

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS**Foreign Origin Disclosure****§ 15.8 Foreign origin disclosure.**

(a) An American manufacturer has been advised that the Federal Trade Commission would have no objection to its proposed manner of disclosing the origin of an office machinery unit containing a foreign-made part.

(b) The label considered by the Commission identifies the foreign part and the country in which it was made and states that the manufacturer in question has manufactured the remainder of the unit and assembled it in this country.

(36 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: November 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12520; Filed, Nov. 22, 1965;
8:45 a.m.]

Title 26—INTERNAL REVENUE**Chapter I—Internal Revenue Service,
Department of the Treasury****SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES
[T.D. 6863]****PART 145—TEMPORARY REGULATIONS IN CONNECTION WITH THE EXCISE TAX REDUCTION ACT OF 1965****Tax-Free Sales of School Buses and Procedures for Registration and Exemption**

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations under section 801(d) of the Excise Tax Reduction Act of 1965 (Public Law 89-44; 79 Stat. 158, approved June 21, 1965), relating to tax-free sales of school buses, the following regulations are hereby prescribed:

§ 145.3 Statutory provisions; school buses.

Section 801(d) of the Excise Tax Reduction Act of 1965:

(d) **School buses—(1) Tax-free sales.** Subsection (e) of section 4221 (relating to certain tax-free sales) is amended by adding at the end thereof the following new paragraph:

"(5) **School buses.** Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4061(a) shall not apply to a bus sold to any person for use exclusively in transporting students and employees of schools operated by State or local governments or by nonprofit educational organizations. For purposes of this paragraph, incidental use of a bus in providing transportation for a State or local government or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a) shall be disregarded."

(2) **Credits or refunds.** Subsection (2) of section 6416 (relating to special cases

in which tax payments are considered overpayments) is amended by adding at the end thereof the following new subparagraph:

"(R) In the case of a bus chassis or body taxable under section 4061(a), sold to any person for use as described in section 4221(e)(5)."

[Sec. 801(d) of the Excise Tax Reduction Act of 1965 (79 Stat. 158)]

§ 145.3-1 Tax-free sales of school buses.

(a) **In general.** Under section 4221(e)(5) of the Internal Revenue Code of 1954, the tax imposed by section 4061(a) shall not apply to the sale, on or after June 22, 1965, of a bus chassis and a bus body (which have been assembled into a bus) by the manufacturer of such chassis or body or both to any person for use exclusively in transporting students and employees of schools operated by a State or local government or by a nonprofit educational organization, if both the seller and the purchaser are registered as provided in paragraph (d) of this section. The exemption provided in section 4221(e)(5) does not apply to a bus chassis or a bus body sold separately. However, see section 4063 and § 48.4063-1 of this chapter (Manufacturers and Retailers Excise Tax Regulations) which provide an exemption from the tax imposed by section 4061(a) in the case of the sale of a body to a manufacturer of automobile trucks or other automobiles. See paragraph (e) of this section for provisions relating to the credit or refund of the tax paid under section 4061(a) on a bus chassis or a bus body which has been incorporated in a bus to be used exclusively in transporting students and employees of schools operated by a State or local government or by a nonprofit educational organization.

(b) **Incidental use disregarded.** In determining whether a bus is used, or to be used, exclusively in transporting students and employees of schools operated by a State or local government or by a nonprofit educational organization, there shall be disregarded any incidental use of the bus in providing transportation for a State or local government or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a).

(c) **Definitions.** For purposes of this section—

(1) **State or local government.** The term "State or local government" means any State, the District of Columbia, or any political subdivision of any of the foregoing.

(2) **Nonprofit educational organization.** The term "nonprofit educational organization" means an organization exempt from income tax under section 501(a) of the Internal Revenue Code of 1954 whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term also includes a school operated as an activity of an or-

ganization described in section 501(c)(3) which is exempt from income tax under section 501(a), provided such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

(d) **Registration.** The exemption from tax provided by section 4221(e)(5) on the sale of a bus chassis and bus body by the manufacturer shall apply only if both the seller and the purchaser are registered in the same manner as prescribed by paragraph (e) of § 148.1-3 of this chapter (Certain Excise Tax Matters under the Excise Tax Technical Changes Act of 1958) and if the purchaser complies with the requirements of paragraph (f) of § 148.1-3 of this chapter. A manufacturer making a sale for use as described in section 4221(e)(5) must exercise reasonable diligence to satisfy himself that the tax-free sale is warranted by section 4221(e)(5). In any case where the manufacturer of a bus has knowledge, at the time the bus is sold, that the purchaser has a contract with a school operated by a State or local government or by a nonprofit educational organization for the transportation of students or employees of the school during the school term during which delivery of the bus is to be made to the purchaser (or during the next school term if delivery is to be made between school terms), the seller will be considered as having exercised reasonable diligence in satisfying himself that a tax free sale is warranted. If the manufacturer of the bus has knowledge at the time of his sale of the bus that the purchaser does not intend to use the bus as prescribed in section 4221(e)(5), the manufacturer is liable for the tax and is not relieved of liability by reason of the registration of the purchaser.

(e) **Credit or refund.** Under section 6416(b)(2)(R), tax under section 4061(a) paid to the United States on the sale of any chassis or body is considered to be an overpayment if such chassis or body is, on or after June 22, 1965, and prior to any other use, sold to a purchaser by any person (either separately or as part of an assembled bus) for use (as a bus or part of a bus) exclusively in transporting students or employees of a school operated by a State or local government or by a nonprofit educational organization and the bus is so used. Claim for refund may be filed on Form 843, or credit taken on a subsequent return, in accordance with the provisions of section 6416.

