.

[Revision note: Combines §§ 25.28, 25.40, 25.41, 25.42, and 35.43]

**§ 65.117 Military riggers or former military riggers: special certification rule.**

In place of the procedure in § 65.115, an applicant for a senior parachute rigger certificate is entitled to it if he passes a written test on the regulations

of this subpart and presents satisfactory documentary evidence that he—

(a) Is a member or civilian employee of an Armed Force of the United States, is a civilian employee of a regular armed force of a foreign country, or has, within the 12 months before he applies, been honorably discharged or released from any status covered by this clause;

(b) Is serving, or has served within the 12 months before he applies, as a parachute rigger for such an Armed Force; and

(c) Has the experience required by § 65.115.

[Revision note: Based on § 25.44]

**§ 65.119 Master parachute rigger certificate: experience, knowledge, and skill requirements.**

An applicant for a master parachute rigger certificate must—

(a) Present evidence satisfactory to the Administrator that he has had at least 5 years of experience as a parachute rigger and has satisfactorily packed at least 100 parachutes of each of two types in common use;

(b) Pass an oral test on the following, with respect to two types of parachutes in common use:

- (1) Their construction, packing, and maintenance.
- (2) Their use.
- (3) The manufacturers' instructions; and

(c) Pass a practical test showing his ability to pack and maintain two types of parachutes in common use, and showing that he can satisfactorily supervise other persons in these operations.

[Revision note: Combines §§ 25.26, 25.60, 25.61, 25.62, and 25.63]

**§ 65.121 Type ratings.**

(a) The following type ratings are issued under this subpart:

- (1) Seat.
- (2) Back.
- (3) Chest.
- (4) Lap.

(b) The holder of a senior parachute rigger certificate who qualifies for a master parachute rigger certificate is entitled to have placed on his master parachute rigger certificate the ratings that were on his senior parachute rigger certificate.

[Revision note: Based on § 25.26]

NOTE: Paragraph (b) is added for clarity.

**§ 65.123 Additional type ratings: requirements.**

A certificated parachute rigger who applies for an additional type rating must—

(a) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of the type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating; and

(b) Pass a practical test, to the satisfaction of the Administrator, showing his ability to pack and maintain the type of parachute for which he seeks a rating.

[Revision note: Combines §§ 25.27 and 25.28]

**§ 65.125 Certificates: privileges.**

(a) A certificated senior parachute rigger may pack or maintain (except for major repair) any type of parachute for which he is rated.

(b) A certificated master parachute rigger may—

(1) Pack, maintain, or alter any type of parachute for which he is rated; and

(2) Instruct or supervise other persons in the proper methods and procedures of constructing, packing, maintaining, altering, and using the type of parachutes for which he is rated.

(c) A certificated parachute rigger need not comply with §§ 65.127 to 65.133 (relating to facilities, equipment, performance standards, records, recent experience, and seal) in packing, altering, or maintaining the main parachute of a dual parachute pack to be used for intentional jumping.

[Revision note: Combines §§ 25.45, 25.64, and 25.80 (last proviso of (b))]

**§ 65.127 Facilities and equipment.**

No certificated parachute rigger may exercise the privileges of his certificate unless he has at least the following facilities and equipment available to him:

(a) A smooth top table at least three feet wide by 40 feet long.

(b) A compartment for hanging parachutes vertically for drying and airing.

(c) Enough packing tools and other equipment to pack and maintain the types of parachutes that he services.

(d) Adequate housing facilities to perform his duties and to protect his tools and equipment.

[Revision note: Based on § 25.81]

**§ 65.129 Performance standards.**

No certificated parachute rigger may—

(a) Pack, maintain, or alter any parachute unless he is rated for that type;

(b) Pack a parachute that is not safe for emergency use;

(c) Pack a parachute that has not been thoroughly dried and aired;

(d) Alter a parachute in a manner that is not specifically authorized by the Administrator or the manufacturer;

(e) Pack, maintain, or alter a parachute in any manner that deviates from procedures approved by the Administrator or the manufacturer of the parachute; or

(f) Exercise the privileges of his certificate and type rating unless he understands the current manufacturer's instructions for the operation involved and has—

(1) Performed duties under his certificate for at least 90 days within the preceding 12 months; or

(2) Shown the Administrator that he is able to perform those duties.

[Revision note: Based on §§ 25.82 and 25.85]

**§ 65.131 Records.**

(a) Each certificated parachute rigger shall keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him. He shall keep in that record, with respect to



each parachute worked on, a statement of—

- (1) Its type and make;
- (2) Its serial number;
- (3) The name and address of its owner;
- (4) The kind and extent of the work performed;
- (5) The date when and place where the work was performed; and
- (6) The results of any drop tests made with it.

(b) Each person who makes a record under paragraph (a) of this section shall keep it for at least 2 years after the date it is made.

(c) Each certificated parachute rigger who packs a parachute shall write, on the parachute packing record attached to the parachute, the date and place of the packing and a notation of any defects he finds on inspection. He shall sign that record with his name and the number of his certificate.

[Revision note: Based on § 25.84]

NOTE: § 25.84(a) (3d sentence) is omitted as operationally obsolete.

§ 65.133 Seal.

Each certificated parachute rigger must have a seal with an identifying mark prescribed by the Administrator, and a seal press. After packing a parachute he shall seal the pack with his seal in accordance with the manufacturer's recommendation for that type of parachute.

[Revision note: Based on § 25.83]

PART 65—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
24.0	65.1	24.43 (less (b))	65.95
24.1	( <sup>1</sup> )	24.41-1 (less (c) and (e))	65.91
24.5	65.11	24.43-1(c)	65.95
24.5-1	65.75	24.43-1(e)	65.93
24.6(a)	65.11	24.43-2	65.95
24.6 (less (a))	65.13	24.50	65.81
24.7(a)	65.15	24.51	63.83
24.7 (less (a))	65.13	24.100	65.101
24.7-1	65.15	24.101	65.11
24.8	65.73	24.102	65.15
24.8-1	65.73	24.103	65.105
24.8-2	65.73	24.103-1	65.105
24.9	65.89	24.105	65.21
24.9-1	65.89	24.110	65.101
24.11	65.21	24.111	65.101
24.15	65.71	24.112	65.101
24.16	65.71	24.120	65.101
24.17	65.71	24.121	65.101
24.17-1	65.81	24.130	65.103
24.18(a)	65.17	24.140	65.103
24.18 (less (a))	65.71	25.0	65.1
24.19	65.19	25.1	( <sup>1</sup> )
24.19-1	65.19	25.5	65.11
24.20	65.71	25.6(a)	65.11
24.21	65.77	25.6 (less (a))	65.13
24.22	65.73	25.7(c)	65.13
24.30	65.75	25.7 (less (c))	65.15
24.30-1	65.75	25.9	65.111
24.31	65.77	25.10	65.21
24.32	65.77	25.21	65.113
24.32-1	65.75	25.22	65.113
24.33	65.79	25.23	65.113
24.33-1	65.79	25.24	65.17
24.40	65.81	25.25	65.19
24.40-1	65.81	25.26	65.121
24.41	65.85	25.27	65.123
24.42	65.87		
24.43(b)	65.91		

<sup>1</sup> Transferred to Part 1.

PART 65—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
25.28	65.115	26.25	65.41
	65.119	26.26	65.41
	65.123	26.27	65.41
25.40	65.115	26.28	65.43
25.41	65.115	26.29	65.45
25.42	65.115	26.30	65.45
25.43	65.115	26.31	65.45
25.44	65.117	26.32	65.45
25.45	65.125	26.34	65.45
25.60	65.119	26.35	65.45
25.61	65.119	26.36	65.47
25.62	65.119	27.1	65.1
25.63	65.119	27.2	( <sup>1</sup> )
25.64	65.125	27.5	65.11
25.80 (less last proviso of (b))	65.111	27.6(a)	65.11
25.80 (last proviso of (b))	65.125	27.6 (less (a))	65.13
25.81	65.127	27.7(b)	65.13
25.82	65.129	27.7 (less (b))	65.15
25.83	65.133	27.8	65.21
25.84	65.131	27.21	65.53
25.85	65.129	27.22	65.53
26.1	65.31	27.23	65.53
26.2	65.31	27.24	65.17
26.3	65.33	27.25	65.19
26.3-2	65.33	27.26	65.57
26.6	65.35	27.31	65.57
26.7	65.37	27.31-1	65.61
26.7-1	65.37	27.32	65.55
26.8	65.39	27.33	65.59
26.8-1	65.39	27.33-1(a) (less 1st 3 sentences)	65.55
26.12	65.17	27.33-1(a) (1st 3 sentences) and (b)	65.59
26.13	65.31	27.41	65.51
26.14	65.19	27.42	65.51
26.18	65.15		
26.19	65.13		
26.20	65.21		

PART 67—MEDICAL STANDARDS AND CERTIFICATION [NEW]

- Sec.
- 67.1 Applicability.
  - 67.11 Issue.
  - 67.13 First-class medical certificate.
  - 67.15 Second-class medical certificate.
  - 67.17 Third-class medical certificate.
  - 67.19 Special issue: operational limitations.

§ 67.1 Applicability.

This part prescribes the medical standards for issuing medical certificates for airmen.

[Revision note: Supplied for uniformity]

§ 67.11 Issue.

An applicant who meets the medical standards prescribed in this part, based on medical examination and evaluation of his history and condition is entitled to an appropriate medical certificate.

[Revision note: Based on § 29.11]

§ 67.13 First-class medical certificate.

(a) To be eligible for a first-class medical certificate, an applicant must meet the requirements of paragraphs (b) to (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) Near vision of at least v=1.00 at 18 inches with each eye separately, with or without corrective glasses.

(3) Normal color vision.

(4) Normal fields of vision.

(5) No acute or chronic pathological condition of either eye or adenexae that might interfere with its proper function, might progress to that degree, or might be aggravated by flying.

(6) Bifoveal fixation and vergence-phoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoria, six prism diopters of esophoria, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergence-phoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:

(1) Ability to—

(i) Hear the whispered voice at a distance of at least 20 feet with each ear separately; or

(ii) Demonstrate a hearing acuity of at least 50 percent of normal in each ear throughout the effective speech and radio range as shown by a standard audiometer.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.



(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) If the applicant has passed his thirty-fifth birthday but not his fortieth, he must, on the first examination after his thirty-fifth birthday, show an absence of myocardial infarction on electrocardiographic examination.

(3) If the applicant has passed his fortieth birthday, he must annually show an absence of myocardial infarction on electrocardiographic examination.

(4) Unless the adjusted maximum readings apply, the applicant's reclining blood pressure may not be more than the maximum reading for his age group in the following table:

Age group	Maximum readings (reclining blood pressure in mm)		Adjusted maximum readings (reclining blood pressure in mm) <sup>1</sup>	
	Systolic	Diastolic	Systolic	Diastolic
20-29	140	88		
30-39	145	92	155	98
40-49	155	96	165	100
50 and over	160	98	170	100

<sup>1</sup>For an applicant at least 30 years of age whose reclining blood pressure is more than the maximum reading for his age group and whose cardiac and kidney conditions, after complete cardiovascular examination, are found to be normal.

(5) If the applicant is at least 40 years of age, he must show a degree of circulatory efficiency that is compatible with the safe operation of aircraft at high altitudes.

An electrocardiogram, made according to acceptable standards and techniques within the 90 days before an examination for a first-class certificate, is accepted at the time of the physical examination as meeting the requirements of subparagraphs (2) and (3) of this paragraph.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified medical judgment relating to the condition involved.

[Revision note: Based on § 29.2]

§ 67.15 Second-class medical certificate.

(a) To be eligible for a second-class medical certificate, an applicant must meet the requirements of paragraphs (b) to (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) Enough accommodation to pass a test prescribed by the Administrator based primarily on ability to read official aeronautical maps.

(3) Normal fields of vision.

(4) No pathology of the eye.

(5) Ability to distinguish aviation signal red, aviation signal green, and white.

(6) Bifoveal fixation and vergence-ophoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoria, six prism diopters of exophoria, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergence-ophoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:  
(1) Ability to hear the whispered voice at 8 feet with each ear separately.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:  
(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular: No established medical history or clinical diagnosis of—

(1) Myocardial infarction; or

(2) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control.

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

[Revision note: Based on § 29.3]

§ 67.17 Third-class medical certificate.

(a) To be eligible for a third-class medical certificate, an applicant must meet the requirements of paragraphs (b) to (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/50 or better in each eye separately, without correction; or if the vision in either or both eyes is poorer than 20/50 and is corrected to 20/30 or better in each eye with corrective glasses, the applicant may be qualified on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) No serious pathology of the eye.

(3) Ability to distinguish aviation signal red, aviation signal green, and white.

(c) Ears, nose, throat, and equilibrium:

(1) Ability to hear the whispered voice at 3 feet.

(2) No acute or chronic disease of the internal ear.

(3) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(4) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the

privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control;

(2) No other organic, functional or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

[Revision note: Based on § 29.4]

#### § 67.19 Special issue: operational limitations.

(a) A medical certificate of the appropriate class may, in the discretion of the Civil Air Surgeon, be issued to an applicant who does not meet the medical standards of this part, if the applicant shows to the satisfaction of the Civil Air Surgeon by operational experience, special practical testing, flight testing, or as otherwise required, that he can perform his duties under the airman certificate he holds, or for which he is applying, in a manner that will not endanger safety in air commerce during the period the certificate would be in effect.

(b) Any operational limitation on, or limit on the duration of, a certificate issued under this section that the Civil Air Surgeon determines is needed for safety shall be specified on the airman or medical certificate held by, or issued to, the applicant.

(c) An applicant who has taken a practical or flight test for a medical certificate under this section, and who has had a medical certificate issued to him under this section as a result of that test, need not take the test again during later physical examinations unless the Civil Air Surgeon determines that his physical deficiency has become enough more pronounced to require such an additional test.

(d) This section does not apply to an applicant who fails to meet the requirements of §§ 67.13 (d) (1), (e) (1), or (f)

(1), 67.15 (d) (1), (e), or (f) (1), or 67.17 (d) (1), (e), or (f) (1).

[Revision note: Based on § 29.5]

#### PART 67—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
29.1	67.11	29.4	67.17
29.2	67.13	29.5	67.19
29.3	67.15		

[F.R. Doc. 62-4162; Filed, May 1, 1962; 8:45 a.m.]

#### [ 14 CFR Part 600 ]

[Airspace Docket No. 62-SW-2]

#### FEDERAL AIRWAYS

##### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6013, 600.6020 and 600.6222 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 13 east alternate is designated in part from the Houston, Texas, VORTAC via the intersection of the Houston VORTAC 044° and the Lufkin, Texas, VOR 177° True radials (DAISETTA Intersection); to the Lufkin VOR. Low altitude VOR Federal airway No. 20 north alternate is designated in part from the Houston VORTAC via the intersection of the Houston VORTAC 044° and the Beaumont, Texas VOR 273° True radials; to the Beaumont VOR and from the Beaumont VOR via the intersection of the Beaumont VOR 058° and the Lake Charles, La., VOR 273° True radials to the Lake Charles VOR. Low altitude VOR Federal airway No. 222 north alternate is designated in part from the Houston VORTAC via the intersection of the Houston VORTAC 044° and the Lake Charles VOR 273° True radials; to the Lake Charles VOR.

The Federal Aviation Agency has under consideration the following actions:

1. Redesignate Victor 13 east alternate in part from the Houston VORTAC via a VOR to be installed approximately July 15, 1962 near Daisetta, Texas, at latitude 30°11'20" N., longitude 94°38'38" W., to the Lufkin VOR.

2. Redesignate Victor 20 north alternate in part from the Houston VORTAC via the intersection of the Houston VORTAC 045° and the Beaumont VOR 273° True radials; to the Beaumont VOR and from the Beaumont VOR via the intersection of the Beaumont VOR 058° and the Lake Charles VOR 272° True radials; to the Lake Charles VOR.

3. Redesignate Victor 222 north alternate in part from the Houston VORTAC via the Daisetta VOR to the Lake Charles VOR.

The proposed realignment of Victor 13 east alternate and Victor 222 north alternate via the Daisetta VOR in lieu of the Daisetta intersection would provide better navigational guidance along these airway segments. The proposed realignment of Victor 20 north alternate is necessary so that the segments of this

airway which presently coincide with segments of Victor 13 east alternate and Victor 222 north alternate would coincide with the realigned segments of these airways.

The control areas associated with the airway segments under consideration are so designated that they would automatically conform to the realigned airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-4216; Filed, May 1, 1962; 8:46 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-FW-76]

#### FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

##### Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 466 and its as-



sociated control areas from the Columbus, Miss., VOR to the Jackson, Miss., VORTAC. This airway and its associated control areas would extend upward from 700 feet above the surface to and including 9,000 feet MSL, except the segment between the intersection of the Columbus to Jackson en route radial and the Meridian, Miss., VOR 347° True radial and the intersection of the Columbus to Jackson en route radial and the Greenwood, Miss., 141° True radial, which would have a floor of 1,200 feet above the surface. The segmented floor of the proposed airway would make the controlled airspace compatible with the adjoining control area extensions and airways, and the nearby Meridian Miss., transition area which will become effective on May 31, 1962 (Airspace Docket No. 60-FW-72, 27 F.R. 2890). The proposed ceiling of 9,000 feet MSL would suffice for normal airway traffic and would permit Navy aircraft to perform essential flight training maneuvers from 10,000 to 20,000 feet MSL to remain clear of the new airway. Navy flight training activities from the Meridian Naval Air Station are contained primarily in an area bounded by Meridian, Miss., Jackson, Miss., Greenwood, Miss., Columbus, Miss., Birmingham, Ala., and Tuscaloosa, Ala.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-4217; Filed, May 1, 1962; 8:46 a.m.]

[ 14 CFR Parts 600, 601, 602 ]

[Airspace Docket No. 62-WA-24]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS; JET ROUTE AND JET ADVISORY AREA

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 602 and §§ 600.6300 and 601.6300 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 300 and its associated control areas is designated in part from St. Johns, Quebec, Canada, via Sherbrooke, Quebec, Canada, to Millinocket, Maine, excluding the portion outside the United States. The Federal Aviation Agency is considering a request by the Canadian Department of Transport for the designation of the United States portion of a north alternate to Victor 300 from the St. Johns VOR to the Millinocket VOR via the intersection of the St. Johns VOR 071° and the Millinocket VOR 279° True radials. This would provide an alternate route between St. Johns and Millinocket for VOR equipped aircraft.

Also under consideration is a request by the Canadian Department of Transport for the designation of the United States portion of Jet Route No. 560 and associated radar jet advisory area from the Plattsburgh, N.Y., VOR direct to Sherbrooke VOR. This would facilitate air traffic management and improve flight planning by providing an interconnecting high altitude route between Plattsburgh and Quebec, Canada. This jet route number would be the same number assigned to the interconnecting Canadian high-level airway.

The control areas associated with the United States portion of Victor 300 would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal

contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-4221; Filed, May 1, 1962; 8:46 a.m.]

[ 14 CFR Part 602 ]

[Airspace Docket No. 62-WA-16]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 39 presently extends in part from the Nashville, Tenn., VORTAC via the Louisville, Ky., VORTAC to the Dayton, Ohio, VORTAC. The Federal Aviation Agency has under consideration the designation of an en route radar jet advisory area within 16 statute miles either side of this segment of Jet Route No. 39 from flight level 240 to flight level 390 inclusive. The radar jet advisory area proposed herein would provide a defined area along this route wherein jet advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).



Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-4218; Filed, May 1, 1962;  
8:46 a.m.]

[ 14 CFR Part 602 ]

[Airspace Docket No. 62-WA-25]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 13 extends in part from the Albuquerque, N. Mex., VORTAC via the Las Vegas, N. Mex., and the Pueblo, Colo., VORTACs to the Denver, Colo., VORTAC. The FAA has under consideration a proposal by the Air Transport Association of America for the designation of an en route radar jet advisory area from flight level 240 to flight level 390, inclusive, and within 16 miles either side of this segment of J-13.

Scheduled air carrier turbojet service is to be inaugurated between Albuquerque and Denver on or about July 15, 1962, and the designation of the above described jet advisory area would provide a route for civil air carrier turbojet flights between these terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 26, 1962.

CLIFFORD P. BURTON,  
Acting Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-4219; Filed, May 1, 1962;  
8:46 a.m.]

[ 14 CFR Part 602 ]

[Airspace Docket No. 62-WA-34]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to §§ 602.200 and 602.300 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 15 extends in part from the Wink, Tex., VOR via the Roswell, N. Mex., VOR to the Albuquerque, N. Mex., VORTAC. The FAA has under consideration a proposal by the Air Transport Association of America for the designation of an en route radar jet advisory area from flight level 240 to flight level 390, inclusive, and within 16 miles either side of this segment of J-15. Additionally, the FAA has under consideration the designation of a terminal radar jet advisory area from flight level 240 to flight level 390, inclusive, and within 16 miles either side of the 283° True radial of the Midland, Tex., VOR from the VOR to the intersection of the 283° True radial with J-15.

Scheduled air carrier turbojet service is to be inaugurated between Albuquerque and Midland on or about July 15, 1962, and the designation of the above described jet advisory areas would provide a route for civil air carrier turbojet flights between these terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on April 25, 1962.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-4220; Filed, May 1, 1962;  
8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 48 ]

EXCISE TAX ON TOILET PREPARATIONS

Notice of Hearing on Proposed Regulations

The revised proposed regulations under section 4021 of the Code relating to excise tax on toilet preparations, were published in the FEDERAL REGISTER for March 20, 1962.

A public hearing on the provisions of these proposed regulations will be held on Friday, May 18, 1962, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by May 14, 1962.

[SEAL] MAURICE LEWIS,  
Director,  
Technical Planning Division,  
Internal Revenue Service.

[F.R. Doc. 62-4279; Filed, May 1, 1962;  
8:55 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[ 44 CFR Part 401 ]

[Foreign Excess Property Order No. 1]

IMPORTATION INTO THE UNITED STATES OF NONAGRICULTURAL FOREIGN EXCESS PROPERTY

Notice of Proposed Rule Making

Insofar as the Administrative Procedure Act may be applicable herein, notice is hereby given of the proposed revision of Foreign Excess Property Order No. 1 (Revised), 24 F.R. 366, as from time to time amended, 24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7031.

The purposes of the proposed revision are:

1. In the interest of public and governmental convenience, to incorporate into a single document all amendments issued since the last prior general revision of the Order.

2. To correct typographical and editorial errors in prior issuances.

3. In the light of operating experience gained since the last general revision of the Order, to improve and simplify operating procedures for the benefit of both the public and the Government.

4. To modify the criteria for the admission of certain kinds of foreign excess property in order to give greater recognition than heretofore to the statutory criterion "benefit to the economy of this country".

5. To establish separate geographic areas of competition, based upon recog-

dition of economic factors, for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the remaining continental United States.

6. To modify criteria applied to determinations of existence of domestic shortages to give greater recognition to distinctions in kinds and conditions of property.

It is proposed to designate the revised Order "Foreign Excess Property Order No. 1".

It is proposed to make Foreign Excess Property Order No. 1 effective upon the date of its publication in the FEDERAL REGISTER which will be not less than 30 days subsequent to the date of publication of this notice.

It is proposed to publish Foreign Excess Property Order No. 1 in substantially the following form:

Pursuant to the Administrative Procedure Act, insofar as it may be applicable hereto, Foreign Excess Property Order No. 1 is hereby published and is made effective upon the date of publication hereof in the following form:

Sec.	
401.1	What this part does.
401.2	Definitions.
401.3	Office of Foreign Excess Property Officer (FEPO).
401.4	Criteria and principles.
401.5	General determinations.
401.6	Small lot procedure.
401.7	Importations for public and quasi-public use.
401.8	Metal scrap.
401.9	Entries in bond for reexport.
401.10	Entries in bond other than for reexport.
401.11	Applications.
401.12	Issuance of FEP Import Determinations.
401.13	Issuance of FEP Import Authorizations.
401.14	Transfer of FEP Import Authorizations.
401.15	Time extensions.
401.16	Finality of decisions.
401.17	Appeals.
401.18	Exemption of Government-owned property.
401.19	Violations and penalties.
401.20	Cancellation of certain determinations.
401.21	Communications.
401.22	Transitional provisions.
401.23	Revocations of previous delegations and orders.

AUTHORITY: §§ 401.1 to 401.23, issued under secs. 402, 404(b), 601, Act of June 30, 1949, 63 Stat. 398, 399, 64 Stat. 583, 40 U.S.C. 512, 514(b) and 473; Foreign Liquidation Commissioner's Reg. 8, 44 CFR 308.15; Commerce Department Order No. 152 (Revised), 26 F.R. 7977.

§ 401.1 What this part does.

This part prescribes procedures for making applications for determinations as to whether importation of foreign excess property, as defined in this part, would relieve domestic shortages or otherwise be beneficial to the economy of this country. It prescribes procedures for the issuance of FEP Import Determinations and FEP Import Authorizations, as defined in § 401.2 (h) and (i). It sets forth subsidiary criteria and principles to be applied in determining whether importation of foreign excess property would relieve domestic shortages or otherwise be beneficial to the

economy of this country and provides for the making of General Determinations by the Administrator of the Business and Defense Services Administration, with respect to the importation of particular kinds of foreign excess property. It provides for liaison with the Bureau of Customs, Treasury Department, in connection with such importations. It delegates authority to the Commissioner of Customs with respect to certain matters pertaining to importations in bond and otherwise. It establishes procedures for appeals from actions of the Foreign Excess Property Officer. It provides administrative measures for enforcement of the Order. It supersedes Foreign Excess Property Order No. 1 (Revised) (24 F.R. 366), as amended (24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7013).

§ 401.2 Definitions.

For the purposes of this part:

(a) "Foreign excess property" means any property (except any agricultural commodity, food, or cotton or woolen goods) located outside the United States, under the control of any Federal agency, which is not required for its needs and the discharge of its responsibilities as determined by the head thereof. It includes any such property after it has been disposed of by such Federal agency, notwithstanding any subsequent change of ownership. The importation of surplus property sold by the Government or any agency thereof in foreign areas before July 1, 1949, is governed by Foreign Liquidation Commissioner's Reg. 8, which delegates to the Secretary of Commerce jurisdiction over some but not all of such property (§ 308.15 of this title). To the extent that such jurisdiction over such property is delegated to the Secretary of Commerce, such property shall be deemed to be foreign excess property, and is governed by the provisions of this part. All persons owning or acquiring property disposed of by the Government in foreign areas before July 1, 1949, are referred to the said Foreign Liquidation Commissioner's Reg. 8, § 308.15 of this title, for the rules applicable to the importation of any such property which is not subject to the jurisdiction of the Secretary of Commerce. Property of lend-lease origin (unless such property has been re-acquired by an agency of the United States Government and subsequently disposed of under the Act of June 30, 1949, 63 Stat. 398, 399, 40 U.S.C. 512, 514(b)) is not regarded as foreign excess property nor is the importation of such property prohibited or otherwise limited by Foreign Liquidation Commissioner's Reg. 8.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Administrator" means the Administrator of BDSA.

(d) "Foreign Excess Property Officer (FEPO)" means the Officer appointed by the Administrator to administer this Order.

(e) "Appeals Board" means the Appeals Board for the United States Department of Commerce.

(f) "Person" means any individual, corporation, partnership, association, or any other organized group of persons.

(g) "United States" means the states of the Union, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands.

(h) "FEP Import Determination" (Form FEPF-2) means a document issued by the FEPO stating that the importation of specified and identified foreign excess property would, or would not, relieve domestic shortages or otherwise be beneficial to the economy of this country. An FEP Import Determination is not an authorization to import foreign excess property.

(i) "FEP Import Authorization" (Form FEPF-4) means a document issued by the FEPO to the owner of specified and identified foreign excess property authorizing such person to import such foreign excess property into the United States within the period stated therein.

§ 401.3 Office of Foreign Excess Property Officer (FEPO).

(a) The Office of Foreign Excess Property Officer (FEPO) is hereby established.

(b) Under the general direction and supervision of the Administrator, the FEPO is authorized to carry out the functions assigned to him in this part.

§ 401.4 Criteria and principles.

(a) The basic criteria to be applied in making FEP Import Determinations are contained in section 402 of the Federal Property and Administrative Services Act of 1949. These are, whether "the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country." These are broad and general concepts and require particularization in their application. More detailed criteria and principles, subsidiary to and consistent with those laid down in the statute, are contained in this Order, and will be observed by all concerned.

(b) *Shortages.* In general, a shortage in the market for any particular type or class of goods or materials exists when the demand is greater than the supply. Shortages may be temporary or seasonal in nature and may also be chronic or of long duration. Shortages may be caused by inadequate productive capacity to supply the market; by shortage in raw materials or component parts; by labor shortage or work stoppage; or by lack of sufficient demand to support economic production.

(c) "*Beneficial to the economy of this country.*" The importation of foreign excess property must have special benefits over and beyond any benefits to be derived in the market place by an added supply of goods and materials through imports. Although the importation of foreign excess property of various qualities may make available additional supplies of products and materials, it is not considered that this situation constitutes the type of benefit to the economy contemplated in the law.

(d) *Detailed criteria and principles.* A finding of the existence of a domestic shortage which would be relieved by im-



portation of foreign excess property, or of other benefits to the domestic economy, must take the following elements into consideration:

(1) *Affirmative finding required.* It is not sufficient to find that an importation would not be harmful. It must affirmatively appear that it would specifically relieve a shortage, or otherwise be beneficial to the economy.

(2) *Unused versus used property.* Unused foreign excess property will be regarded as competitive exclusively with new property of domestic manufacture. Used foreign excess property will be regarded as competitive exclusively with used property of domestic manufacture.

(3) *Price.* The price at which foreign excess property is acquired, or the price at which it can be sold in the domestic market, will not be considered as an adequate benefit to the economy to justify importation, nor will the possibility of domestic sale of such property at abnormally low prices be regarded as evidence of domestic shortage.

(4) *Area of competition.* A product of specific grade, quality, capacity or dimension, or having particular performance characteristics, may be considered to be in short supply if alternative domestically produced products of equivalent grade, quality, capacity, dimension or performance characteristics are not generally available in the domestic market.

(5) *Time of determination of shortage.* Shortages shall be determined as of the date of receipt of application for FEP Import Determination, or as near thereto as shall be practicable. In the case of applications involving kinds of property which are customarily assembled from stock components to customers' orders, the normal period for domestic delivery of such products shall be taken into consideration in determining whether a shortage exists.

(6) *Geographical basis for determinations.* Shortages and benefits to the economy shall be determined on a basis of designated geographic areas of competition. For this purpose, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the remaining continental United States as a single unit, are severally designated as separate geographic areas of competition.

(7) *Outstanding FEP Import Determinations.* If determinations have been issued for the importation of a product, the quantities covered thereby should be assumed to be included in the domestic supply for the purpose of determining whether a shortage exists.

(8) *Unique articles.* Unique items, including museum and collection pieces, articles of historical value, antiques, and items of special sentimental value may be considered beneficial to the economy.

(9) *Expenditures in connection with importation.* A need for substantial expenditures for labor, materials, parts, storage, transportation, and similar items may be taken into consideration, together with other relevant factors, in determining benefit to the economy.

(10) *Net benefit.* Every importation presumably confers some benefit upon some segment of the economy; otherwise

it would not be applied for. This is obviously not the benefit intended by the statute. For the purposes of the law, the benefit to the economy resulting from an importation must outweigh the detriment.

#### § 401.5 General determinations of shortage or benefit.

(a) Upon application of any interested person or on his own motion, the Administrator may make a General Determination that the importation of particular kinds of foreign excess property would relieve a domestic shortage or otherwise be beneficial to the economy of this country. At least 30 days prior to making any such General Determination, the Administrator will publish in the FEDERAL REGISTER notice of intention to make such a General Determination and will state in such notice in what manner and for what period comments on such proposed General Determination may be submitted. At the expiration of the 30-day period and after consideration of comments timely and properly submitted, the Administrator may make such General Determination, within the scope of the notice of intention, as he may consider appropriate, and shall publish notice thereof in the FEDERAL REGISTER.

(b) Upon the publication in the FEDERAL REGISTER of Notice of a General Determination that the importation of particular kinds of foreign excess property would relieve a domestic shortage or would otherwise be beneficial to the economy of this country, and until such General Determination is withdrawn by notice of withdrawal published in the FEDERAL REGISTER, any such property may be imported into the United States without any application being made to, or FEP Import Authorization issued by, the FEPO.

(c) General Determinations that importations of particular kinds of foreign excess property would relieve a domestic shortage or otherwise be beneficial to the economy of this country may be amended or withdrawn by the Administrator in the same manner in which such General Determinations are made.

#### § 401.6 Small lot procedure.

(a) Small Lots of foreign excess property, as defined in the following paragraph, shall be exempt from the requirements for investigation and finding in regard to shortage or other benefit to the economy.

(b) A Small Lot consists of a single item or article of foreign excess property, or a single lot of parts or components, which may be imported for the exclusive use of an applicant, the United States Government acquisition cost of which was not in excess of \$10,000. A single lot of parts or components shall, for the purpose of this section, not exceed the number of such parts or components normally used, attached or installed on a single complete item or article.

(c) To qualify for consideration under the Small Lot Procedure the following conditions must be met:

(1) The property must consist of a single Small Lot as defined in paragraph (b) of this section.

(2) The applicant must file an application to import a single Small Lot in accordance with the provisions of § 401.11. In lieu of the information required in Item 5 of Part I of the application, Form FEPF-1, the application must include the following statement:

This application is filed in accordance with and subject to the provisions of § 401.6 *Small lot procedure.*

Such applications shall be known as Small Lot Applications.

(3) The applicant must submit evidence satisfactory to the FEPO that he has procured the property or that he proposes to procure the property directly from a United States Government agency, and of the United States Government acquisition cost of the property. Such evidence of acquisition cost shall consist of the United States Government acquisition cost of the property as set forth on an actual or estimated basis in the Invitation for Bids; or, if no such actual or estimated acquisition cost is set forth in the Invitation for Bids, the acquisition cost shall, for the purposes of this section, be deemed to be equal to ten times the applicant's bid or ten times the United States Government's sale price of the property whichever shall be applicable.

(4) A Small Lot Application must set forth that the property is to be imported for the exclusive use of the applicant, that it will not be sold, rented, encumbered, loaned, or given away by the applicant for a period of two years from date of entry, and that bond will be furnished in accordance with paragraph (f) of this section to provide assurance against unauthorized diversion or use of the property.

(d) No person shall be authorized during any one year period to import under the Small Lot Procedure:

(1) More than one item or article, or more than one lot of parts or components, of the same or comparable alternative kind.

(2) More than two Small Lots.

(3) More than \$10,000 of property expressed in terms of United States Government acquisition cost.

(e) Every FEP Import Determination and FEP Import Authorization issued pursuant to this section shall state that it is issued in accordance with the Small Lot Procedure, shall set forth the United States Government acquisition cost of the property, and shall refer to the requirement for furnishing bond contained in paragraph (f) of this section.

(f) A person to whom an FEP Import Authorization has been issued for a Small Lot must furnish, at the time of entry of the property, a bond to the Collector of Customs in an amount equal to the United States Government's acquisition cost as stated in the FEP Import Authorization. Such bond shall conform to the Bureau of Customs Forms 7551 or 7555 with the added conditions:

There is incorporated in and made a part of the bond No. ----- dated -----, in the amount of \$-----, executed by -----, as principal, and -----, as surety, the following added condition:

Whereas, the principal named in the said bond has been permitted, in accordance with



§ 401.6 of Foreign Excess Property Order No. 1, to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, and,

Whereas, the said obligors stipulate and agree that within two (2) calendar years of the date of entry of this property such property shall not be sold, rented, encumbered, loaned, or given away but shall be restricted to the exclusive use of the principal;

Now, therefore, the added condition on this obligation is such that if during the two (2) year calendar period subsequent to the date of importation the principal named herein shall have retained said property in his possession and available for inspection by Customs officials, and if the said property shall not have been sold, rented, encumbered, loaned, or given away within said two (2) year period, and if at the end of said period the principal shall certify to the Collector of Customs at the port of entry that said property has been retained for the exclusive use of the principal and has not been sold, rented, encumbered, loaned, or given away, or in default thereof the obligors shall pay to the Collector of Customs as liquidated damages the full amount of the bond to which this special condition is attached;

Then this added condition shall be void, otherwise to remain in full force and effect.

(g) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds and for the enforcement thereof.

#### § 401.7 Importations for public and quasi-public use.

The importation of foreign excess property:

(a) Which is the subject of a firm contract of sale and delivery to the Federal Government, or

(b) Which is the subject of a firm contract of sale and delivery to, or is offered for importation by, any State or any agency of a State, or a tax-supported or other nonprofit medical institution, hospital, clinic, health center, school system, school, college or university, for purposes of education or public health, or for research for either of such purposes, or for civil defense purposes

shall be deemed to be beneficial to the economy of the United States. No application need be filed with the FEPO for such importation, but the importer of such property shall submit evidence acceptable to the Collector of Customs at the port of entry of such property either: (1) That the importer of such property has entered into a firm contract of sale and delivery thereof to a purchaser designated as an eligible purchaser thereof in this section, or (2) that the importer of such property is itself an eligible purchaser of such property.

#### § 401.8 Metal scrap.

(a) The determination made on August 23, 1950 (15 F.R. 5847, 5849) that no authorization is required for importation of foreign excess property in the form of metal scrap has been revoked (24 F.R. 366). Except as provided in paragraph (b) of this section, applications for the importation of metal scrap should be made to the FEPO in accordance with the provisions of this part.

(b) No application need be filed with the FEPO for the importation of foreign

excess property in the form of metal scrap which is exempt from import duty or duties or with respect to which all import duties imposed by or pursuant to the Tariff Act of 1930, as amended, are, at the time of such importation, suspended by law.

(c) The Collector of Customs at the port of entry may require, as a condition precedent to such importation, that the importer furnish an undertaking in a form and an amount to be prescribed by the Treasury Department to insure that none of the property will be diverted from use as metal scrap in those instances where the property imported is in a form that it could be diverted to use as a product. Importers of metal scrap pursuant to paragraph (b) of this section may be required to furnish like undertakings.

#### § 401.9 Entries in bond for reexport.

(a) Applications for importations of foreign excess property in bond for reexport will not be entertained by the FEPO. The procedures set forth in this section shall be applicable to such applications and importations.

(b) The Bureau of Customs, Treasury Department, shall have authority to permit the entry into the United States of foreign excess property in bond for reexport. Bonds accepted for this purpose by the Bureau of Customs shall conform to Bureau of Customs Forms 7551 or 7555, with the added condition:

There is incorporated in and made a part of the bond No. ----- dated ----- in the amount of -----, executed by -----, as principal, and -----, as surety, the following added condition:

Whereas, the principal named in the said bond has been permitted to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, which has been imported for reexport:

The obligors named in the above-mentioned bond stipulate and agree that there shall be delivered to the Collector of Customs at the port of entry named in this bond or to the Collector of Customs at another port of entry, in accordance with the provisions of law and regulations pertaining to the entry and exportation of merchandise, all the above-described merchandise for customs inspection and identification prior to exportation; and if such merchandise shall not be used for any gainful purpose in the United States; and if all the merchandise shall be actually so exported within two years from the date of importation, or within any lawful extension of such period, and if the said merchandise shall not be reentered in the United States; or, in default thereof, the obligors shall pay to the Collector of Customs such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation.

Then this added condition shall be void, otherwise to remain in full force and effect.

(c) No extensions of time for reexportation shall be granted by the Bureau of Customs without the prior written approval of the FEPO.

(d) The Commissioner of Customs may promulgate such regulations not inconsistent herewith as he deems appropriate with respect to applications for importation of foreign excess property in bond for reexport, and procedures of the

Bureau of Customs in respect to such applications.

(e) Persons making applications to import foreign excess property in bond for reexport shall comply with regulations promulgated by the Commissioner of Customs. The provisions of § 401.11 shall not apply thereto.

#### § 401.10 Entries in bond other than for reexport.

(a) If an applicant for an FEP Import Determination or FEP Import Authorization elects to do so, he may specify in his application that the foreign excess property which he proposes to import will be processed, reprocessed, disposed of, or otherwise dealt with in a stated manner. If the FEPO determines that importation of the property under the specified conditions would relieve a domestic shortage or otherwise be beneficial to the economy of this country, but that importation of such property for any different use or purpose would not satisfy these criteria, he may authorize importation of such property upon condition that the applicant, prior to or concurrently with entry of the property, furnish a bond with sufficient surety to the Collector of Customs at the port of entry of such property. Such bond shall conform to Bureau of Customs Forms 7551 or 7555, and shall contain such added special condition or conditions as may be appropriate to the case. The penal sum of any such bond shall be three times the value of the property to be imported.

(b) The special condition or conditions of each different type bond proposed to be authorized under paragraph (a) of this section shall be submitted by the FEPO to the Commissioner of Customs for his concurrence. No conditional FEP Import Determination or conditional FEP Import Authorization shall be issued with respect to any property unless and until the concurrence of the Commissioner of Customs with respect to the special condition or conditions of the bond applicable thereto shall have been received by the FEPO.

(c) Upon receipt of concurrence of the Commissioner of Customs in the special condition or conditions of a proposed bond, the FEPO may issue a conditional FEP Import Determination or conditional FEP Import Authorization as provided in this section. Such conditional FEP Import Determination or conditional FEP Import Authorization shall specify the condition or conditions under which the foreign excess property described therein may be imported into the United States, and shall set forth the special condition or conditions of the bond provided for in this section. The property described therein may thereupon be imported only upon presentation of a conditional FEP Import Authorization in due form, accompanied by an appropriate surety bond, to the Collector of Customs at the port of entry of such property.

(d) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds, and for the enforcement thereof.

**§ 401.11 Applications.**

(a) Any person proposing to import foreign excess property (other than property exempted from the requirement of an FEP Import Authorization pursuant to § 401.5, 401.7, 401.8, or 401.9 of this Order), shall make application in duplicate to the FEPO for an FEP Import Determination with respect to the property involved. Such application shall be made on Form FEPP-1 set forth below as Annex 1. Form FEPP-1 may be obtained from the FEPO, Department of Commerce Field Offices, Collectors of Customs, or it may be reproduced by an applicant. The instructions contained in Form FEPP-1 are made a part of this Order. Where the applicant is the owner of the foreign excess property which is the subject of the application, and submits proof of ownership thereof as prescribed in § 401.13, the application shall also be treated as a request for an FEP Import Authorization.

(b) An application which is incomplete in any material respect, or which is not executed in the manner prescribed in the Instructions contained in Form FEPP-1, or which does not lie within the jurisdiction of the FEPO, shall be returned without action by the FEPO to the applicant.

(c) In order to permit time for adequate consideration, ten days will ordinarily be required for processing applications.

**§ 401.12 Issuance of FEP Import Determination.**

(a) The determination made by the FEPO that importation of foreign excess property would or would not relieve domestic shortages or otherwise be beneficial to the economy of this country shall be issued on FEPP-2, "FEP Import Determination". An FEP Import Determination is not an authorization for the importation of foreign excess property.

(b) FEP Import Determinations shall be serially numbered, and shall be dated and signed by the FEPO. FEP Import Determinations shall remain in effect for a period of six months from the date thereof.

(c) A copy of each FEP Import Determination shall be transmitted to the original applicant and to any other person upon request.

**§ 401.13 Issuance of FEP Import Authorization.**

(a) Upon presentation to the FEPO of a Request for FEP Import Authorization (Form FEPP-3), or of Application for FEP Import Determination (Form FEPP-1) completely executed including Part II thereof, and proof of ownership of foreign excess property described therein concerning which the FEPO has made a determination that its importation would relieve domestic shortages or otherwise be beneficial to the economy of this country, the FEPO shall issue an FEP Import Authorization (Form FEPP-4). The original of the FEP Import Authorization shall be transmitted to the owner of the property and two copies of each FEP Import Authorization shall be furnished to the Collector of Customs at the proposed port of entry.

(b) Proof of ownership shall consist of a photocopy of bill of sale of the property involved or other evidence of title satisfactory to the FEPO.

(c) FEP Import Authorizations shall expire upon the expiration date of the FEPO Import Determination with respect to the same property, and shall constitute the sole authority for the importation thereof into the United States within such period.

(d) Each original FEP Import Authorization shall be presented to the Collector of Customs for his indorsement at the time of entry of any property described therein.

**§ 401.14 Transfer of FEP Import Authorizations.**

(a) The holder of an FEP Import Authorization may transfer it to a transferee of the foreign excess property specified therein. If such transfer shall be of all of the foreign excess property specified in the FEP Import Authorization, the FEP Import Authorization may be transferred by assignment to the transferee of the property. If such transfer shall be of a part of the foreign excess property specified in the FEP Import Authorization, the holder of the FEP Import Authorization shall return the original FEP Import Authorization to the FEPO together with photocopy of bill of sale of the property transferred and Request for an FEP Import Authorization executed by the transferee. The FEPO shall thereupon cancel the original FEP Import Authorization and issue new FEP Import Authorizations to the original holder and the transferee as their respective interests appear.

(b) The FEPO shall notify the Collector of Customs at the proposed port of entry of any such cancellation of an FEP Import Authorization, and shall furnish to such Collector copies of new FEP Import Authorizations issued as a result of any such transfer and Request.

**§ 401.15 Time extensions.**

A person who has received from the FEPO an FEP Import Authorization may file with the FEPO, prior to the expiration date thereof, a request for an extension of time. Such request shall state any reasons why the extension is needed, and the duration of the extension requested. The FEPO may allow or deny the request in whole or in part. In determining whether a time extension should be granted, the FEPO shall consider whether the importation of the property applied for would relieve domestic shortages or otherwise be beneficial to the economy of this country during the period of such extension. He shall promptly notify the applicant of his decision, and, if he grants an extension of time, he shall promptly inform the Collector of Customs at the proposed port of entry.

**§ 401.16 Finality of decisions.**

Decisions of the FEPO are final when issued. Requests for reconsideration must be in writing and may be entertained by the FEPO in his discretion, but no request for reconsideration shall extend the period within which an appeal must be taken to the Appeals Board from a decision by the FEPO.

**§ 401.17 Appeals.**

(a) A person aggrieved by the issuance of an FEP Import Determination that the importation of specified and identified foreign excess property would not relieve domestic shortages or otherwise be beneficial to the economy of this country may appeal to the Appeals Board for the Department of Commerce as provided in this section. The Appeals Board shall also have jurisdiction to decide appeals from persons to whom an application has been returned without action pursuant to § 401.11(b), from persons whose Request for FEP Import Authorization shall have been denied, and from persons whose request for an extension of time pursuant to § 401.15 has been denied.

(b) The only grounds for appeal which the Appeals Board will consider are that the FEPO erred:

(1) In determining that an application should be returned without action (§ 401.11(b)).

(2) In applying the criteria and principles prescribed in § 401.4 to the facts of the case.

(3) In failing or refusing to issue an FEP Import Authorization as provided in § 401.13.

(4) In determining that a request for a time extension pursuant to § 401.15 should not be granted.

(5) In determining that an applicant under the Small Lot Procedure established by § 401.6 has failed to meet the conditions specified therein.

(c) The Appeals Board shall have jurisdiction of appeals with respect to actions taken pursuant to § 401.19(a).

(d) Appeals from actions of the FEPO must be filed within 30 days of the date of the action appealed from. Such appeals shall be by letter in triplicate addressed to the Appeals Board, Department of Commerce, Washington 25, D.C., Ref: FEP Order No. 1. If the applicant so requests, the Appeals Board shall grant him a hearing at the office of the Board at the Department of Commerce, Washington, D.C.

(e) Decisions of the Appeals Board shall be communicated in writing to the FEPO and to the appellant and shall be carried out by an appropriate action of the FEPO.

**§ 401.18 Exemption of Government-owned property.**

Nothing in this part shall be construed as limiting the authority of any Government agency to import Government-owned property into the United States.

**§ 401.19 Violations and penalties.**

(a) Any person who imports, or attempts to import, foreign excess property into the United States and who fails to comply, both before and after such importation or attempted importation, with the provisions of this part is subject to administrative action terminating his right to submit applications to the FEPO and cancelling any FEP Import Determinations and FEP Import Authorizations issued to such person.

(b) Any person who fraudulently or knowingly imports into the United States any merchandise contrary to law, or



ANNEX 1

Form Approved, Budget Bureau No. 41-R-1959

receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, shall upon conviction, be fined not more than \$10,000 or imprisoned not more than five years, or both. Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction. Merchandise introduced into the United States in violation of this provision, or the value thereof, to be recovered from any person described in this paragraph, shall be forfeited to the United States (18 U.S.C. 545).

(c) Any person who knowingly and wilfully makes any false, fictitious or fraudulent statement or representation to an employee of the Department of Commerce or of the Bureau of Customs in any matter concerning the importation of foreign excess property shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than five years, or both (18 U.S.C. 1001).

**§ 401.20 Cancellation of certain determinations.**

(a) All authorizations, permits, determinations, licenses, and approvals issued on or before December 31, 1955 by the FEPO for the importation of foreign excess property are hereby canceled, rescinded and revoked.

(b) Nothing contained in this part shall be construed as extending the validity of any authorization, permit, license, or approval for the importation of foreign excess property which shall have expired in accordance with the terms thereof.

**§ 401.21 Communications.**

All communications concerning this part shall, unless otherwise stated, be addressed to the Foreign Excess Property Officer, Business and Defense Services Administration, Department of Commerce, Washington 25, D.C.

**§ 401.22 Transitional provisions.**

(a) All FEP Import Determinations and FEP Import Authorizations heretofore issued which are in effect at the time of entry into force of this Order shall remain in force in accordance with their terms.

(b) All applications pending before the FEPO at the time of entry into force of this Order shall be considered in accordance with the provisions hereof.

**§ 401.23 Revocation of previous delegations and orders.**

This Order supersedes Foreign Excess Property Order No. 1 (Revised) 24 F.R. 366, as amended 24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7013, and all Orders and delegations prior thereto. The supersession of prior orders and delegations hereby does not revive any rights, privileges, licenses, or permits heretofore issued which have expired by passage of time or have been terminated pursuant to any such prior Order or delegation.

Form FEPF-1  
(1-7-59)

U.S. DEPARTMENT OF COMMERCE  
BUSINESS AND DEFENSE SERVICES ADMINISTRATION

APPLICATION FOR FEP IMPORT  
DETERMINATION

To: Foreign Excess Property Officer  
Business and Defense Services Administration  
U.S. Department of Commerce  
Washington 25, D.C.

DATE

APPLICATION NO.  
(Do not write in this space)

GENERAL INSTRUCTIONS. All information required in Part I of this form must be supplied. Applications not completely filled out or which are not executed as required in these instructions will be returned to applicant without action. This application must be limited to property acquired or to be acquired in a single transaction. Application must be executed by owner or by proposed owner of property. It may not be executed by a broker or agent. When applicant is a partnership, firm, or corporation, application must be signed personally by a partner or duly authorized officer. If sufficient space is not provided for any answer, additional sheets shall be attached and referred to. Exhibits, letters, etc. shall be similarly attached. Part II of this form is to be completed only when the applicant is the owner of the property and is requesting an FEP Import Authorization to import such property into the United States. This application must be submitted in duplicate to the Foreign Excess Property Officer, Business and Defense Services Administration, U.S. Department of Commerce, Washington 25, D.C.

PART I—ALL ITEMS IN PART I MUST BE COMPLETED

The undersigned hereby applies to the Foreign Excess Property Officer for a determination with respect to the importation of the foreign excess property described in Item 3 of this application.

1. NAME OF APPLICANT

2. BUSINESS ADDRESS (Street, City, Zone, State)

3. DESCRIPTION OF PROPERTY. (A detailed description of the property must be furnished, giving as far as practicable for each item the make, type, and quantity, and any identifying marks and serial numbers. If the property has been purchased or is to be purchased from a U.S. Government Agency pursuant to an invitation, to bid, auction or other means of disposal, the item number and the description of the property in the sale catalog must be included or a statement must be made that no such sale catalog has been published.)

(Continue with Part I on reverse side)

CERTIFICATION. The undersigned company and the official executing this certification on its behalf hereby certifies that the information contained in this application is correct and complete to the best of their knowledge and belief.

NAME OF COMPANY

SIGNATURE OF APPLICANT

DATE

The U.S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a wilfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction. Any person who knowingly and wilfully makes any false, fictitious, or fraudulent statement or representation to the FEPO or to an employee of the Bureau of Customs in any matter concerning the importation of foreign excess property shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than five years, or both (18 U.S.C. 1001).

COMPLETE FORM BEFORE SIGNING CERTIFICATION

4. PRESENT OWNERSHIP OF PROPERTY (If applicant checks Item C, submits proof of ownership of property described together with other identifying information required, and completes Part II of this form, this application will also be accepted in lieu of Form FEPF-3, Request for FEP Import Authorization.)

A. United States Government. Supply following information:

(1) Date of proposed sale | (2) Name of selling agency | (3) Present location of property

(4) Invitation to Bid No. | (5) Item No.

B. Owner other than U.S. Gov't. or Applicant. Supply following information:

(1) Name of present owner | (2) Address of present owner | (3) Present location of property

(4) Name of U.S. Gov't. Agency that originally owned property | (5) Location of sale by U.S. Gov't. Agency | (6) Date of sale by U.S. Gov't. Agency

C. Applicant (Attach proof of ownership, i.e., photocopy of bill of sale or other evidence of title). Supply the following information.

(1) Location of sale by U.S. Gov't. Agency | (2) Date of Sale by U.S. Gov't. Agency | (3) Name of selling agency (U.S. Gov't.)

(4) Present location of property | (5) Name and address of seller if property purchased from other than U.S. Gov't. Agency

5. Domestic shortage of property or other benefit to the economy of this country (State whether importation of the property would relieve domestic shortages, or whether, and in what respects, importation would benefit the domestic economy. Such statements must be accompanied by all available supporting evidence, including, for example, supply-demand data, production and consumption statistics, statement of inability to obtain the type of property domestically, statements of manufacturers that production has been discontinued and no substitutes are reasonably available, and the like.)



PART II—TO BE COMPLETED ONLY IF APPLICANT IS OWNER OF PROPERTY, HAS CHECKED ITEM 4C, AND HAS ATTACHED PROOF OF OWNERSHIP

The undersigned, as owner of the foreign excess property described in Item 3 above, hereby requests the Foreign Excess Property Officer to issue an FEP Importation Authorization for the importation of such property into the United States

1. Proposed date and port of importation		2. Name of ship or other carrier, if known
Date	Port	
3. Bureau of Customs Data (If property is held in a U.S. Customs warehouse, or otherwise in control of the Bureau of Customs, give full particulars regarding the following):		
(a) Status of property		(b) Type of Customs entry
		(c) Identifying Customs numbers and symbols

(Sign Certification on Face of Form)

Interested persons may submit to the Foreign Excess Property Officer, Room 4324, Department of Commerce, Washington 25, D.C., data, views or arguments in writing, but not orally, relative to the proposed issuance of Foreign Excess Property Order No. 1. All relevant material received within 20 days following the date of publication of this notice will be considered.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,  
EUGENE P. FOLEY,  
Administrator.

[F.R. Doc. 62-4266; Filed, May 1, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 2, 10, 11, 16, 19 ]

[Docket No. 14503]

PROPOSED ALLOCATION OF ASSIGNABLE FREQUENCIES

Extension of Time for Filing Comments and Reply Comments

In the matter of amendment of Parts 2, 10, 11, 16, and 19 of the Commission's rules regarding the allocation of assignable frequencies in the 25-42 Mc/s band.

The Commission has before it petitions filed by the International Municipal Signal Association (IMSA) and the International Association of Fire Chiefs (IAFC); by the Forestry-Conservation Communications Association (FCCA); and by the Associated Public-Safety Communications Officers, Inc. (APCO), all requesting an extension of time for the filing of comments in the above-entitled matter from May 1, 1962, to August, 1, 1962. The latter requested an additional extension for reply comments to September 25, 1962.

It appearing that the matter of re-allocating the Police, Fire, Forestry-Conservation, and other services will require extensive surveys by the licensee associations affected; and

It further appearing that in order to complete these surveys and to assess the data collected, additional time will be needed; and

It further appearing that since the notice of proposed rule making bears directly on the Police, Fire, and Forestry-Conservation Radio Services, the comments of IMSA, IAFC, FCCA, and APCO will be helpful to the Commission in resolving the issues in this proceeding; and

It further appearing that the granting of additional time will not affect adversely any users and will be in the public interest, and that an extension of 90 days will be ample to enable the petitioners to prepare their comments; and

It further appearing that an extension of more than an additional 30 days for reply comments would delay unduly Commission action for those users to be assigned new available frequencies; and

It further appearing that the Commission is keenly aware of the urgent need for additional frequencies among the various Safety and Special Radio Services and desires to resolve this matter as expeditiously as possible;

It is ordered, This 20th day of April 1962, pursuant to section 0.291(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, that the time for the filing of comments in this proceeding is extended to August 1, 1962, and that the time for the filing of reply comments is extended to August 31, 1962.

Released: April 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-4273; Filed, May 1, 1962; 8:54 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 14613 (RM-313); FCC 62-451]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN ANDERSON AND RICHMOND, IND.

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition of James A. Chase and William J. Wheat requesting

the institution of rule making to assign UHF Channel 26 to Anderson, Indiana. Channel 26 was shifted from Anderson to Richmond, Indiana, by Report and Order adopted on June 21, 1961, in Docket No. 14050 (FCC 61-802, Mimeo 5961), but may be returned to Anderson in compliance with the Commission's mileage separation requirements. Petitioners seek to have the channel returned to Anderson so that they may apply for a construction permit for a commercial television station using that channel and the technical equipment and site of former UHF station WCBC-TV. Channels 61 and 83 are available for use in Anderson but petitioners state that they prefer a lower UHF channel.

3. There is no outstanding license or construction permit for Channel 26 in Richmond, and no applications are pending for the channel. Petitioners suggest the substitution of Channel 83 for 26 at Richmond, Indiana. Although such an assignment would be in accordance with the mileage separation requirements of the Commission, we are of the opinion that, unless an active interest is manifested, action to make available a substitute UHF channel for Richmond should be deferred until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

4. The Commission is of the view that rule making should be instituted to effect the following change in the Table of Assignments:

City	Channel No.	
	Present	Proposed
Anderson, Ind. ....	61, 83+	26+, 61
Richmond, Ind. ....	26+	.....

5. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules and regulations, interested persons may file comments on or before May 25, 1962, and reply comments on or before June 5, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

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

7. In accordance with the provisions of § 1.54 of the rules and regulations of the Commission, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: April 25, 1962.

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-4275; Filed, May 1, 1962; 8:54 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 14612 (RM-316); FCC 62-450]

**TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN HUNTSVILLE, ALABAMA AND PULASKI, TENNESSEE**

**Notice of Proposed Rule Making**

1. Notice is hereby given of rule making in the above-entitled matter.
2. The Commission has before it for consideration the document filed March 15, 1962, by the Alabama Educational Television Commission acting for the Huntsville City Board of Education requesting amendment of § 3.606 of the Commission's rules and regulations so as to assign and reserve for non-commercial use UHF Channel 44— at Huntsville, Alabama. We construe it as a Petition for Rule Making. The changes proposed to be made are as follows:

City	Channel No.	
	Present	Proposed
Huntsville, Ala.-----	19, 25+, 31+	19, 25+, 31+, 44-
Pulaski, Tenn.-----	44-	-----

3. The Alabama Educational Television Commission assigns reasons for adding another television channel at Huntsville with a non-commercial educational reservation, as follows: Civic groups have shown an interest in a local educational television service; such service in the area from WBIQ, Channel 10, Birmingham, and WCIQ, Channel 7, Mount Cheaha, does not avail Huntsville because of terrain problems<sup>1</sup>; the community's recent growth in the last decade (which we noted in the Report and Order in Docket No. 14120, RM 241, 253, and 280, adopted February 6, 1962) has manifested itself in classroom and teacher shortages. An educational channel, it is felt, would alleviate the latter problems.

4. The Commission is of the view that rule making should be instituted.

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

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before June 4, 1962, and reply comments on or before June 22, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and state-

<sup>1</sup>The distances from Huntsville are: 85 miles (Birmingham) and 100 miles (Mount Cheaha).

ments shall be furnished to the Commission.

Adopted: April 25, 1962.

Released: April 27, 1962.

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

[F.R. Doc. 62-4276; Filed, May 1, 1962; 8:54 a.m.]

[ 47 CFR Part 4 ]

[Docket No. 14614; FCC 62-452]

**FREQUENCY ASSIGNMENT**

**Notice of Proposed Rule Making**

In the matter of amendment of § 4.602 of the Commission rules and regulations to prohibit the assignment of more than one channel to provide duplicate television STL or intercity relay circuits between the same point of origin and destination.

1. The Commission is receiving an increasing number of inquiries and applications for the assignment of two channels for the operation of duplicate program circuits between the studio and transmitter of television broadcasting stations. The purpose of such proposed operation is to improve the reliability of program circuits either by operating the two circuits simultaneously so that if one circuit fails the other will continue to be available, or to operate only one circuit at any given time but maintain the other circuit in a "ready" condition so that it may be switched in immediately if the circuit in use fails. It is claimed that the simultaneous operation of two circuits on different frequencies offers the added advantage of frequency diversity to minimize loss of signal due to fading.

2. While we recognize the commendable desire of TV station licensees to maintain the highest possible degree of program continuity, the use of duplicate program circuits is unjustifiably wasteful of TV auxiliary channels and if unrestricted could result in a substantial reduction in the availability of TV auxiliary channels. We are aware of the fact that the presently available channels are not saturated in some areas of the country. However, the spectrum space allocated for this service is not intended to merely meet current needs but must accommodate the future needs of an expanding service.

3. The worthwhile objectives sought though the use of two channels can be achieved in one channel. Our rules will permit the licensing of more than one television STL or intercity relay station on the same channel to a single licensee. One of the transmitters could be kept in a "ready" condition with its output dissipated in a dummy load or otherwise inhibited to the extent necessary to maintain a favorable desired to undesired signal ratio at the receiving point. If the transmitter in use failed, the output of the standby transmitter could be

quickly switched to its transmitting antenna. Equipment failures are not a frequent occurrence with modern microwave transmitters and the few seconds which might be required to switch transmitters at such infrequent intervals would not justify the occupancy of a separate channel for transmissions which are unnecessary most of the time. In cases where signal fading is a problem, the advantages of frequency diversity can be obtained with space diversity. The coincidence of fading at two spaced receiving installations tuned to the same channel is reduced to a very small value. The cost of two receivers for single channel operation should be less than the cost of two transmitters and two receivers for dual channel operation.

4. In view of the fact that the major objectives of dual channel operation can be achieved through the use of a single channel, we are not persuaded that there is a valid need for such operation. Therefore, in order to clearly set forth the Commission policy in that regard, we propose to amend § 4.602 of our rules by rewording paragraph (d) and adding a new paragraph (h) as follows:

**§ 4.602 Frequency assignment.**

\* \* \* \* \*

(d) A television broadcast station licensee will normally be limited to the assignment of no more than three channels in Bands A and B combined for use in a single area. No limit is imposed on the number of channels in Bands C and D which may be assigned to a single licensee in the same area. More than one channel will not be authorized for the operation of duplicate STL or intercity relay circuits between the same point of origin and destination. Upon a satisfactory showing of need, an exception may be made to the limit of three channels in Bands A and B if it can be determined that such additional channels are not likely to be required to meet the current or prospective requirements of other television broadcasting stations in the same area.

\* \* \* \* \*

(h) The restrictions on the assignment and use of channels as set forth in the preceding paragraphs of this section apply only to a single area of operation. In cases where a single licensee operates television auxiliary stations in more than one area, the restrictions are applied to each area separately. For the purpose of this rule, the area of operation of a television pickup, STL or intercity relay station may be defined as the area in which the operation of one such station on a given channel would preclude the use of the same channel by another such station because of interference.

5. Interested parties may comment on the proposed amendments on or before June 4, 1962. Replies to such comments may be filed on or before June 14, 1962. Since this is a matter of general rule making, the Commission is not limited to consideration of comments of record but may take into consideration all perti-

## PROPOSED RULE MAKING

nent information obtained from informed sources.

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

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: April 25, 1962.

Released: April 27, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 62-4274; Filed, May 1, 1962;  
8:54 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 121 ]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 753) has been filed by Moorman Manufacturing Company, Quincy, Illinois, proposing the issuance of a regulation to amend § 121.209 for ronnel (O,O-dimethyl-O-(2,4,5-trichlorophenyl) phosphorothioate) to permit its use at a level of 5.5 percent in block or granular form feed for free-choice feeding or for

controlled feeding mixed with grains or protein feeds for cattle, to control cattle grubs.

Dated: April 24, 1962.

J. K. KIRK,  
*Assistant Commissioner  
of Food and Drugs.*

[F.R. Doc. 62-4237; Filed, May 1, 1962;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[ 18 CFR Part 154 ]

[Docket No. R-207]

PIPELINE COMPANIES; CHANGES IN  
RATE SCHEDULES AND TARIFFS

Notice of Further Extension of Time  
for Filing Comments

APRIL 25, 1962.

Changes in Rate Schedules and Tariffs—Filings by Pipeline Companies—Revision of § 154.63, Docket No. R-207.

Upon consideration of the motion filed April 19, 1962 by the Independent Natural Gas Association of America for a further extension of time within which to file submittals to the notice of proposed rulemaking issued February 20, 1962, in the above-designated matter;

A further extension is hereby granted to and including May 31, 1962, within which interested persons may submit data, views and comments concerning the proposed amendments. Paragraph (6) of said notice issued February 20, 1962 is amended accordingly.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 62-4224; Filed, May 1, 1962;  
8:45 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

### WARM SPRINGS INDIAN RESERVATION, WARM SPRINGS-THE DALLES UNIT AND BURNS-PAIUTE PUBLIC DOMAIN ALLOTMENT LAND RECORDS

#### Transfer to Portland Area Office

APRIL 26, 1962.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Warm Springs Indian Reservation in the State of Oregon and to trust or restricted Indian-owned lands included in the Dalles Unit allotments and the Burns-Paiute Public Domain allotments, State of Oregon, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 Northeast Holiday Street, Portland 8, Oregon.

Effective May 1, 1962, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,  
Deputy Commissioner.

[F.R. Doc. 62-4225; Filed, May 1, 1962; 8:45 a.m.]

## Bureau of Land Management

[NM 0245455]

### NEW MEXICO

#### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1962.

The United States Department of the Air Force has filed an application, Serial Number NM 0245455 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining, but not the mineral leasing laws, or grazing upon other than excepted areas. The applicant desires the land for the purpose of providing Atlas Missile Site restrictive perimeter easements to accommodate technical installations, to be constructed and operated by the Air Force.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### NEW MEXICO PRINCIPAL MERIDIAN

##### Site 1 (H)

T. 8 S., R. 25 E.,  
Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 8 S., R. 26 E.,  
Sec. 19, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$  Lot 3,  
S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$  Lot 3, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### Site 3 (O)

T. 14 S., R. 28 E.,  
Sec. 27, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$   
SE $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$   
NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Site 4 (P)

T. 14 S., R. 27 E.,  
Sec. 17, NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$   
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Site 6 (B)

T. 11 S., R. 19 E.,  
Sec. 14, SW $\frac{1}{4}$  Lot 3, S $\frac{1}{2}$  Lot 4, Lots 5, 6,  
N $\frac{1}{2}$  Lot 11, Lot 12;  
Sec. 15, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Site 7 (A)

T. 11 S., R. 21 E.,  
Sec. 7, Lots 1, 2, 3, N $\frac{1}{2}$ N $\frac{1}{2}$  Lot 4, E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 11 S., R. 20 E.,  
Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Site 8 (D)

T. 8 S., R. 23 E.,  
Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area above described aggregates 1,096.31 acres.

CHESTER P. SEELY,  
State Director.

[F.R. Doc. 62-4228; Filed, May 1, 1962; 8:47 a.m.]

[W-078855]

### WYOMING

#### Notice of Proposed Withdrawal and Reservation of Lands

APRIL 25, 1962.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Wyoming 078855, for withdrawal of lands described below from location and entry under the general mining laws of the United States, subject to existing valid rights.

The applicant desires the land for use as administrative sites for ranger stations and lookout stations.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### SIXTH PRINCIPAL MERIDIAN, WYOMING

##### SHOSHONE NATIONAL FOREST

##### Rennerberg Administrative Site

T. 46 N., R. 102 W.,  
Sec. 16: Lot 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 21: Lots 1 and 2.

##### Dead Indian Point Administrative Site

T. 55 N., R. 104 W.,  
Sec. 10: NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### Windy Mountain Lookout Administrative Site

T. 56 N., R. 106 W. (unsurveyed),  
Sec. 35: NE $\frac{1}{4}$ .

##### Clay Butte Lookout Administrative Site

T. 57 N., R. 106 W. (unsurveyed),  
Sec. 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Horse Creek Ranger Station Administrative Site

T. 43 N., R. 107 W.,  
Sec. 24: SE $\frac{1}{4}$ ;  
Sec. 25: N $\frac{1}{2}$ NE $\frac{1}{4}$ .

##### Clayton Mountain Lookout Administrative Site

T. 51 N., R. 107 W. (unsurveyed),  
Sec. 3: S $\frac{1}{2}$ .

##### Warm Springs Mountain Lookout Administrative Site

T. 42 N., R. 108 W.,  
Sec. 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### Sheridan Creek (Addition) Administrative Site

T. 42 N., R. 109 W.,  
Sec. 3: Lots 3, 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing approximately 1077.56 acres.

ED PIERSON,  
State Director.

[F.R. Doc. 62-4229; Filed, May 1, 1962; 8:47 a.m.]

#### Office of the Secretary

### PUBLIC LANDS: COLORADO, KANSAS, NEBRASKA, AND WYOMING

#### Modification of Moratorium on Applications and Petitions

1. Pursuant to the authority granted to the Secretary of the Interior by sections 453 and 2478 of the Revised Stat-

utes (43 U.S.C. 2 and 1201), as amended, and otherwise, the moratorium on applications and petitions directed by the Secretary of the Interior on February 14, 1961, and published on page 1382 of the FEDERAL REGISTER for February 16, 1961, is hereby modified to exclude from its provisions public lands in the States of Colorado, Kansas, Nebraska, and Wyoming.

2. Beginning at 10:00 a.m. on April 30, 1962, the Manager of the land office at 2002 Capital Avenue, Cheyenne, Wyoming, who has jurisdiction over public lands in the States of Wyoming, Kansas, and Nebraska, and the Manager of the land office in the Gas and Electric Building, 910 15th Street, Denver, Colorado, who has jurisdiction over public lands in the State of Colorado will, for public lands in their respective jurisdictions, resume pursuant to and subject to the regulations in Title 43 of the Code of Federal Regulations, the receipt of petitions for classification and applications for rights and privileges, acceptance of which was temporarily suspended by the moratorium referred to in Section 1 of this order.

STEWART L. UDALL,  
Secretary of the Interior.

APRIL 25, 1962.

[F.R. Doc. 62-4226; Filed, May 1, 1962; 8:47 a.m.]

**CONSERVATION POLICY FOR PUBLIC LANDS**

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

**PART 600—PUBLIC LANDS**

**CHAPTER 2—CONSERVATION POLICY**

600.2.1 Wise conservation of the water resources of the arid and semi-arid lands of the United States must now be a paramount objective of resource management.

600.2.2 In many areas of the West existing water supplies are being used to capacity. In some places water is being "mined" from underground reserves far beyond annual replenishment. In the long run, disregard for the conservation of this vital national resource can only jeopardize existing water uses and limit future growth.

600.2.3 The Department of the Interior recognizes the important impact which its public land management programs have on the Nation's water resources. Such recognition in no way infringes on the obligations of the respective States and of citizens themselves to manage and conserve water resources.

600.2.4 In all of its public land management programs, the Department of the Interior will adopt policies which encourage the management of water as a renewable natural resource.

600.2.5 Henceforth, wherever possible, the Department of the Interior will conduct its public land management activities in a manner to promote the conservation of water supplies. In its land

disposition programs, the Department will avoid actions which would endanger the supply of adequate water for existing users or encourage the unwise dissipation of water reserves.

STEWART L. UDALL,  
Secretary of the Interior.

APRIL 25, 1962.

[F.R. Doc. 62-4227; Filed, May 1, 1962; 8:47 a.m.]

**DEPARTMENT OF AGRICULTURE**

**Agricultural Research Service**

**CERTAIN HUMANELY SLAUGHTERED LIVESTOCK**

**Identification of Carcasses**

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection

Act (21 U.S.C. 71 et seq.) which were officially reported on April 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after April 1, as using humane methods on April 1 or a later date in April, will be listed in a supplemental list. Previously published lists represented establishments reported in March or April 1962 as humanely slaughtering and handling the designated species of livestock on March 1 or some later date in March 1962 (27 F.R. 3171, 3569, and 3822). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

**HUMANE SLAUGHTER**

[Report No. 1]

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION

APRIL 1962.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Arnour and Co.....	2AD.....	(*)	(*)				
Do.....	2AG.....	(*)					
Do.....	2AT.....	(*)		(*)		(*)	
Do.....	2AU.....	(*)		(*)		(*)	
Do.....	2C.....	(*)		(*)		(*)	
Do.....	2E.....	(*)		(*)		(*)	
Do.....	2F.....	(*)	(*)	(*)	(*)		
Do.....	2H.....	(*)	(*)	(*)		(*)	
Do.....	2HT.....	(*)	(*)	(*)		(*)	
Do.....	2LT.....	(*)					
Do.....	2WN.....	(*)	(*)				
Swift and Co.....	3AC.....	(*)				(*)	
Do.....	3AE.....	(*)				(*)	
Do.....	3AF.....	(*)				(*)	
Do.....	3AN.....	(*)				(*)	
Do.....	3AW.....	(*)				(*)	
Do.....	3B.....	(*)		(*)		(*)	
Do.....	3C.....	(*)		(*)		(*)	
Do.....	3CC.....	(*)		(*)		(*)	
Do.....	3D.....	(*)		(*)		(*)	
Do.....	3E.....	(*)		(*)		(*)	
Do.....	3F.....	(*)		(*)	(*)	(*)	
Do.....	3FF.....	(*)		(*)		(*)	
Do.....	3H.....	(*)		(*)		(*)	
Do.....	3K.....	(*)		(*)		(*)	
Do.....	3L.....	(*)		(*)		(*)	
Do.....	3N.....	(*)		(*)		(*)	
Do.....	3NN.....	(*)		(*)		(*)	
Do.....	3R.....	(*)		(*)		(*)	
Do.....	3S.....	(*)		(*)		(*)	
Do.....	3T.....	(*)		(*)		(*)	
Do.....	3W.....	(*)		(*)		(*)	
Do.....	3Z.....	(*)		(*)		(*)	
Do.....	6C.....	(*)		(*)		(*)	
Lykes Bros., Inc.....	8.....	(*)		(*)		(*)	
Do.....	8B.....	(*)		(*)		(*)	
Pauly Packing Co., Inc.....	10.....	(*)		(*)		(*)	
Hygrade Food Products Corp.....	12.....	(*)		(*)		(*)	
Do.....	12A.....	(*)		(*)		(*)	
Do.....	12C.....	(*)		(*)		(*)	
Do.....	12D.....	(*)		(*)		(*)	
Do.....	12G.....	(*)		(*)		(*)	
Do.....	12P.....	(*)		(*)		(*)	
Miekelberrys Food Products Co.....	16.....	(*)		(*)		(*)	
John Morell and Co.....	17.....	(*)		(*)		(*)	
Do.....	17A.....	(*)		(*)		(*)	
Do.....	17D.....	(*)		(*)		(*)	
The Cudahy Packing Co.....	19.....	(*)		(*)		(*)	
The Cudahy Packing Co of Nebraska.....	19E.....	(*)		(*)		(*)	
Wilson and Co., Inc.....	20N.....	(*)		(*)		(*)	
Do.....	20Q.....	(*)		(*)		(*)	
Do.....	20Y.....	(*)		(*)		(*)	
Swift and Co.....	23.....	(*)		(*)		(*)	
Brander Meat Co.....	25.....	(*)		(*)		(*)	
The Sperry and Barnes Co.....	27C.....	(*)		(*)		(*)	
Patrick Cudahy, Inc.....	28.....	(*)		(*)		(*)	
Kreinberg and Krasny, Inc.....	30.....	(*)		(*)		(*)	
Roegelstein Provision Co.....	32.....	(*)		(*)		(*)	
Valleydale Packers, Inc.....	34.....	(*)		(*)		(*)	
Montana Packing Co., Inc.....	37.....	(*)		(*)		(*)	
Pocomoke Provision Co.....	39.....	(*)		(*)		(*)	
Arnour and Co.....	40.....	(*)		(*)		(*)	
Sunnyland Packing Co.....	43.....	(*)		(*)		(*)	

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Hygrade Food Products Corp.	224	(C)	(C)	(C)		(C)	
Do.	224B	(C)	(C)	(C)		(C)	
Gold Nerit Packing Co., Inc.	232	(C)					
Raskin Packing Co.	237	(C)					
Armour and Co.	238	(C)					
P. D. and J. Meats.	240	(C)					
Greenwood Packing Plant	242	(C)					
I. Klayman & Co.	243	(C)					
Iowa Beef Packers, Inc.	245	(C)					
John Morrell and Co.	246	(C)					
Harget Realty Corp.	247	(C)					
Swift and Co.	249	(C)					
Frosty Morn Meats, Inc.	250	(C)					
Sellers, Inc.	257	(C)					
Balentine Packing Co., Inc.	258	(C)					
The Jones Dairy Farm	263	(C)					
Pacific Meat Co., Inc.	267	(C)					
Houston Packing Co.	271	(C)					
Tog Packing Co., Inc.	273	(C)					
Elliott Packing Co.	274	(C)					
Wilson and Co., Inc.	275	(C)					
American Stores Co.	279	(C)					
Brookay Packing Co.	281	(C)					
Agar Packing Co., Inc.	282	(C)					
Higre and Hutvaker Co.	283	(C)					
Wescorn Packing Co.	288	(C)					
Arpogent and Bastian Co.	289	(C)					
The H. H. Meyer Packing Co.	290	(C)					
Stout City Dressed Beef Co.	292	(C)					
Gus Juengling and Son, Inc.	296	(C)					
Wadlock Packing Co.	299	(C)					
Great Falls Meat Co.	301	(C)					
Commercial Packing Co., Inc.	302	(C)					
Union Packing Co.	305	(C)					
Do.	305A	(C)					
Star Packing Co.	306	(C)					
Survall Packing Co.	307	(C)					
Melton Provision Co.	311	(C)					
Ideal Packing Co., Inc.	312	(C)					
Rudys Farm Co.	315	(C)					
Webb Packing Co.	316	(C)					
Greater New York Packing Co., Inc.	317A	(C)					
Estes Packing Co.	319	(C)					
Stadler Packing Co., Inc.	320	(C)					
Frisco Packing Co.	327	(C)					
C. and M. Meat Packing Corp.	329	(C)					
Royal Packing Co.	331	(C)					
Sokolik Packing Co.	331A	(C)					
Shapiro Packing Co., Inc.	332	(C)					
Great Western Packing Co., Inc.	334	(C)					
Nobles Independent Meat Co.	335	(C)					
Chino Valley Meat Packing Co., Inc.	336	(C)					
Sam Kane Packing Co.	337	(C)					
Des Moines Packing Co.	340	(C)					
Peters Packing Co., Inc.	341	(C)					
State Packing Co., Inc.	344	(C)					
Anza Packing Co.	345	(C)					
Union Packing Co.	351	(C)					
Samuels E. Tex Packing Co.	353	(C)					
Fresno Meat Packing Co.	354	(C)					
Hell Packing Co.	357	(C)					
Meyers Packing Co.	368	(C)					
Bowling Provision Co., Inc.	372	(C)					
Fischer Packing Co.	374	(C)					
Cross Bros Meat Packers, Inc.	376	(C)					
Emge Packing Co., Inc.	380	(C)					
Smithfield Packing Co., Inc.	382	(C)					
American Stores Co.	384	(C)					
Liebmann Packing Co.	388	(C)					
Dugdale Packing Co.	390	(C)					
Ioth Packing Co.	394	(C)					
Hubert L. Runtz, Inc.	395	(C)					
Lubaque Packing Co.	396	(C)					
Logan Packing Co.	397	(C)					
Neuhoff Bros.	406	(C)					
Endlich Packing Co., Inc.	410	(C)					
The Lundy Packing Co.	413	(C)					

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Stark Wetzel and Co., Inc.	44	(C)					
Do.	44A	(C)					
Consolidated Dressed Beef Co., Inc.	47	(C)					
Lackawanna Beef and Provision Co.	49	(C)					
Midwestern Beef, Inc.	53	(C)					
Glover Packing Co. of Amarillo	60	(C)					
Welland Packing Co., Inc.	61	(C)					
Selkirk Realty Co.	65	(C)					
Somerville Packing Co.	66	(C)					
The Quaker Oats Co.	67E	(C)					
Armour and Co.	75	(C)					
The Braun Brothers Packing Co.	79	(C)					
City Packing Co.	80	(C)					
The Cudahy Packing Co.	81	(C)					
Edgar Packing Co.	84	(C)					
Excel Packing Co., Inc.	86	(C)					
Utica Veal Co., Inc.	88	(C)					
The E. Kahus Sons Co.	89	(C)					
Hygrade Food Products Corp.	90	(C)					
Sugarbush Provision Co.	92	(C)					
Shono Packing Co.	93	(C)					
The Val Decker Packing Co.	95	(C)					
John Englehorn and Sons	97	(C)					
A. Kochs Sons	98	(C)					
Liberty Packing Co.	101	(C)					
H. Graver & Co.	103	(C)					
Swift and Co.	104	(C)					
J. Lynn Cornwell, Inc.	107	(C)					
Wilson and Co., Inc.	111	(C)					
Hoffman Packing Co., Inc.	112	(C)					
Morris Packing Co.	113	(C)					
Wilson and Co., Inc.	119	(C)					
Marhoefer Packing Co., Inc.	121	(C)					
E. J. Archie and Sons, Inc.	122	(C)					
City Dressed Beef	125	(C)					
Peyton Packing Co., Inc.	126	(C)					
Superior Packing Co.	127	(C)					
John Roth and Son, Inc.	130	(C)					
Tobin Packing Co., Inc.	133	(C)					
Armour and Co.	139	(C)					
Edward J. Klueber, Inc.	142	(C)					
Cornland Dressed Beef, Inc.	157	(C)					
Armour and Co.	158	(C)					
Joel E. Harrell and Son, Inc.	162	(C)					
New York State College of Agriculture	165	(C)					
Swift and Co.	166A	(C)					
K. Shapiro, Inc.	173	(C)					
Armour and Co.	177	(C)					
Peerless Packing Co.	180	(C)					
Montrose Beef Co.	181	(C)					
The Rath Packing Co.	184	(C)					
Do.	186C	(C)					
Do.	186F	(C)					
Seattle Packing Co.	191	(C)					
Krey Packing Co.	192	(C)					
John Morrell and Co.	196	(C)					
Hynes Packing Co.	197	(C)					
United Fryer and Stillman, Inc.	198	(C)					
George A. Hormel and Co.	199	(C)					
Do.	199D	(C)					
Do.	199I	(C)					
Do.	199N	(C)					
Mid Valley Beef Co., Inc.	201	(C)					
Cudahy Packing Co.	202	(C)					
Emge Packing Co., Inc.	205	(C)					
Helms Riverside Abattoir, Inc.	210	(C)					
S. Adams Packing Co.	211	(C)					
Penn Packing Co.	212	(C)					
Elburn Packing Co.	213	(C)					
Kneip Packing Co.	213C	(C)					
Fred Dold and Sons Packing Co.	214	(C)					
Lincoln Meat Co.	217	(C)					
York Packing Co., Inc.	220	(C)					
Gwaltney, Inc.	221A	(C)					
Armour and Co.	222	(C)					
Do Jong Packing Co.	223	(C)					



HUMANE SLAUGHTER—Continued  
INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Auburn Packing Co., Inc.	636	( )					
R and C Packing Co.	645	( )				( )	
Bird Provision Co.	647					( )	
Spencer Packing Co.	648	( )				( )	
Wm. Schludermann, J. J. Kurdie Co.	649	( )				( )	
John Morrell and Co.	650	( )				( )	
Nagle Packing Co.	653	( )				( )	
Milwaukee Dressed Beef Co.	654	( )				( )	
Wilson and Co., Inc.	655	( )				( )	
Baums Bologna, Inc.	657	( )				( )	
St. Louis Dressed Beef Co.	659	( )				( )	
McCook Packing Co.	660	( )				( )	
Quality Meat Packing Co.	661	( )				( )	
Globe Packing Co.	663	( )				( )	
Crown Packing Co.	666	( )				( )	
Scottsbluff Packing Co.	667	( )				( )	
San Joaquin Packing Co.	671	( )				( )	
E. S. Read and Sons, Inc.	672	( )				( )	
Union Packing Co.	673	( )				( )	
Jacob Bauers Sons, Inc.	678	( )				( )	
Colville Meats, Inc.	679	( )				( )	
Armour and Co.	680	( )				( )	
Haas Davis Packing Co., Inc.	682	( )				( )	
Nations Brothers Packing Co.	684	( )				( )	
The William Fockes Sons Co.	685	( )				( )	
The Stuber Packing Co.	689	( )				( )	
Marco Packing Co.	692	( )				( )	
Bryan Meat Co.	693	( )				( )	
Kramer Beef Co.	696	( )				( )	
Central Nebraska Packing Co.	713E	( )				( )	
Davenport Packing Co., Inc.	716	( )				( )	
Farmwest, Inc.	717	( )				( )	
The Joseph N. Rice Co.	719	( )				( )	
Coast Packing Co.	724	( )				( )	
Swift and Co.	725	( )				( )	
Decker and Son.	727	( )				( )	
The Quaker Oats Co.	734E	( )				( )	
Jacob Schiachters Sons Co.	739	( )				( )	
Pioneer Provision Co.	742	( )				( )	
Howard Pancerio and Co.	747	( )				( )	
Ruchtl Bros.	749	( )				( )	
Luck Brothers Cooperative Packing Co.	753	( )				( )	
Monroe Packing Co., Inc.	755	( )				( )	
Seltz Packing Co., Inc.	756A	( )				( )	
The American Meat Packing Corp.	758	( )				( )	
Philadelphia Dressed Beef Co.	760	( )				( )	
Schaake Packing Co., Inc.	761	( )				( )	
Sheridan Meat Co., Inc.	768	( )				( )	
Earl C. Gibbs, Inc.	770	( )				( )	
Cadwell Martin Meat Co.	773	( )				( )	
Modern Meat Packing Co.	774	( )				( )	
Atlas Packing Co.	775	( )				( )	
Dale Packing Co., Inc.	777	( )				( )	
The Cudahy Packing Co.	779	( )				( )	
Diamond Meat Co., Inc.	783	( )				( )	
Granite State Packing Co.	785	( )				( )	
Aurora Packing Co., Inc.	788	( )				( )	
Wimp Packing Co.	791	( )				( )	
Baums Meat Packing	792	( )				( )	
Max Bauer Meat Packer	800	( )				( )	
The Goerhardt Sons, Inc.	810	( )				( )	
Rochester Independent Packer, Inc.	817	( )				( )	
Henry Meyers Sons, Inc.	822	( )				( )	
Hibbs Packing Co.	823	( )				( )	
Hibbs Packing Co.	825	( )				( )	
Renold Packing Co.	827	( )				( )	
Bristol Packing Co.	828	( )				( )	
Norman Peters Packing Co.	834	( )				( )	
White Packing Co., Inc.	836	( )				( )	
Federick County Products, Inc.	838	( )				( )	
Herman Kempers Sons	839	( )				( )	
Redfoot Packing Co.	840	( )				( )	
G. Bartusch Packing Co.	843	( )				( )	
Stouxiand Dressed Beef, Inc.	857	( )				( )	
Stouxiand Dressed Beef Co., Division of	857F	( )				( )	
Jordan Meat & Livestock Co.	858	( )				( )	
Sam McDaniel and Sons, Inc.	859	( )				( )	

HUMANE SLAUGHTER—Continued  
INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Frosty Morn Meats	414	( )				( )	
Philadelphia Boneless Beef Co.	418	( )				( )	
Murray Packing Co., Inc.	421	( )				( )	
The Collins Packing Co.	423	( )				( )	
Hebron Packing Co., Inc.	425	( )				( )	
Lone Star Packing Co.	433	( )				( )	
Monarch Meat Packing Co.	435	( )				( )	
Queen Packing Corp.	436	( )				( )	
Schneider Packing Co.	439	( )				( )	
Omaha Dressed Beef Co., Inc.	441	( )				( )	
Prime Packing Co., Inc.	443	( )				( )	
Peerless Packing Co., Inc.	448	( )				( )	
Dewitt Packing Corp.	456	( )				( )	
Swift and Co.	459	( )				( )	
Morris Rifkin and Sons, Inc.	460	( )				( )	
Lancaster Packing Co.	462	( )				( )	
Litvak Packing Co.	465	( )				( )	
Beevar Packing Co.	467	( )				( )	
Corn Husker Packing Co.	468	( )				( )	
Eckert Packing Co.	471	( )				( )	
Middletown Beef Co., Inc.	483	( )				( )	
St. Cloud Meat Packing Co.	485	( )				( )	
East Tennessee Packing Co.	487	( )				( )	
Nebraska Beef Co.	489	( )				( )	
Golding Packing Co., Inc.	490	( )				( )	
Mid State Packers, Inc.	494	( )				( )	
Greenlee Pack Co.	501	( )				( )	
B. Rothchild and Co.	506	( )				( )	
Frosty Morn Meats	507	( )				( )	
Grunsfelder Packing Co.	508	( )				( )	
Armour and Co.	509	( )				( )	
The Ruth and Dillon Packing Co.	510	( )				( )	
Shen Valley Meat Packers, Inc.	511	( )				( )	
Capitol Packing Co.	513	( )				( )	
Charles Miller and Co.	517	( )				( )	
Illinois Packing Co.	521	( )				( )	
Pearl Packing Co., Inc.	524	( )				( )	
Armour and Co.	528	( )				( )	
Smallwood Packing Co., Inc.	529	( )				( )	
Omaha Packing Co.	532	( )				( )	
Rosenthal Packing Co., Inc.	535	( )				( )	
Pepper Packing Co.	536	( )				( )	
Oscar Mayer and Co., Inc.	537A	( )				( )	
Do.	537C	( )				( )	
Milwest Packing Co.	538	( )				( )	
Greenell Packing Corp.	542	( )				( )	
United Dressed Meats, Inc.	546	( )				( )	
Swift and Co.	548	( )				( )	
Pride Packing Co., Inc.	549	( )				( )	
Piute Packing Co.	550	( )				( )	
Salter Packing Co.	551	( )				( )	
Black Hills Packing Co.	554	( )				( )	
Springfield Rendering Co.	555D	( )				( )	
The Cudahy Packing Co.	559	( )				( )	
D. and W. Packing Co.	560	( )				( )	
Emery Land Co.	561	( )				( )	
Packerland Packing Co., Inc.	562	( )				( )	
John Morrell and Co., Inc.	564	( )				( )	
Elmer Binder & Son, Inc.	569	( )				( )	
Perretta Packing Co., Inc.	571	( )				( )	
Frosty Morn Meats, Inc.	576	( )				( )	
Kingsford Packing Co., Inc.	581	( )				( )	
Embrace Packing Co., Inc.	586	( )				( )	
City of Aachen Municipal Abattoir	590	( )				( )	
Swift and Co.	591	( )				( )	
Illarman Packing Co.	596	( )				( )	
Central Packing Co.	606	( )				( )	
National Tea Co.	613	( )				( )	
Donner Packing Co.	614	( )				( )	
Kummer Packing Co.	617	( )				( )	
Acme Meat Co., Inc.	618	( )				( )	
Hill Packing Co.	623E	( )				( )	
Big Foot Packing Co., Inc.	627	( )				( )	
E. A. Miller and Sons Packing Co., Inc.	628	( )				( )	
General Meat Co.	632	( )				( )	
Ebner Bros. Packers	633	( )				( )	
Zipron Bro., Inc.	635	( )				( )	

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Sierra Meat Co.	862	(*)					
Gunsberg Beef Co.	867	(*)					
Genesee Packing Co.	868	(*)					
Samuels & Co., Inc.	878	(*)	(*)	(*)			
Pahler Packing Corp.	880	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
Alco Packing Co.	885	(*)					
Walden Packing Co., Inc.	885	(*)					
William Davies Co., Inc.	888A	(*)				(*)	
O'Neill Packing Co.	889	(*)					
Tobin Packing Co., Inc.	893	(*)				(*)	
Vernon Calhoun Packing Co.	897	(*)					
Meats, Inc.	899	(*)					
Sigman Meat Co., Inc.	901	(*)					
Sigman Meat Co. of Montana	901A	(*)					
Hoosier Veterinary Laboratories, Inc.	912	(*)				(*)	
National Meat Packers, Inc.	917	(*)				(*)	
Valleydale Packers, Inc., of Bristol	922	(*)				(*)	
South Philadelphia Willowbrook, Inc.	923	(*)					
Wisconsin Packing Co.	924	(*)					
Kerber Packing Co.	929	(*)				(*)	
Tarpoft Packing Co.	931	(*)					
McKenney Meat Co.	932	(*)					
E. B. Manning and Son	934	(*)					
Volz Packing Co.	938	(*)					
Cappellino Abattoir, Inc.	939	(*)					
Gentner Packing Co., Inc.	941	(*)					
Delrich Meat Packers, Inc.	944	(*)		(*)		(*)	
Whitchall Packing Co.	946	(*)		(*)			
M. Brizer & Co.	948	(*)					
Joe Doctorman and Son Packing Co., Inc.	949	(*)		(*)			
Armour and Co.	956	(*)				(*)	
Reliable Packing Co., Inc.	959	(*)					
Greater Omaha Packing Co., Inc.	960	(*)					
Virginia Packing Co., Inc.	963	(*)		(*)			
Earl Flick Wholesale Meats, Inc.	965	(*)					
T. L. Lay Packing Co.	967	(*)				(*)	
Monfort Packing Co.	969	(*)		(*)			
Hawaii Meat Co., Ltd.	970	(*)					
Perlin Packing Co., Inc.	974	(*)		(*)	(*)		
National Food Stores, Inc.	981	(*)					
Hospers Packing Co.	985	(*)					
Eagle Packing Co.	987	(*)					
Everett C. Horlein and Son, Inc.	988	(*)					
The Klarer Co.	995	(*)					
Armour and Co.	1085	(*)					
Landy Packing Co.	1171	(*)					
The Harris Packing Co.	1175	(*)				(*)	
A. F. Moyer and Sons, Inc.	1311	(*)		(*)			
McCabe Packing Plant	1312	(*)					
P. & H. Packing Co., Inc.	1313	(*)					
H. and H. Packing Co.	1315	(*)				(*)	
Nebraska Iowa Dressed Beef Co.	1318	(*)					

423 establishments reported.

Done at Washington, D.C., this 26th day of April 1962.

R. K. SOMERS,  
Acting Director,  
Meat Inspection Division,  
Agricultural Research Service.

[F.R. Doc. 62-4280; Filed, May 1, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RALPH F. STARZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of April 18, 1962.

RALPH F. STARZ.

APRIL 20, 1962.

[F.R. Doc. 62-4250; Filed, May 1, 1962; 8:50 a.m.]

GEORGE L. WILSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of April 20, 1962.

GEORGE L. WILSON.

APRIL 20, 1962.

[F.R. Doc. 62-4251; Filed, May 1, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-97]

CORNELL UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to August 1, 1962 the latest completion date specified in Construction Permit No. CPRR-31 for the construction by Cornell University of the pool-type nuclear reactor to be located at Ithaca, New York.

Copies of the Commission's order and of the application by Cornell University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of April 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,  
Director, Division of  
Licensing and Regulation.

[F.R. Doc. 62-4259; Filed, May 1, 1962; 8:52 a.m.]

[Docket Nos. 50-172, 50-173, 50-176, 50-177]

UNITED STATES AIR FORCE AND LOCKHEED AIRCRAFT CORP.

Notice of Applications for Utilization Facility Licenses

Please take notice that the United States Air Force and the Lockheed Aircraft Corporation, under section 104c of the Atomic Energy Act of 1954, as amended, have resubmitted applications for licenses to possess and to operate, respectively, the following facilities, which are located at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia:

1. One Megawatt Radiation Effects Nuclear Reactor
2. Eighty Watt Critical Experiment Nuclear Reactor

These applications were previously submitted but subsequently were withdrawn. The notice of withdrawal of the applications was published in the FEDERAL REGISTER on June 29, 1961 (26 F.R. 5843).

Lockheed presently manages Air Force Plant No. 67, including the Radiation Effects and Critical Experiment Reactors, under lease with the Air Force. Lockheed previously operated this facility including the Radiation Effects Reactor and the Critical Experiment Reactor for the Air Force pursuant to the provisions of section 91(b) of the Atomic Energy Act of 1954, as amended, and therefore facility licenses have not heretofore been required.

Since exclusive utilization of the reactor facilities is not required for military purposes, the Air Force has agreed, under a lease agreement, to permit Lockheed to operate the facilities under contracts with other U.S. Government agencies and commercial and educa-

tional institutions, provided appropriate licenses are obtained from the AEC.

Effective upon the issuance of the licenses to Lockheed, the Air Force will transfer to Lockheed and Lockheed will accept exclusive responsibility to safely manage, operate and control the facilities. However, the Air Force will retain ownership of the facilities and will be licensed to possess the facilities.

Copies of the applications are available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,  
Chief, Research and Power Re-actor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-4260; Filed, May 1, 1962; 8:52 a.m.]

**CIVIL AERONAUTICS BOARD**

[Docket 13329 etc.; Order No. E-18262]

**EASTERN AIR LINES, INC.**

**Proposed Air Bus Fares**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of April 1962.

In the matter of the air bus fares proposed by Eastern Air Lines, Inc., Docket 13329, et al., 13543, 13546.

On March 28, 1962, Eastern Air Lines, Inc. (Eastern) filed revisions to its air bus tariff<sup>1</sup> marked to become effective April 29, 1962, for the purpose of establishing a jet air bus one-way fare between Boston and Philadelphia, and to add propeller air bus one-way fares from and to Charlotte, Chicago, Cincinnati, Columbus, Ft. Lauderdale, Minneapolis, Philadelphia, Providence, St. Louis, St. Paul, Syracuse, Toledo, and Washington. The proposed propeller air bus fares are approximately equal to Eastern's propeller night coach fares. The proposed jet air bus fare is equal to the propeller air bus fare between the same points plus the jet surcharge. Eastern also proposes to add a rule that excursion fare tickets will be honored for transportation on air bus flights without any additional fare collection; and to operate in addition to 90-seat propeller aircraft currently used in the air bus service, DC-7B and DC-8 combination first-class and air bus aircraft. The air bus fares will be applicable to service in the coach compartment of these combination planes. The proposed fares are marked to expire with December 14, 1962.

Delta Air Lines, Inc., and Northwest Airlines, Inc. have filed complaints requesting investigation and suspension of Eastern's air bus tariff contending that the proposed fares are unjust and unreasonable, unduly preferential, unjustly

discriminatory, and otherwise unlawful. The carriers allege, inter alia, that Eastern's proposal is an attempt to offer air bus service without providing high density seating; that the use of combination aircraft for air bus service is discriminating against the coach passengers who are required to pay higher fares for like and contemporaneous accommodations and services; and that the use of such aircraft at the low air bus fare is uneconomic. Delta contends, furthermore, that the operation of dual-class aircraft in bus service is totally unproven, has had no historical testing, and is a practice which, if once authorized, will spread throughout the entire industry.

The Board has heretofore permitted "bus" type tariffs between various points to become effective, including tariffs of Eastern and National between points in Florida and Boston, over objection of Northeast.<sup>2</sup> It was felt that these proposals were consistent with the Board's policy of encouraging the offering of "no frill" services at reduced fares designed to promote air travel, particularly the low fare type of service designed to enable air transportation to penetrate more effectively into a larger market. A few months ago Northeast proposed to provide bus type service between Boston and Miami with DC-6B aircraft having two-and-two abreast seating configuration and a total of 76 seats. In that case complaints were filed by Eastern and National; however, the Board concluded not to suspend Northeast's proposed bus type tariff pending investigation.<sup>3</sup>

Eastern's air bus flights have heretofore been operated with Constellation and DC-7B aircraft having 90 or more seats; however, Eastern now proposes to apply air bus fares to the coach compartment of the DC-8 and the DC-7B combination aircraft in addition to its high density piston aircraft. Eastern's competitors object to the changes. The aircraft configurations of the three carriers offering single-cabin air bus service have varied considerably. Eastern's propeller and jet combination aircraft seating configurations and seat pitch do not appear substantially different from those of National's and Northeast's aircraft.

In accordance with our decision in the case of Northeast, the Board has concluded to permit to become effective the instant Eastern proposal to extend the application of its air bus fares to additional points and the application of such fares in both propeller and jet dual configuration aircraft.

With respect to the requests for investigation, Order E-17917, dated January 9, 1962, instituted an investigation, inter alia, of the fares in Eastern Air Lines, Inc., C.A.B. No. 78, including subsequent revisions and reissues thereof. By Order of Investigation and Consolidation, E-18205,<sup>4</sup> dated April 11, 1962, the Board effected a consolidation into Docket 13329 of all of the investigations instituted with respect to bus type tariffs. The consolidated investigation, Docket 13329 et al., will therefore encompass the extension of air bus fares proposed by Eastern for effectiveness April 29, 1962. The complaints of Delta in Docket 13546 and Northwest in Docket 13543, with respect to their request for investigation, will be consolidated into Docket 13329 et al.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, 407, and 1002 thereof.

Accordingly, it is ordered, That:

1. The complaints of Delta Air Lines, Inc., in Docket 13546 and Northwest Airlines, Inc., in Docket 13543, to the extent they request investigation of provisions in Eastern Air Lines, Inc., tariff C.A.B. No. 78 are consolidated into Docket 13329, et al.

2. Except to the extent granted herein, the complaints of Delta Air Lines, Inc. in Docket 13546, and Northwest Airlines, Inc., in Docket 13543, are dismissed.

3. The consolidated proceeding in Docket 13329 et al. has been assigned for prehearing conference before an examiner of the Board on May 10, 1962, at 10:00 a.m., e.d.s.t. in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

4. Copies of this order shall be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Transportation Corporation of America, Trans World Airlines, Inc., and the Commonwealth of Puerto Rico, parties to this proceeding.

5. Eastern Air Lines, Inc., is directed to report the following information by class of service, by type of aircraft, for all air bus flights operated in each of the months of May through December 1962:

Air bus segment	Southbound			Northbound		
	Passengers	Seats	Load factor	Passengers	Seats	Load factor
Chicago-Miami.....						
Chicago-Fort Lauderdale.....						

6. Eastern Air Lines, Inc. is directed to file such reports in ten copies with the Docket Section of the Board not later

<sup>4</sup> In this Order of Investigation and Consolidation the Board instituted an investigation of the bus type refund rules contained in tariffs of Eastern, Pan American, and Trans Caribbean Airways for application in service to Puerto Rico, as well as an investigation of the domestic bus type tariffs filed by Trans World Airlines.

<sup>1</sup> Eastern's Local Air Bus Tariff C.A.B. No. 78.

<sup>2</sup> Order E-17808, adopted Dec. 7, 1961, and Order E-17834, adopted December 13, 1961.

<sup>3</sup> Order E-17917, adopted Jan. 9, 1962.



than 20 days after the close of the month covered by the report.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 62-4264; Filed, May 1, 1962;  
8:53 a.m.]

[Docket 13576; Order No. E-18268]

**LOCAL SERVICE CARRIERS ET AL.**

**No-Show Penalty Exception; Order of Investigation and Suspension**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of April 1962.

By tariff revisions marked to become effective May 1, 1962, the eleven domestic trunkline carriers have revised their local and joint passenger rules tariff to implement their No-Show and Oversale Penalty Plan.<sup>1</sup> The purpose of this plan is to alleviate a problem of unused space arising from failure of passengers to use or cancel a confirmed reservation by assessing such passengers a so-called no-show penalty (with a similar penalty assessed against the air carriers which oversell space and are therefore unable to accommodate ticketed passengers). Thirteen of the local service and helicopter carriers have filed an exception to the no-show penalty provision which purports to modify the tariff provision agreed upon by the trunklines by providing that the trunklines will not be eligible for compensation if the no-show passenger's ticket is refunded or rerouted by these local service or helicopter carriers.<sup>2</sup>

The Board's approval of the No-Show and Oversale Penalty Plan was greatly influenced by the unsatisfactory financial condition of the domestic trunklines and the need for finding ways and means to reduce carrier costs and increase revenues without undue burden on the traveling public.<sup>3</sup> The proposed exception by the local service and helicopter carriers may destroy the efficacy of the trunklines' plan. Thus, it appears that

<sup>1</sup> Rule 10 of Agent Squire's C.A.B. No. 43. An agreement adopting this plan has been approved by the Board pursuant to section 412 of the Act. Order E-18064, adopted Mar. 1, 1962.

<sup>2</sup> Exception (5) to Rule 10(C) (1) of Agent Squire's C.A.B. No. 43.

<sup>3</sup> Order E-17914, adopted Jan. 8, 1962. The Board stated therein that it was aware of the long-standing economic and service problem to the airlines and air travelers alike resulting from the failure of ticketed passengers to cancel or use reserved seat space. Thus, a fully booked flight may actually depart with unoccupied seats that could have been used by other passengers, because prior seat reservations were made by persons who failed to use or cancel their reservations. This problem has resulted in a handicap on the earning power of the air carriers and has often resulted in a denial of available air transportation to the public.

under the proposed exception a trunkline no-show passenger could escape the penalty provisions of the rule by giving the ticket to a local service carrier for refund or rerouting. The proposed exception may therefore be unjust and unreasonable and the local service and helicopter carriers' practices thereunder may result in unjust discrimination and undue preference and prejudice.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered, That:*

1. An investigation be instituted to determine whether the provisions of Exception (5) to Rule 10(C) (1) on 1st and 2d Revised Pages 10-B of Agent C. C. Squire's C.A.B. No. 43 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions.

2. Pending hearing and decision by the Board, Exception (5) to Rule 10(C) (1) on 1st and 2d Revised Pages 10-B of Agent C. C. Squire's C.A.B. No. 43 is suspended and its use deferred to and including July 29, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order shall be filed with the tariffs and shall be served upon Bonanza Air Lines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Los Angeles Airways, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., New York Airways, Inc., Ozark Airlines, Inc., Pacific Air Lines, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., and West Coast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 62-4265; Filed, May 1, 1962;  
8:53 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 14579; FCC 62M-600]

**WARREN J. CURRENCE**

**Order Scheduling Hearing**

In the matter of Warren J. Currence, Elkins, West Virginia, order to show cause why there should not be revoked the License for Radio Station 4W0152 in the Citizens Radio Service.

*It is ordered, This 25th day of April 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby*

scheduled to commence June 6, 1962, in Elkins, West Virginia.

Released: April 25, 1962.

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

[F.R. Doc. 62-4267; Filed, May 1, 1962;  
8:53 a.m.]

[Docket No. 14547; FCC 62M-606]

**BILL S. LAHM**

**Order Continuing Hearing**

In re application of Bill S. Lahm, Wisconsin Rapids, Wisconsin, Docket No. 14547, File No. BMP-9407; for additional time to construct Radio Station WRNE.

The Hearing Examiner having under consideration the record of a prehearing conference in the above-entitled matter held on April 20, 1962;

It appearing that the applicant did not appear at the prehearing conference which had been continued from April 3, 1962, at the informal request of the respondent, William F. Hoffman Radio, Inc.;

It further appearing that counsel for the respondent agreed to contact counsel for the applicant informally in an effort to determine a hearing schedule which would suit the convenience of all parties hereto;

*It is ordered, This 26th day of April 1962, that the hearing herein heretofore scheduled to commence on May 2, 1962, is continued pending further order of the Hearing Examiner;*

*It is further ordered, That the parties shall advise the Hearing Examiner on or before May 4, 1962, as to the results of their informal attempts to agree upon a hearing schedule.*

Released: April 26, 1962.

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

[F.R. Doc. 62-4268; Filed, May 1, 1962;  
8:53 a.m.]

[Docket Nos. 13227, 13251; FCC 62M-601]

**SEVEN LOCKS BROADCASTING CO. AND TENTH DISTRICT BROADCASTING CO.**

**Order Continuing Hearing Conference**

In re applications of Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia; Docket No. 13251; File No. BP-13153; for construction permits.

*It is ordered, This 25th day of April 1962, on the Chief Hearing Examiner's own motion and with the consent of all parties to the proceeding, that the prehearing conference in the above-entitled proceeding, which was heretofore scheduled for May 2, 1962, is continued to May*

10, 1962, in the offices of the Commission, Washington, D.C., commencing at 1 p.m.

Released: April 26, 1962.

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

[F.R. Doc. 62-4269; Filed, May 1, 1962;  
8:53 a.m.]

[Docket Nos. 14559-14561; FCC 62M-604]

### WPOW, INC. (WPOW) ET AL.

#### Order Continuing Hearing Conference

In re applications of WPOW, Inc. (WPOW), New York, New York, Docket No. 14559, File No. BR-263; Rensselaer Polytechnic Institute (WHAZ), Troy, New York, Docket No. 14560, File No. BR-267; Debs Memorial Radio Fund, Inc. (WEVD), New York, New York, Docket No. 14561, File No. BR-270; for renewal of licenses and for additional hours of operation.

The Hearing Examiner having under consideration an informal request from counsel for WPOW, Inc., for a continuance of the prehearing conference now scheduled for April 30, 1962;

It appearing that the conference is scheduled for 2:00 p.m. on April 30 and the request is for a continuance to May 7, 1962; and

It further appearing that the purpose of the continuance is to afford the parties additional time to explore possible solutions satisfactory to all parties and that counsel for all applicants and for the Broadcast Bureau have consented to the requested extension;

It is ordered, This 26th day of April 1962, that the prehearing conference scheduled for April 30 at 2:00 p.m. is continued to May 7, 1962, at 2:00 p.m.

Released: April 26, 1962.

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

[F.R. Doc. 62-4270; Filed, May 1, 1962;  
8:53 a.m.]

[List No. 34; FCC 62-447]

#### STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

APRIL 27, 1962.

The following application is mutually exclusive with the application of Station WHDF, Houghton, Michigan for renewal of license. Thus, in order to expedite action on these applications, the Commission on its own motion waived § 1.354 (c) of its rules in order that the WMPL application may be placed at the top of the processing line. Accordingly, notice is hereby given that on June 4, 1962, the following application:

BP-15410 WMPL—Hancock, Mich.  
Copper Country Broadcasting Co.  
Has: 920 kc, 1 kw, Daytime.  
Req: 1400 kc, 250 w, 1 kw-LS, U.

will be considered as ready and available for processing, and that pursuant to

§ 1.106(b) (1) and § 1.361(c) of the Commission rules, an application, in order to be considered with this application or with any other application on file by the close of business on June 1, 1962 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 1, 1962 or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: April 25, 1962.

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

[F.R. Doc. 62-4271; Filed, May 1, 1962;  
8:53 a.m.]

[List No. 35; FCC 62-448]

#### STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

APRIL 27, 1962.

By Commission action March 16, 1962, the license of Station KLFT, Golden Meadow, Louisiana (1600 kc, 1 kw, Day) was revoked effective April 16, 1962. On April 13, 1962, the Commission by Board action stayed the effective date of the revocation until June 15, 1962. Since this station was the only local broadcast station serving Golden Meadow, the Commission has waived § 1.354(c) of its rules to permit early consideration of the following application. Accordingly, notice is hereby given that on June 4, 1962, this application:

BP-15478 New—Golden Meadow, La.  
John A. Egle.  
Req: 1600 kc, 1 kw, Day.

will be considered as ready and available for processing, and that pursuant to § 1.106(b) (1) and § 1.361(c) of the Commission rules, an application, in order to be considered with this application or with any other application on file by the close of business on June 1, 1962 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 1, 1962 or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any

pending standard broadcast application pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: April 25, 1962.

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

[F.R. Doc. 62-4272; Filed, May 1, 1962;  
8:53 a.m.]

## FEDERAL MARITIME COMMISSION

### AMERICAN MAIL LINE, LTD., ET AL.

#### Agreement Filed for Approval

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 8760, between American Mail Line, Ltd., American President Lines, Ltd., and the carriers comprising the Java Pacific & Hoegh Lines joint service, covers an arrangement whereby the parties may from time to time confer with each other, discuss, and agree with respect to rates, charges, classifications, practices, and related tariff matters to be charged or observed by them in the trade from the West Coast of the United States and Canada to India, Pakistan, Burma, and Ceylon, but with reservation of the right by each of them to alter for itself any rate, charge, classification, practice or related tariff matter thus agreed upon or about which there is no agreement, upon giving the other parties at least forty-eight (48) hours advance notice thereof.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 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: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-4254; Filed, May 1, 1962;  
8:51 a.m.]

### ATLANTIC PASSENGER STEAMSHIP CONFERENCE

#### Agreements Filed for Approval

Notice is hereby given that the following described agreements have 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):

Agreements 7840-47 and 7840-48, between the member lines of the Atlantic Passenger Steamship Conference modify the basic agreement of that Conference (No. 7840), which governs all trans-Atlantic passenger traffic between European, Mediterranean, Black Sea, Moroccan, Madeiran and Azorian ports and ports of the East Coast of North America (including Gulf ports, Canada and Newfoundland) in the following respects:

(1) Agreement 7840-47, expands the scope of the basic agreement to include ports on the St. Lawrence River and Great Lakes; and

(2) Agreement 7840-48, amends the present terms and conditions under which party organizers and/or party conductors may be granted free or reduced passage.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Marine Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-4255; Filed, May 1, 1962; 8:51 a.m.]

**NORWAY/NORTH ATLANTIC CONFERENCE AND NEW YORK FREIGHT BUREAU (HONG KONG)**

**Agreements Filed for Approval**

Notice is hereby given that the following described agreements have 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 5300-4, between the member lines of the Norway/North Atlantic Conference, modifies the basic agreement of that Conference in the trade from Norway to U.S. North Atlantic ports. The purpose of the modification is to provide that decisions under the agreement shall be by majority vote, rather than unanimous vote as presently provided.

Agreement 5700-5, between the member lines of the New York Freight Bureau (Hong Kong), modifies the basic agreement of that Conference (5700, as amended), which covers the trade from Hong Kong to U.S. Atlantic and Gulf ports. The purpose of the modification is to impose a 1,000 revenue-ton ceiling as the maximum tonnage per sailing that any line would be permitted to lift in the trade served.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in

the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-4256; Filed, May 1, 1962; 8:51 a.m.]

**STONE FORWARDING CO., INC., ET AL.**

**Agreements Filed for Approval**

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8828 between Stone Forwarding Company, Inc. (Houston) and International Traffic Company (Los Angeles).

No. 8831 between Loretz & Company (Los Angeles) and Dumont Shipping Co., Inc. (New York).

No. 8837 between H. S. Thielen, Inc. (Lake Charles) and Universal Transport Corp. (New York).

Each of the parties to these agreements has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the three agreements are similar. They provide for a cooperative working arrangement between the parties for the performance of freight forwarding services and the division of forwarding fees and ocean freight brokerage.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-4257; Filed May 1, 1962; 8:51 a.m.]

[Docket No. 954]

**ATLANTIC-GULF PUERTO RICAN TRADE**

**Investigation of Rates and Practices**

On April 19, 1962, the Federal Maritime Commission entered the following Thirteenth Supplemental Order to the original order in this proceeding dated July 17, 1961.

It appearing that there is currently pending in this proceeding an investigation into and a hearing concerning

certain rates and practices from, to and/or between Atlantic and Gulf ports of the United States on the one hand and ports in the Commonwealth of Puerto Rico on the other which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing that Sea-Land Service, Inc., Puerto Rican Division, has been named a respondent in this proceeding; and

It further appearing that there has been filed with the Federal Maritime Commission by Sea-Land Service, Inc., Puerto Rican Division, certain revised pages, hereinafter designated, to its Outward Freight Tariff No. 2, FMC-F No. 3 (Pan Atlantic Steamship Corporation Series), to become effective April 21, 1962, and later, which said pages publish increased rates on commodities prefixed with the increase symbol:

- 2d Revised Page 33.
- 3d Revised Page 34.
- 5th Revised Page 35.
- 6th Revised Page 36.
- 10th Revised Page 38.
- 8th Revised Page 40.
- 9th Revised Page 40.
- Original Page 40-A.
- 2d Revised Page 42.
- 6th Revised Page 43.
- 5th Revised Page 44.
- 1st Revised Page 45-A.
- 4th Revised Page 37.
- 7th Revised Page 46.
- 5th Revised Page 48.
- 8th Revised Page 51.
- 3d Revised Page 52.
- 6th Revised Page 53.
- 8th Revised Page 54.
- 1st Revised Page 56.
- 2d Revised Page 57.
- 4th Revised Page 58.
- 11th Revised Page 60.
- 6th Revised Page 62.
- 2d Revised Page 63.
- 6th Revised Page 64.
- 3d Revised Page 66.
- 4th Revised Page 67.
- 2d Revised Page 68.
- 8th Revised Page 72.
- 3d Revised Page 76.
- 20th Revised Page 77.
- 1st Revised Page 78.
- 4th Revised Page 79.
- 1st Revised Page 81.
- 1st Revised Page 82.
- 6th Revised Page 85.
- 7th Revised Page 85.
- 6th Revised Page 86.
- 2d Revised Page 87.
- 5th Revised Page 88.
- 3d Revised Page 89.
- 3d Revised Page 90.
- 2d Revised Page 91.
- 4th Revised Page 95.
- 2d Revised Page 98.
- 2d Revised Page 99.
- 2d Revised Page 101.
- 3d Revised Page 101.
- 2d Revised Page 102.
- 2d Revised Page 104.
- 3d Revised Page 105.
- 1st Revised Page 106.
- 5th Revised Page 107.
- 8th Revised Page 108.
- 2d Revised Page 109.
- 3d Revised Page 111.
- 1st Revised Page 115.
- 5th Revised Page 116.
- 2d Revised Page 117 and
- 1st Revised Page 31-A containing the Commodity Group Rates.

and

It further appearing that upon consideration of the said schedules, the Commission is of the opinion that the



rate increases contained therein should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended;

Now therefore it is ordered, That this proceeding be, and it is hereby, expanded to include, in addition to the matters now under investigation, an investigation into and a hearing concerning the lawfulness of the increased rates contained in the said tariff schedules with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced, to receive evidence which together with the evidence heretofore received in Docket No. 954, will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon Sea-Land Service, Inc., Puerto Rican Division, and all others heretofore named protestants or respondents hereto; (III) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: April 27, 1962.

By the Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-4258; Filed, May 1, 1962;  
8:51 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 37700: *Sugar beet or cane to West Chicago, Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2236), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk in covered hopper cars, as described in the application, in carloads, from points in California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Oregon, South Dakota, Utah, Washington and Wyoming, to West Chicago, Ill.

Grounds for relief: Market competition.

Tariffs: Supplement 91 to Western Trunk Line Committee tariff I.C.C. A-

4099, and other schedules named in the application.

FSA No. 37701: *Class and commodity rates from and to Brookwood, Ga.* Filed by O. W. South, Jr., Agent (No. A4186), for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads, between Brookwood, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-4241; Filed, May 1, 1962;  
8:49 a.m.]

[Notice 208]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 27, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. 2202 (Deviation 37), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed April 16, 1962. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions over deviation routes as follows: (A) From San Antonio, Tex., over Interstate Highway 35 to junction Interstate Highway 35E, thence over Interstate Highway 35E to Dallas, Tex.; and (B) from the junction of Interstate Highways 35 and 35W, over Interstate Highway 35W to Fort Worth, Tex., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denton, Tex., over U.S. Highway 77 to Fort Worth, Tex., thence over U.S. Highway 81 to Hillsboro, Tex.; from Oklahoma City, Okla., over U.S. Highway 77 to Hillsboro, Tex.; and from Hillsboro, Tex. over U.S. Highway 81 to San Antonio, and return over the same routes.

No. MC 35469 (Deviation No. 2), MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Streets, Allentown, Pa., filed April 18, 1962. Applicant's representative, Thomas L. McClelland, Jr., same address. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route between Newburgh and Schenectady, N.Y., over the New York Thruway, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Allentown, Pa., over Pennsylvania Highway 987 to Bath, Pa., thence over Pennsylvania Highway 512 to junction Pennsylvania Highway 12, thence over Pennsylvania Highway 12 to junction U.S. Highway 209, thence over U.S. Highway 209 to Wurtsboro, N.Y., thence over New York Highway 17K to Newburg, thence over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to Schenectady; and from Netcong, N.J., over U.S. Highway 206 to junction New Jersey Highway 565, thence over New Jersey Highway 565 to Sussex, N.J., thence over New Jersey Highway 84 to the New Jersey-New York State line, thence over New York Highway 84 to Slate Hill, N.Y., thence over U.S. Highway 6 to junction New York Highway 207, thence over New York Highway 207 to Newburgh, thence over U.S. Highway 9W to Albany, N.Y., and thence over New York Highway 5 to Schenectady, and return over the same routes.

No. MC 55843 (Deviation No. 2), SAGINAW TRANSFER COMPANY INC., 2130 Midland Road, Saginaw, Mich., filed April 19, 1962. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highway 94 to Detroit, Mich., (B) from Lansing, Mich., over Interstate Highway 96 to Detroit, Mich., and (C) from the junction of Interstate Highway 75, U.S. Highway 23 and Michigan Highway 78, near Flint, Mich., over Interstate Highway 75 to Bay City, Mich., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 12, via Battle Creek, Mich., to junction unnumbered highway (formerly U.S. Highway 12) east of Galesburg, Mich., thence over unnumbered highway to Galesburg, thence over Michigan Highway 96 (formerly U.S. Highway 12) to Kalamazoo, Mich., thence over U.S. Highway 12 to Chicago; from Detroit over U.S. Highway 16 to Lansing, thence over Michigan Highway 78 to Battle Creek, Mich., and thence to Chicago as specified above; and from Chicago over U.S. Highway 12 to Kalamazoo, Mich., thence over Michigan Highway 96 (formerly U.S. Highway 12) to Galesburg, Mich., thence over unnumbered highway (formerly U.S. Highway 12), to junction U.S. Highway 12, thence

over U.S. Highway 12 to Battle Creek, Mich., thence over Michigan Highway 78, via Lansing, Mich., to Flint, thence over U.S. Highway 23 to Bay City, and return over the same routes.

No. MC 59680 (Deviation No. 17), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex., filed April 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between St. Louis, Mo., and Chicago, Ill., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill.; and from Eola, Ill., over irregular routes to Aurora, Ill., thence over Illinois Highway 25 to Oswego, Ill., thence over U.S. Highway 34 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis; also from Oswego, Ill., over U.S. Highway 34 to junction Illinois Highway 47, thence over Illinois Highway 47 to Gibson City, Ill., thence over U.S. Highway 54 to Fullerton, Ill., thence over Illinois Highway 48 to Junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, and return over the same routes.

No. MC 62499 (Deviation No. 1), HAGERSTOWN MOTOR EXPRESS, CO., INC., P.O. Box 1121, Middleburg Pike, Hagerstown, Md., filed April 13, 1962. Applicant's representative, J. Robert Shingleton, 208 Earle Building, Hagerstown, Md. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Hagerstown and Baltimore, Md., over U.S. Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hagerstown over Maryland Highway 60 to Leitersburg, Md., thence over unnumbered highways and Pennsylvania Highway 316 to Rouserville, Pa., thence over Pennsylvania Highway 16 to the Pennsylvania-Maryland State line, thence over Maryland Highway 32 to Westminster, Md., thence over U.S. Highway 140 to Baltimore, and return over the same route.

No. MC 109972 (Deviation No. 3), HARRIS EXPRESS, INC., 1425 North Tryon Street, Charlotte 1, N.C., filed April 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 1 and 50, at Washington, D.C., over U.S. Highway 50 to junction Maryland Highway 3, approximately 21 miles east of Washington, thence over Maryland Highway 3 to Baltimore, Md., and

return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Henderson, N.C., over U.S. Highway 1 to Baltimore, thence over U.S. Highway 40 to junction U.S. Highway 13, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 77), THE GREYHOUND CORPORATION, 1400 West Third Street, Cleveland 13, Ohio, filed April 17, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highways 40 and 522, at Hancock, Md., over U.S. Highway 522 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to junction U.S. Highway 30, at Breezewood, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Gettysburg, Pa., over Pennsylvania Highway 116 to junction Pennsylvania Highway 16, thence over Pennsylvania Highway 16 to McConnellsburg, Pa.; from Ardmore, Pa., over U.S. Highway 30, via Paoli, Pa., to junction unnumbered highway two miles southeast of Latrobe, Pa., thence over unnumbered highway, via Latrobe, to junction U.S. Highway 30, two miles southwest of Latrobe, thence over U.S. Highway 30 to Pittsburgh, Pa.; from Middlesex, Pa., over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa.; from Harrisburg, Pa., over U.S. Highway 11, via Carlisle and Shippensburg, Pa., to Winchester, Pa.; from Washington, Pa., over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, northwest of Frederick, Md., and from Uniontown, Pa., over Pennsylvania Highway 51 to junction unnumbered highway, thence over unnumbered highway (formerly Pennsylvania Highway 51), via Perryopolis, Pa., to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51, via West Elizabeth, Pa., to Pittsburgh, Pa., and return over the same routes.

No. MC 2890 (Deviation No. 16), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed April 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Purcell and Oklahoma City, Okla., over Interstate Highway 35, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Oklahoma City

over U.S. Highway 77 to Dallas, Tex., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-4242; Filed, May 1, 1962; 8:49 a.m.]

[Notice 440]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 27, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 55896 (Sub-No. 12), filed April 19, 1962. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue,



Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat by-products, and commodities distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials and supplies*, used in the conduct of such business, and *refused and rejected shipments of commodities above*, to serve Momence, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations from and to Chicago, Ill.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 115180 (Sub-No. 4), filed April 23, 1962. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 345 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Momence, Ill., to points in Pennsylvania.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 117815 (Sub-No. 8) (AMENDMENT), filed December 18, 1961, published *FEDERAL REGISTER* issue of April 11, 1962, amended April 18, 1962, and republished, as amended, this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, Lists A and C to the report in 61 M.C.C. 272, 273, (1) from Momence, Ill., to points in Iowa on and east of U.S. Highway 69, and (2) from Des Moines and Marshalltown, Iowa, to Momence, Ill.

**NOTE:** The purpose of this republication is to add (2) above.

**HEARING:** Remains assigned May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. McCOY,  
Secretary.

[F.R. Doc. 62-4243; Filed, May 1, 1962; 8:49 a.m.]

[Notice 441]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 27, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

##### MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 229), filed April 16, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston and Freeport, Tex., (a) from Houston over Texas Highway 288, and (b) from Houston over Texas Highway 35 to junction of Texas Highway 35 and Texas Highway 288 thence over Texas Highway 288, to Freeport and return over the same routes serving no intermediate or off-route points.

**NOTE:** Common control may be involved.

**HEARING:** June 14, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77.

No. MC 10761 (Sub-No. 118), filed March 30, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from Jetero, Tex., to points in Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, Maine, New Hampshire, and the District of Columbia, and *refused and rejected shipments* of the above-specified commodities, on return.

**HEARING:** June 11, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before an examiner to be designated later.

No. MC 22229 (Sub-No. 31), filed February 15, 1962. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. Appli-

cant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Fla., to Birmingham, Ala.

**HEARING:** June 18, 1962, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 98.

No. MC 23939 (Sub-No. 133), filed March 21, 1962. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in specially designed tank trailers, loaded and empty, between West Palm Beach, Fla., and points within 50 miles thereof, on the one hand, and, on the other, points in Virginia, New York, New Jersey, Colorado, Massachusetts, and Tennessee.

**HEARING:** June 18, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 30374 (Sub-No. 11) (AMENDMENT), filed March 15, 1962, published in the *FEDERAL REGISTER*, issue of April 18, 1962, republished this issue as amended April 24, 1962. Applicant: MOEY LIHN AND MAX LIHN, doing business as TRI-STATE TRANSPORTATION CO., West and Railroad Avenue, Vineland, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers and in containers, and *materials and supplies used in the manufacture of wearing apparel*, between points in Atlantic, Cumberland, and Gloucester Counties, N.J., on the one hand, and on the other, Baltimore, Md., and Washington, D.C.

**NOTE:** This republication is for the purpose of adding "and in containers" to the description of the wearing apparel to be transported.

**HEARING:** Remains as assigned May 16, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner James C. Cheseldine.

No. MC 31389 (Sub-No. 50), filed April 3, 1962. Applicant: McLEAN TRUCKING COMPANY, a corporation, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Winston-Salem, N.C., and Washington, D.C.; from Winston-Salem over U.S. Highway 158 to junction U.S. Highway 29, thence over U.S. Highway 29 to Washington, D.C. (also from junction U.S. Highway 29 and Virginia Highway 236 over Virginia Highway 236 to junc-



tion Virginia Highway 350, thence over Virginia Highway 350 to Washington, D.C.), and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's regular-route operations.

NOTE: Applicant states it controls Hayes Freight Lines, Inc.

HEARING: June 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 52709 (Sub-No. 162) (CORRECTION), filed February 23, 1962, published FEDERAL REGISTER issue of April 18, 1962, and republished as corrected this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prune juice concentrate*, in bulk, in tank vehicles, from San Jose, Calif., to New York, N.Y., Buffalo, and Rochester, N.Y., Philadelphia, Pa., Boston, Mass., and Portland, Maine.

NOTE: Common control may be involved. The purpose of this republication is to correctly set forth the route description as shown above.

HEARING: Remains as assigned June 14, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 58212 (Sub-No. 23), filed November 14, 1961. Applicant: MAAS TRANSPORT, INCORPORATED, U.S. No. 2 and 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products* from Williston, N. Dak., and points within 10 miles thereof, to ports of entry on the International Boundary Line between the United States and Canada located in North Dakota; and *refused or rejected shipments of the above commodities* on return.

HEARING: May 21, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 274, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 59894 (Sub-No. 22), filed November 13, 1961. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Van Horn, Tex., and Alpine, Tex.; from Van Horn over U.S. Highway 90 to Alpine, and return over the same route, serving all intermediate points except Valentine, Tex., (2) between Kent, Tex.,

and Alpine, Tex.; from Kent over Texas Highway 118 to Alpine, and return over the same route, serving all intermediate points and off-route points of McDonald Observatory, (3) between Toyahvale, Tex., and the United States-Mexico International Boundary at or near Presidio, Tex.; from Toyahvale over Texas Highway 17 to Marfa, Tex., thence over U.S. Highway 67 to the United States-Mexico International Boundary at or near Presidio, and return over the same route, serving all intermediate points.

HEARING: June 21, 1962, at the Hotel Paisano, Marfa, Tex., before Joint Board No. 77.

No. MC 59894 (Sub-No. 25), filed February 23, 1962. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and Classes A and B explosives): (1) Between Alpine, Tex., and points in Brewster County, Tex., over irregular routes; and (2) between Fort Stockton, Tex., and points in Brewster County, Tex.; from Fort Stockton over U.S. Highway 385 to the Pecos County-Brewster County line, serving all intermediate points, thence over irregular routes to points in Brewster County, and return over the same routes.

NOTE: Applicant states it is controlled through ownership of 75 percent of its outstanding capital stock by Rogers Cartage Company of Indiana, Inc.

HEARING: June 20, 1962, at the Hotel Paisano, Marfa, Tex., before Joint Board No. 77.

No. MC 59894 (Sub-No. 26), filed April 16, 1962. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, and Classes A and B explosives), between Houston, Tex., and Freeport, Tex., as follows: (a) From Houston over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points; and (b) from Houston over Texas Highway 35 to junction of Texas Highways 35 and 288, thence over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points.

NOTE: Applicant states that through ownership of 75 percent of its outstanding capital stock, it is controlled by Rogers Cartage Company of Indiana, Inc.

HEARING: June 14, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77.

No. MC 76065 (Sub-No. 11) (AMENDMENT), filed March 5, 1962, published FEDERAL REGISTER issue of March 21, 1962, amended April 18, 1962, and republished, as amended, this issue. Applicant: EHRlich-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York 1, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Garments*, on hangers, and *materials and supplies used in the manufacture of garments*, (1) between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and (2) between points in the Washington, D.C., Commercial Zone, on the one hand, and, on the other, points in Atlantic and Cumberland Counties, N.J.

NOTE: The purpose of this republication is to add (2) above.

HEARING: June 5, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner James C. Cheseldine.

No. MC 95540 (Sub-No. 399), filed February 5, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, citrus products, meats, meat products, meat byproducts, prepared foods, fruit and vegetable juices*, with or without additives, from points in Florida to points in Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant states that it is affiliated "with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: June 19, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 95540 (Sub-No. 405), filed February 23, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate at a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Louisiana, Mississippi, and from Mobile, Ala., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc., through stock ownership.

HEARING: June 4, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before an examiner to be designated later.

No. MC 95540 (Sub-No. 407) (RE-PUBLICATION), filed March 2, 1962, published FEDERAL REGISTER issue April 4, 1962, republished as corrected April 18, 1962, and republished this issue to show additional hearing information.

Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

**HEARING:** Remains as assigned May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall. This assignment is for applicant's presentation and such protestants as desire to submit their evidence at Washington. A continued hearing for the submission of other protestants' evidence is contemplated at a point to be selected by the presiding examiner after considering the requests of the parties.

No. MC 95540 (Sub-No. 409), filed March 7, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

**HEARING:** June 27, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before an examiner to be designated later.

No. MC 95540 (Sub-No. 416), filed April 13, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from Waycross, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that it is under common control with Arctic Express, Inc.

**HEARING:** June 15, 1962, at the Mayflower Hotel, Jacksonville, Fla., before an examiner to be designated later.

No. MC 97664 (Sub-No. 4), filed March 2, 1962. Applicant: FLORIDA TANK LINES, INC., 2400 West Collins Road, Fort Lauderdale, Fla. Applicant's attorney: James F. Minnet, Suite 412,

Blount Building, 29 East Las Olas Boulevard, Ford Lauderdale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk and in bag; *tallow*; *flour*; *lime*; *lumber*; *steel*; *glass*; *machinery*; *chemicals*; *petroleum*; *petroleum products*; *molasses*; *commodities requiring the use of special equipment*; *liquid sugar*; *all other liquids in bulk and in tank trucks*; between points in Florida, and (2) *cement*, in bulk and in bag, from points in Florida, to points in Alabama and Georgia, and *empty equipment and pallets or such other type of container incidentally used in transporting cement*, on return.

NOTE: Applicant states it presently conducts operations under the second proviso of section 206(a)(1) by virtue of a Form BMC 75 Statement assigned Docket No. MC 97664 and Subs thereunder.

**HEARING:** June 25, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Joint Board No. 99.

No. MC 100666 (Sub-No. 36) (REPUBLICATION-CORRECTION), filed October 16, 1959, published FEDERAL REGISTER, issue of January 13, 1960, republished April 11, 1962, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., Crossett, Ark. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. The purpose of this correction is to show that the above-numbered application was filed October 16, 1959, in lieu of October 16, 1962, as shown in previous publication.

No. MC 103378 (Sub-No. 232), filed April 23, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Atlanta, Ga., and points within ten (10) miles thereof, to points in Alabama, Georgia, Florida, and Tennessee, west of U.S. Highway 27.

**HEARING:** May 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 107107 (Sub-No. 203), filed March 5, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hagerstown, Md., to points in Florida and Georgia.

**HEARING:** June 4, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Examiner James I. Carr.

No. MC 107295 (Sub-No. 71) (CORRECTION), filed August 7, 1961, published in FEDERAL REGISTER issue of December 20, 1962, amended February 2, 1962, and republished, as amended, April 11, 1962, corrected April 16, 1962, and republished, as corrected, this issue. Ap-

plicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron and steel) *attachments, parts, and fittings therefor*, from the plant site of the Orangeburg Manufacturing Co., Division of Flintkote Co., in Rootstown Township, Portage County, Ohio, to points in West Virginia, Pennsylvania, New Jersey, New York, Mississippi, Alabama, Minnesota, Kansas, and Louisiana.

NOTE: The purpose of this republication is to include "*attachments, parts and fittings therefor*" as commodities to be transported instead of exceptions as previously published.

**CONTINUED HEARING:** Remains assigned May 16, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White, on a consolidated record with MC 111398 (Sub-No. 2) Fischback Trucking Co., a corporation, Akron Ohio, and MC 60014 (Sub-No. 8), Aero Trucking, Inc., Oakdale, Pa., and MC 117574 (Sub-No. 60), Daily Express, Inc., Carlisle, Pa.

No. MC 107515 (Sub-No. 390), filed April 4, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shelled nuts*, in vehicles equipped with mechanical refrigeration, from San Antonio, Tex., to points in Florida, Alabama, Georgia, South Carolina, Tennessee, North Carolina, Kentucky, Virginia, West Virginia, Indiana, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

NOTE: Applicant states J. L. Lawhon, President of Refrigerated Transport and owner of one-half of the stock holds permits as a contract carrier (MC 104589); therefore, dual operations may be involved.

**HEARING:** June 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 108449 (Sub-No. 137) (CORRECTION), filed December 11, 1961, published in the FEDERAL REGISTER issue of April 11, 1962, and republished as corrected, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, between points in Iowa, Illinois, Indiana, Missouri, and Kentucky.

NOTE: The purpose of the republication is to clarify the commodities proposed to be transported.

**HEARING:** Remains as assigned, May 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.



No. MC 109397 (Sub-No. 56), filed April 19, 1962. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation which due to their size and weight require the use of special equipment or special handling, and explosives and radioactive materials*, between the site of A.E.C. Test site located near Mercury, Nev., on the one hand, and, on the other, Los Alamos and Albuquerque, N. Mex.

**HEARING:** June 22, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 411, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 110420 (Sub-No. 310), filed April 25, 1962. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bulk commodities* from the plant site of the Archer-Daniels-Midland Co., located near Mapleton, Ill., to points in Alabama, Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 110988 (Sub-No. 68), filed April 11, 1962. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, from Hammond, Ind., to the plant site of the Des Plaines Chemical Company, at or near Morris, Ill., and (2) *chemicals*, in bulk, including *phosphatic fertilizer solutions*, from the plant site of the Des Plaines Chemical Company, at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

**HEARING:** June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 111812 (Sub-No. 163), filed April 23, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and*

*meat byproducts*, as described in paragraphs A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Arkansas City, Kans., to points in Arizona and California.

**NOTE:** Since this publication is effected after the hearing on the subject application, any person or persons who may have been prejudiced by the lack of sufficient notice prior to hearing, may file a protest against the application within 20 days from the date of this publication in the FEDERAL REGISTER.

**HEARING:** April 26, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Joseph A. Reilly.

No. MC 112520 (Sub-No. 72), filed February 5, 1962. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from (a) points in Florida, west of the eastern boundary of Jefferson County, Fla., and (b) points in Decatur County, Ga., to points in Alabama, Florida, and Georgia.

**HEARING:** June 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99.

No. MC 114019 (Sub-No. 88), filed April 9, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers* from Joliet, Ill., and points within five (5) miles thereof, including Rockdale, Ill., to points in Indiana, Ohio, Lower Peninsula of Michigan, Iowa, Missouri, Kentucky, West Virginia, Pennsylvania, Minnesota, Wisconsin, Nebraska, and Kansas.

**NOTE:** Applicant states that Little Audrey's Transportation, Inc., is under its control.

**HEARING:** June 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 115499 (Sub-No. 12), filed April 9, 1962. Applicant: LOWER LAKES CARRIER, INC., P.O. Box 712, Ashtabula, Ohio. Applicant's attorneys: James H. Nacey and D. G. Dottore, 502 Park Building, Public Square, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, dry, in bulk, in tank vehicles, from Ashtabula, Ohio, to Niagara Falls, N.Y., and (2) *lime hydrate*, dry, in bulk, in tank vehicles, from Niagara Falls, N.Y., to points in Ashtabula and Lake Counties, Ohio.

**HEARING:** June 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 115595 (Sub-No. 3), filed March 22, 1962. Applicant: A. G. OGDEN, doing business as OGDEN TRUCKING COMPANY, 27340 South Federal Highway, Naranja, Fla. Authority sought to operate as a *common*

*carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fungicides, herbicides, pesticides and fertilizer*, from points in Texas to points in Florida.

**HEARING:** June 21, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 115841 (Sub-No. 108), filed April 23, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee (except Nashville).

**HEARING:** May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 116544 (Sub-No. 21), filed April 4, 1962. Applicant: WILSON BROTHERS TRUCK LINE INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorneys: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md., and Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *mixed bananas and coconuts*, in same vehicles, from Tampa, Fla., to points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Wyoming, Minnesota, Wisconsin, and Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities.

**HEARING:** June 22, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 116544 (Sub-No. 22), filed April 4, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorneys: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md., and Harry Ross, Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas and coconuts, mixed*, in same vehicles, from Houston, Texas, to points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Wyoming, Minnesota, Wisconsin, and Illinois.

**HEARING:** June 18, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before an examiner to be designated later.

No. MC 117119 (Sub-No. 49), filed April 23, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, N.Y., including points in the Commercial Zone, and points in Rhode Island, to points in Arizona, California,



Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, and *empty containers or other incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 117686 (Sub-No. 12), filed March 26, 1962. Applicant: RAYMOND C. HIRSCHBACK, doing business as HIRSCHBACK MOTOR LINES, 3324 U.S. Highway 75-N, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from points in Mississippi and Louisiana to points in Arkansas (except Fort Smith, Little Rock, Fayetteville, and Rogers), Iowa, Kansas (except Coffeyville, Independence, and Kansas City), Minnesota, Missouri (except Joplin, Carthage, Webb City, Monett, Springfield, Neosho, and Kansas City), Nebraska, North Dakota, South Dakota, and Oklahoma.

HEARING: June 7, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before an examiner to be designated later.

No. MC 123405 (Sub-No. 5), filed April 4, 1962. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Fron Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases, petroleum wax, and petrolatums*, all in containers or on pallets, from points in Beaver, Venango, and McKean Counties, Pa., to points in Mississippi.

HEARING: June 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 124074 (Sub-No. 2), filed April 6, 1962. Applicant: BEST TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the site of the Lehigh Portland Cement Company plant located in Whitestone, Queens County, N.Y., to points in Fairfield County, Conn., and *rejected and returned shipments* of the above-specified commodity, on return.

NOTE: Applicant states common control may be involved. Applicant further states it holds temporary contract carrier authority in MC 117295 Sub 1 TA, therefore, dual operations may be involved.

HEARING: June 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124123 (Sub-No. 2), filed April 6, 1962. Applicant: SCHWERTMAN TRUCKING CO. OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Dixon, Ill., to points in Illinois, Wisconsin, Indiana, and Iowa.

NOTE: Applicant states it has contract carrier authority under MC 115577 (Sub-No. 8), therefore, dual operations may be involved. It is also noted that common control may be involved.

HEARING: June 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 124186 (Sub-No. 1), filed March 26, 1962. Applicant: J-WAYS TRUCKING CO., INC., 533 McClaine Street, P.O. Box 237, Silverton, Ore. Applicant's attorney: John M. Hickson, Failing Building, Portland, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduits, fittings, and accessories in connection therewith*, from Corvallis, Ore., to points in Washington, California, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, and Texas; and *rejected shipments and exempt commodities* on return trips.

HEARING: June 8, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before an examiner to be designated later.

No. MC 124257 (Sub-No. 1), filed April 5, 1962. Applicant: J. A. DADY, 610 Main Street, Sisseton, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt and carbonated beverages, carbon dioxide gas, advertising and display materials, bottle and can openers, glasses, pitchers, detergents, and beer dispensing equipment* from St. Paul, Minn., to Pierre, S. Dak., and *empty containers or other such incidental facilities* (not specified), used in transporting the above commodities, on return.

NOTE: Applicant indicates that the proposed operation will be under a continuing contract with Torvik Distributing Co.

HEARING: June 21, 1962, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 26.

No. MC 124280, filed March 16, 1962. Applicant: J. D. HIERS, SR., AND J. D. HIERS, JR., doing business as, STATE-WIDE SPREADERS, P.O. Box 576, Newberry, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Adel, Cordele, and Savannah, Ga., to points in Florida.

HEARING: June 13, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64.

No. MC 124300, filed March 26, 1962. Applicant: M. E. TOMPKINS, doing business as M. E. TOMPKINS TRANSPORTER, 811 East Washington Street, Lake City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in North Carolina, South Carolina, and Georgia.

HEARING: June 14, 1962, at the Mayflower Hotel, Jacksonville, Fla., before an examiner to be designated later.

No. MC 124308, filed March 27, 1962. Applicant: MARSHALL SMITH AND JOHN R. COPE, a partnership doing business as SMITH AND COPE, Bryson City, N.C. Applicant's attorney: Robertson Wall, Church Street, Asheville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mica*, in bags, boxes and bulk, and (2) *furniture*, between points in Macon County, N.C., on the one hand, and, on the other, points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: June 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 124359, filed April 12, 1962. Applicant: W. R. STEVENS, doing business as B-LINE, 1409 16th Avenue, Greeley, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Siding, roofing, insulating and flooring materials and supplies, wall tile, and related items*, (a) from Chicago, Ill., New York, N.Y., South Bend, Ind., Sandusky, Canton, and East Sparta, Ohio, South Plainfield and Trenton, N.J., and Marcus Hook and Lancaster, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., and Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and (b) from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and (2) *Pitch*, from Casper, Wyo., to Denver, Colo.

NOTE: Applicant states the proposed service will be performed on behalf of Wholesale Flooring, Inc., and Wholesale Ceramic Tile, Inc.

HEARING: June 29, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

MOTOR CARRIERS OF PASSENGERS

No. MC 108136 (Sub-No. 9) (AMENDMENT), filed February 8, 1962, published FEDERAL REGISTER issue of April 11, 1962, amended April 19, 1962, and republished, as amended this issue. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorney: Sidney Axelrod, 326 State Street, New London, Conn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door to door service, limited to the transportation of not more than six (6) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, between points in the towns of Old Saybrook and Branford, Conn., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission.

NOTE: The purpose of this republication is to delete "between May 28th and September 10th" as previously published.

HEARING: Remains as assigned May 22, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 1649 (Sub-No. 73), filed April 6, 1962. Applicant: RAILWAY EXPRESS MOTOR TRANSPORT, INC., 101 Union Station Building, Indianapolis 25, Ind. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency, Inc., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Indianapolis, Ind., and Union City, Ind., as follows: From Indianapolis over Indiana Highway 67 to junction with Indiana Highway 9, thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Union City, and return over the same route, serving Fortville, Pendleton, Anderson, Yorktown, Muncie, Parker City, and Winchester, Ind., as intermediate points.

NOTE: Applicant states it has authority to transport general commodities, except dangerous explosives, moving in express service, between Indianapolis, Ind., and Anderson, Ind., serving no intermediate points. Applicant further states it is a wholly owned subsidiary of Railway Express Agency, Inc.

No. MC 68478 (Sub-No. 1) EX, filed April 16, 1962. Applicant: EXPLOSIVES SUPPLY COMPANY, INC., P.O. Box 207, Spruce Pine, N.C. A certificate of exemption sought under section 204(a) (4a), Part II, in the conduct of operations as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electric blasting caps*, wholly within the State of North Carolina, between

the railroad station at Spruce Pine, N.C., and an explosives magazine located approximately four (4) miles from Spruce Pine, N.C.

NOTE: Applicant presently holds Certificate MC 68478. If and when this certificate of exemption is granted applicant will surrender such authority.

No. MC 110388 (Sub-No. 29), filed April 18, 1962. Applicant: UNION PACIFIC MOTOR FREIGHT CO., 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: F. J. Melia, Union Pacific RR. Co., 1416 Dodge Street, Omaha, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Plymouth, Wash., and Prosser, Wash., over an alternate route in connection with its authorized regular route, as follows: From Plymouth, Wash., over Washington Highway 8 to Paterson, Wash., thence over Washington Highway 8 to Prosser, Wash., and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states that the operation is to be restricted to service which is auxiliary to, or supplemental of rail service of the Union Pacific Railroad Co.; no service shall be rendered to or from any points not stations on the rail lines of the railroad; and shipments transported by carrier shall be limited to those which are received from or delivered to the railroad on through bills of lading covering, in addition to a movement by carrier, a prior or subsequent movement by rail. Applicant further states that its entire stock is owned by Union Pacific Railroad Co.

No. MC 110525 (Sub-No. 498), filed April 13, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Spent nitrating acid*, in bulk, in tank vehicles, from Indian Head, Md., to Kenvil, N.J.

No. MC 113024 (Sub-No. 18), filed April 19, 1962. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Control panels and related control equipment*, from Burbank, Calif., to Waynesboro, Martinsville, and Ampt-hill, Va., Wilmington and Seaford, Del., Chattanooga and Old Hickory, Tenn., Graingers, N.C., and Lugoff, S.C.

NOTE: Applicant states the proposed operation will be performed for the account of E. I. du Pont de Nemours & Co., Wilmington, Del.

No. MC 113410 (Sub-No. 34), filed April 17, 1962. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Mun-

sey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Minneapolis, Minn., to points in North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states common control may be involved.

No. MC 114704 (Sub-No. 1), filed April 20, 1962. Applicant: A. & A. TRUCKING CO., a corporation, East Pearl Street, Waukesha, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Corrugated metal culvert pipe*, from Waukesha, Wis., to points in that part of Illinois lying on and north of a line extending from the Illinois-Indiana State line along U.S. Highway 6 to Joliet, Ill., thence along U.S. Highway 52 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, and undelivered and damaged shipments of corrugated metal culvert pipe, from the above-described Illinois territory to Waukesha, Wis.

No. MC 119530 (Sub-No. 4) (CORRECTION), filed April 2, 1962, published in the FEDERAL REGISTER issue of April 11, 1962, republished this issue to correct territory description. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, doing business as, MAY TRUCKING CO., P.O. Box 398 Payette, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, in containers or in bulk, from Lime, Oreg., to points in Nevada on and north of U.S. Highway 40 (except points in Washoe County, Nev.).

NOTE: The purpose of this republication is to show the correct U.S. Highway involved as No. 40 instead of 30 as in the original publication.

No. MC 124128 (Sub-No. 1), filed March 30, 1962. Applicant: KEITH B. SNOWDEN, doing business as SERVICE TRANSFER, Box 178, 321 Lincoln Street, Sitka, Alaska. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between points on Baranof Island, Alaska, on the one hand, and, on the other, points in Southeastern Alaska lying south of the Alaska-Canadian Border north of Haines, Alaska, and including ports of entry on the international boundary line between Alaska and British Columbia, Canada, at Prince Rupert, British Columbia.

MOTOR CARRIERS OF PASSENGERS

No. MC 110306 (Sub-No. 4) (AMENDMENT), filed February 14, 1962, published FEDERAL REGISTER issue March 23, 1962, amended April 19, 1962, and republished this issue. Applicant: BLUE BUS LINES, a corporation, 50 North Johnston Avenue, Trenton, N.J., Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in



the same vehicle, (1) Between Trenton, N.J., and Yardley, Pa.; from Trenton over U.S. Highway 1 to Morrisville, Pa., thence over Pennsylvania Highway 732 to Yardley, and return over the same route, serving all intermediate points, (2) Between junction South Pennsylvania Avenue and Tyburn Road, in Falls Township, Pa., and the site of the United States Steel Co. plant in Falls Township, Pa.; from junction South Pennsylvania Avenue and Tyburn Road over Tyburn Road to junction Ford Mill Road, thence over Ford Mill Road to junction Tullytown-Bordentown Road, and thence over Tullytown-Bordentown Road to the site of the United States Steel Co. plant, and return over the same route, serving all intermediate points, (3) Between junction Pennsylvania Avenue and Philadelphia Avenue, in Morrisville, Pa., and junction Ford Mill Road and Tyburn Road, in Falls Township, Pa., restricted against the transportation of passengers between points on U.S. Highway 13 in Falls Township, Pa., on the one hand, and, on the other, Trenton, N.J.; from junction Pennsylvania and Philadelphia Avenue over Philadelphia Avenue to boundary of Falls Township, thence over Ford Mill Road to junction Tyburn Road, and return over the same route, serving all intermediate points, (4) Between junction Ford Mill Road and Lower Penn Valley Road, in Falls Township, Pa., and the site of the United States Steel Co. plant in Falls Township, Pa.; from junction Ford Mill Road and Lower Penn Valley Road over Lower Penn Valley Road to the site of the United States Steel Co. plant, and return over the same route, serving all intermediate points, (5) Between junction Pennsylvania Highway 732 and Arborlea Avenue, in Lower Makefield Township, Pa., and junction Pennsylvania Highway 732 and Makefield Road; from junction Pennsylvania Highway 732 and Arborlea Avenue, over Arborlea Avenue to Pine Grove Road, thence over Pine Grove Road to Big Oak Road, thence over Big Oak Road to Makefield Road, and thence over Makefield Road to Pennsylvania Highway 732, and return over the same route, serving all intermediate points, and (6) Between junction Pennsylvania Highway 732 and Afton Avenue, in Yardley, Pa., and junction Uppcr River Road and Pennsylvania Highway 732; from junction Pennsylvania Highway 732 and Afton Avenue, over Afton Avenue to River Road, thence over River Road to Lower Makefield Township, Pa., thence along River Road to Mount Airy Road, thence over Mount Airy Road to Upper River Road, and thence over Upper River Road to junction Pennsylvania Highway 732, and return over the same route, serving all intermediate points; (7) Between Morrisville and Lower Makefield, Pa.; from junction Trenton Avenue and Pennsylvania Avenue (also known as Pennsylvania Highway 732) in Morrisville, over Trenton Avenue to junction Alden Avenue in Falls Township, thence over Alden Avenue to junction Valley Road to junction Louise Drive, thence over Louise Drive to junction Hedgerow Drive, thence over Hedgerow Drive to junction Makefield Road, thence over

Makefield Road to junction Morrisville Yardley Road (also known as Pennsylvania Highway 732), and return over the same routes, serving all intermediate points, and (8) Between Morrisville and Falls Township, Pa.; from junction Pennsylvania Avenue and Bridge Street in Morrisville, over Pennsylvania Avenue to junction Tyburn Road in Falls Township, and return over the same route, serving all intermediate points.

**NOTE:** Applicant states it proposes to tack and combine operations over the above-described segments of routes for the purpose of providing service between Trenton, N.J., on the one hand, and, on the other, the service points in Pennsylvania. An amendment received April 19, 1962, broadens the application to add two additional routes. The hearing assigned May 1, 1962, has been cancelled and publication of the application as amended is scheduled for publication in the **FEDERAL REGISTER** as a matter to be handled under no-hearing.

No. MC 124293, filed March 19, 1962. Applicant: **LLOYD BUCCANERO, LOUIS BUCCANERO, AND DAVID BUCCANERO**, doing business as **BUCCANERO'S TRANSPORTATION**, Box 106, Iron Belt, Wis. Applicant's attorney: Alex J. Raineri, Box 186, Hurley, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers with their baggage*, and *newspapers* in the same vehicles with passengers, between Iron Belt, Wis., and White Pine, Mich., as follows: From Iron Belt over Wisconsin Highway 77 to Hurley, Wis., thence over U.S. Highway 2 to Bessemer, Mich., thence over U.S. Highway 2 to Wakefield, Mich., thence over Michigan Highway 28 to Bergland, Mich., thence over Michigan Highway 64 to White Pine, Mich., and return over the same route, serving all intermediate points.

#### APPLICATION FOR BROKERAGE LICENSE

##### MOTOR CARRIERS OF PASSENGERS

No. MC 12705 (Sub-No. 1), filed April 20, 1962. Applicant: **MARGARET B. LUND**, doing business as **MARGARET LUND TOURS**, 74 East Fourth South, P.O. Box 2065, Salt Lake City, Utah. Applicant's attorney: Bartley G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. For a license (BMC 5) to engage in operations as a *broker* at Salt Lake City, Utah, and Boise, Idaho, in arranging transportation in interstate or foreign commerce, by motor vehicle of *Passengers and their baggage*, both as individuals and groups, in special and charter operations, in round-trip all-expense tours, beginning and ending at points in Idaho and extending to points in the United States, including Alaska.

**NOTE:** Applicant states that also included will be personally conducted all-expense package tours.

##### NOTICE OF FILING OF PETITIONS

No. MC 74120 (Sub-No. 8) (**PETITION TO REVISE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**), filed April 9, 1962. Petitioner: **STRICKLAND MOTOR FREIGHT LINES, INC.**, 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. Petitioner's attorney W. T. Brunson, 419 Northwest Sixth Street,

Oklahoma City 2, Okla. Certificate No. MC 74120 Sub-No. 8, reads, in part, as follows: "*General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cleveland, Ohio, and the site of the Strickland Transportation Co., Inc., terminal located at the first corner of the intersection of Brush Road and Massilon Road, approximately one mile north of Richfield, Ohio, serving no intermediate points: From Cleveland over U.S. Highway 21 to the Strickland Transportation Co., Inc., terminal, and return over the same route. **RESTRICTION:** The authority granted herein shall provide no service to local shippers at Richfield, Ohio." Petitioner seeks correction and revision of the certificate to remove confusion and doubt as to the operation which it should conduct into and through its terminal located approximately one mile north of Richfield, Ohio, and requests the following language for such revision: "*General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Strickland Motor Freight Lines, Inc. terminal located at the first corner of the intersection of Brush Road and Massilon Road, approximately one mile north of Richfield, Ohio, as an off-route point in connection with its otherwise authorized authority to serve Cleveland, Ohio. The authority granted herein is for convenience of the carrier in providing its otherwise authorized service to and from Cleveland, Ohio, and no service shall be performed for local shippers and consignees at Richfield, Ohio, for any purpose other than interline with other authorized carriers." Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the **FEDERAL REGISTER**, file an appropriate pleading.

No. MC 109262 (**SUPPLEMENT TO PETITION**), filed April 9, 1962. Petitioner: **KOERNER MOTOR EXPRESS, INC.**, 55 East 28th Street, Chicago, Ill. Petitioner states that a petition was filed on February 13, 1962, requesting the revocation of Certificate No. MC 109262, which authorizes the transportation of certain property between Chicago, Ill., on the one hand, and, on the other, Watska and Springfield, Ill. Said request was submitted in order to relieve the petitioner from the right and the duty to accept transportation to or from points in the Chicago commercial zone, lying within the State of Indiana, to enable the petitioner to engage in operations solely within the State of Illinois under the second proviso of section 206(a) (1) of the Interstate Commerce Act. Since the filing of said petition, it has come to the attention of petitioner that the Commission can and, on many occasions, has modified the certificates of carriers, so as to eliminate authority to serve points in commercial zones that are outside of the carrier's State of actual operations, in order to permit said "second proviso" operations. Petitioner prays



that, in order to enable it to operate under the second proviso of section 206(a) (1), the Commission, as an alternative to revoking the petitioner's Certificate in No. MC 109262, modify said certificate by eliminating therefrom the right and duty to serve either (a) the points in the Chicago Commercial Zone lying outside the State of Illinois, or (b) the points in the Chicago Commercial Zone other than the city of Chicago, Ill. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8110 (CLARK TANK LINES CO.—PURCHASE—THOMPSON TRANSPORTATION, INC.), published in the March 28, 1962, issue of the FEDERAL REGISTER on page 2876. Application filed April 18, 1962, for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-4244; Filed, May 1, 1962;  
8:49 a.m.]

[Notice 632]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 27, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's 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 64720. By order of April 24, 1962, the Transfer Board approved the transfer to Westbury Transport, Inc., New Cassel, N.Y., of permit in No. MC 115818 Sub 1, issued November 14, 1961, to Emanuel J. Casamassima, New Cassel, N.Y., authorizing the transportation of: Such merchandise as is dealt in by retail furniture stores, from New Cassel, N.Y., to points in Monmouth, Middlesex, Somerset, Morris, Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., and Litchfield, Fairfield, and New Haven Counties, Conn., and re-

turned shipments, from points in the counties specified above to New Cassel, N.Y. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 64721. By order of April 24, 1962, the Transfer Board approved the transfer to Acres Transport Inc., Pennsauken, N.J., of permit in No. MC 115818 Sub 2, issued September 1, 1961, to Emanuel J. Casamassima, New Cassel, N.Y., authorizing the transportation of: Such merchandise as is dealt in by retail furniture stores, from Pennsauken, N.J., to points in Delaware, Pennsylvania, and New Cassel, N.Y., and returned (reshipped) shipments of the above-described commodities from points in Delaware, Pennsylvania, and New Cassel, N.Y., to Pennsauken, N.J. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 64827. By order of April 24, 1962, the Transfer Board approved the transfer to Perkins Express, Incorporated, South Braintree, Mass., of Certificate No. MC 120854 Sub 1 issued February 12, 1962, to H. Bruce Hallett, doing business as Perkins Express, Braintree, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Braintree, Mass., and Boston, Mass., serving all intermediate points. Howard B. Hallett, president, Perkins Express, Inc., 410 Grove Street, South Braintree 85, Mass.

No. MC-FC 64937. By order of April 24, 1962, the Transfer Board approved the transfer to A. P. Whelen & Son Trucking Corp., Seacliff, N.Y., of Certificate No. MC 60505, issued June 23, 1942, to Lawrence O'Pezio, Victor O'Pezio, Joseph O'Pezio, and John O'Pezio, a partnership, doing business as Lawrence O'Pezio & Sons, Bay Shore, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between points in Long Island, New York, west of New York Highway 112 on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and Rhode Island. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

No. MC-FC 64941. By order of April 24, 1962, the Transfer Board approved the transfer to Walter D. Jones, doing business as New Canaan Express Company, New Canaan, Conn., of Certificate No. MC 107429, issued April 26, 1960, to Charles T. Jones and Walter D. Jones, a partnership, doing business as New Canaan Express Company, New Canaan, Conn., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between New Canaan, Conn., on the one hand, and, on the other, points in Pound Ridge, Lewisboro, and Bedford Townships, in Westchester County, N.Y. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., applicants' attorney.

No. MC-FC 64945. By order of April 24, 1962, the Transfer Board approved the transfer to Service Bus Company, Inc., Yonkers, N.Y., of Certificate No. MC 94858, issued May 5, 1959, to Joseph Acciavatti, doing business as Service Bus

Co., Yonkers, N.Y., authorizing the transportation, over irregular routes, of passengers and their baggage, in charter operation, from New York, N.Y., to Savin Rock, and Roton Point, Conn., points in New Jersey, points in Pennsylvania east of the Susquehanna River, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and return. Sidney J. Leshin, 608 Fifth Avenue, New York 20, N.Y., applicants' attorney.

No. MC-FC 64993. By order of April 24, 1962, the Transfer Board approved the transfer to Ingram Bus Lines, Inc., Tallassee, Ala., of Certificates Nos. MC 58719 Sub-1 and MC 58719 Sub-8, issued April 25, 1955 and August 29, 1961, to Effie D. Ingram, A. R. Ingram, E. D. Ingram, C. T. Ingram, and W. S. Ingram, a partnership, doing business as Ingram Bus Lines, Tallassee, Ala., authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over regular routes, between Opelika, Ala., and Columbus, Ga., serving all intermediate points; and passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Opelika, Ala., and Columbus, Ga., serving all intermediate points between Opelika and Marvyn, Ala., unrestricted, Marvyn, and points between Marvyn, and Columbus, restricted against traffic being transported over the route hereinafter described which originates at Opelika and is destined to Columbus or which originates at Columbus and is destined to Opelika; between Opelika, Ala., and Anniston, Ala., serving all intermediate points; between Roanoke, Ala., and Lagrange, Ga., serving all intermediate points, and the off-route points of Rock Mills, Ala., and Glen, Ga.; between Lafayette, Ala., and Columbus, Ga., serving all intermediate points between Lafayette and junction unnumbered highway and U.S. Highway 241, inclusive; between Wedowee, Ala., and Bowdon, Ga., serving all intermediate points in Ala.; between Columbus, Ga., and Auburn, Ala., serving all intermediate points except Phenix City, Ala.; between Montgomery, Ala., and Alexander City, Ala.; between Eclectic, Ala., and Opelika, Ala. W. S. Ingram, DBA Ingram Bus Lines, 313 Jordan Avenue, Tallassee, Ala., for applicants.

No. MC-FC 64998. By order of April 24, 1962, the Transfer Board approved the transfer to Samuel E. Nutile, doing business as Nu-Ray Trucking Co., Hawthorne, N.J., of Permits Nos. MC 116075 and MC 116075 Sub 1, issued February 27, 1957, and May 11, 1959, respectively, in the name of Samuel E. Nutile and Leo Rabinowitz, a partnership, doing business as Nu-Ray Trucking Co., Hawthorne, N.J., authorizing the transportation of used baking pans, over irregular routes, between Fair Lawn, N.J., on the one hand, and, on the other, specified areas in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire and Vermont. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., Counsellor at law.

No. MC-FC 65001. By order of April 24, 1962, the Transfer Board approved the

transfer to George Joseph, doing business as Southwide Trucking Service, Birmingham, Ala., of Certificate No. MC 118369, issued October 12, 1960, to W. H. Snelling, Jacksonville, Fla., authorizing the transportation of bananas, over irregular routes, from Tampa, Fla., to Jacksonville, Fla., Birmingham, Ala., Columbia, S.C., Raleigh, N.C., and Atlanta, Ga. William Reece Smith, Jr., P.O. Box 3239, Tampa, Fla., attorney for applicants.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-4245; Filed, May 1, 1962;  
8:49 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II-21]

MANAGER, DISASTER FIELD OFFICE,  
MIDDLETOWN, N.J.

### Delegations Relating to Disaster Loan Making

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456, 27 F.R. 372), there is hereby delegated to the Manager of the Disaster Field Office, Middletown, New Jersey, the authority:

#### A. Financial Assistance.

1. To approve direct and participation Disaster Loans.
2. To disburse approved loans.
3. To enter into Disaster Loan Participation Agreements with Banks.
4. To execute Loan Authorizations for Washington approved loans and for loans approved under Delegated Authority, said execution to read as follows:

(Name), Administrator.

By \_\_\_\_\_,

(Name)

Manager, Disaster Field Office.

5. To cancel, reinstate, modify, and amend Authorizations for Disaster Loans.

6. To extend the disbursement period on Disaster Loan Authorizations or undischursed portions of Disaster Loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

IV. All previous authority delegated by the Regional Director to the Manager of this office (Delegation No. 30-II-18, 25 F.R. 9628) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: March 12, 1962.

CHARLES H. KRIGER,  
Regional Director.

[F.R. Doc. 62-4231; Filed, May 1, 1962;  
8:47 a.m.]

[Delegation of Authority No. 30-X-34]

MANAGER, DISASTER FIELD OFFICE,  
TEXAS CITY, TEXAS

### Rescission of Delegation of Authority

Notice is hereby given that this delegation (26 F.R. 10719) is rescinded in its entirety. (Disaster Field Office closed effective April 6, 1962).

Effective date: April 6, 1962.

JAMES R. WOODALL,  
Acting Regional Director.

[F.R. Doc. 62-4232; Filed, May 1, 1962;  
8:47 a.m.]

[Declaration of Disaster Area 377]

## MISSISSIPPI

### Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Lee County in the State of Mississippi;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about April 11 and 12, 1962.

#### Offices:

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, U.S. Post Office & Courthouse Building, Room 322, Capital and West Streets, Jackson 1, Miss.

2. A temporary field office will be established at Tupelo, Mississippi, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1962.

Dated: April 13, 1962.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-4233; Filed, May 1, 1962;  
8:47 a.m.]

## DELAWARE VALLEY SCIENTIFIC CORP.

### Approval To Operate as Small Business Research and Development Pool, Request To Operate as Defense Production Pool, and Request to Certain Companies To Participate in Operations of Such Pool

Pursuant to sections 9(d) and 11 of the Small Business Act (72 Stat. 391, 394), and Section 1 of Executive Order 10493 (18 F.R. 6583), dated October 15, 1953, the Administrator of the Small Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States, has found that the voluntary agreement and proposed joint programs of the Delaware Valley Scientific Corporation to operate as a small business research and development pool and as a defense production pool, are in the public interest as contributing to the national defense, will maintain and strengthen the free enterprise system and economy of the United States, and will further the objectives of the Small Business Act.

Having received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of the Delaware Valley Scientific Corporation as a research and development pool and has requested it to act in accordance with this agreement and proposed program as a small business defense production pool.

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to Delaware Valley Scientific Corporation.

*Request to Delaware Valley Scientific Corporation, Folcroft, Pennsylvania.* Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Delaware Valley Scientific Corporation to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with these sections, approve your voluntary agreement and proposed joint program and request the Pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether the pool will act in accordance with my request.

With kind regards, I am

Sincerely,

(Signed) John E. Horne,  
JOHN E. HORNE,  
Administrator.

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to the following members of the Delaware Valley Scientific Corporation.

1. Ludwig Honold Manufacturing Co., Chester Pike and Folcroft Avenue, Folcroft, Pa.
2. Samuel P. Sadtler and Son, Inc., 1517 Vine Street, Philadelphia 2, Pa.
3. Nichols Products Co., 325 West Main Street, Moorestown, N.J.
4. F. H. Mackenzie, 307 Owen Avenue, Lansdowne, Pa.
5. American Electronic Laboratories, Inc., 121 North Seventh Street, Philadelphia 6, Pa.

*Request to Members of Delaware Valley Scientific Corporation.* Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Delaware Valley Scientific Corporation to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with those sections, approve your voluntary agreement and proposed joint program and request the Pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities

engaged in between the Pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether you will become a member of and participate in the joint program of the pool.

With kind regards, I am

Sincerely,

(Signed) John E. Horne,  
JOHN E. HORNE,  
Administrator.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or requests.

The Pool and the above five members accepted the requests to participate.

Dated: April 23, 1962.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-4234; Filed, May 1, 1962; 8:47 a.m.]



## CUMULATIVE CODIFICATION GUIDE—MAY

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