Because the provisions of law under which these temporary rules are prescribed became effective on June 22, 1965, and because it is essential that rules implementing these provisions of law be in effect promptly, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or

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subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 18, 1965.

STANLEY S. SURREY,
Assistant Secretary
of the Treasury.

[F.R. Doc. 65-12558; Filed, Nov. 22, 1965;
8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-1036]

PART 73—RADIO BROADCAST SERVICES

Special Field Test Authorization

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under considerations § 73.36(c) of its rules and regulations relating to special field test authorization to operate a transmitter for the purpose of making field intensity surveys and requiring that requests for authorizations to operate such transmitter shall be made in writing, signed by the applicant "under oath or affirmation;" and

It appearing, That P.L. 87-444, effective April 27, 1962, eliminated the oath requirement with regard to applications and written statements of fact in connection therewith filed under section 308(b) of the Communications Act of 1934, as amended; and

It further appearing, That § 1.513(d) of the rules and regulations provides that applications, amendments, and related statements of fact "need not be submitted under oath;" and

It further appearing, That the provisions governing the signing of applications and related statements of fact should be uniform, except as circumstances require otherwise; that there are no special circumstances here requiring the submission of the statement of fact under oath or affirmation; and that the rules should be amended to achieve this purpose; and

It further appearing, That this amendment to the rules is procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, That authority for the promulgation of this amendment to the rules is contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective November 26, 1965, § 73.36(c) of the Commission's

rules and regulations 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: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION¹

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.36 of the Commission's rules and regulations is amended by changing the introductory text of paragraph (c) thereof to read as follows:

§ 73.36 Special field test authorization.

(c) No authorization shall be issued unless the applicant for such authorization is determined to be legally qualified. Requests for authorizations to operate a transmitter under this section shall be made in writing, signed by the applicant (with no special form provided, however), and shall set forth the following information:

[F.R. Doc. 65-12568; Filed, Nov. 22, 1965;
8:50 a.m.]

[FCC 65-1037]

PART 73—RADIO BROADCAST SERVICES

Auxiliary Transmitter

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration the provisions of § 73.63(d) of its rules relating to the testing of auxiliary transmitters; and

It appearing, that there has been some uncertainty as to the meaning of the provision of this section which states that "Tests on the licensed frequency shall be conducted only between 12 midnight and 9 a.m., local standard time," and, in particular, as to whether it precludes the testing of the auxiliary transmitter into a dummy load at any time, restricts testing to the above-quoted time period if the regular antenna (or auxiliary antenna) is used, and implies that testing may occur on other than the licensed frequency; and

It further appearing, that the purpose of this provision was to permit testing only when and in such a manner as would result in no interference to the station's signal; that, since there is no radiation (and no interference) created in tests with a dummy load, the provision does not prohibit such tests whether during the specified time period or at any other time; that the purpose of the provision would be accomplished if the restriction on testing to the above time period was confined to those tests which use the regular antenna (or the auxiliary

antenna); that the purpose of the last amendment of this provision was not to imply that testing could occur on other than the licensed frequency of the station but, rather, all that was intended was to delete the reference to tests conducted on the Coneirad frequency; and that § 73.63(d) should be amended to clarify the Commission's intention in these respects; and

It further appearing, that the last two sentences of said section which require (a) that a record be kept of the time and result of each test and (b) that such records be retained for a period of two years are superfluous and should be stricken, for § 73.114(a)(2) of the rules provides that the time and result of test of the auxiliary transmitter shall be made in the maintenance log, and § 73.115 of the rules provides that logs of standard broadcast stations shall be retained for a period of two years; and that § 73.63(d) should be amended in this respect; and

It further appearing, that the amendment set forth in the attached Appendix is procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for the promulgation of the amendment set forth below is contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective November 26, 1965, § 73.63(d) of the Commission's rules and regulations 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: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION¹

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.63(d) is amended to read as follows:

§ 73.63 Auxiliary transmitter.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the licensed frequency: *Provided*, however, That the test in any week may be omitted if the auxiliary transmitter has been operated during the week pursuant to paragraph (c) of this section and such operation was satisfactory. Tests while using the regular antenna shall be conducted only between 12 midnight and 9 a.m., local standard time. Tests with a dummy load may be conducted at any time.

[F.R. Doc. 65-12569; Filed, Nov. 22, 1965;
8:50 a.m.]

¹ Commissioners Hyde and Loewinger absent.

[FCC 65-1038]

PART 73—RADIO BROADCAST SERVICES**Operator Requirements for Standard, FM, and Noncommercial Educational FM Broadcast Stations**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration §§ 73.93(c), 73.265(c), and 73.565(c)(3) of its rules and regulations pertaining to operator requirements for standard, FM, and noncommercial educational FM broadcast stations respectively; and

It appearing, that, in a Report and Order released July 15, 1963, in Docket No. 14746 (28 F.R. 7382, July 18, 1963) as modified by a memorandum Opinion and Order in the same docket released October 17, 1963 (28 F.R. 11270, October 22, 1963), the Commission amended its rules concerning operator requirements for standard, FM, and noncommercial educational FM broadcast stations; and

It further appearing, that, the aforementioned amendments, among other things, raised the operator requirements for routine transmitter operation of the aforementioned classes of stations; and

It further appearing, that, the aforesaid raising of the operator requirements involved the administering of a new operator examination not previously given by the Commission, and other examinations, and that it was necessary to allow a transitional period between January 1, 1964, when the new rules became partially effective, and April 19, 1964, when they became fully effective, to permit the administering of said examinations; and

It further appearing, that, because of this transitional period, it was necessary to place a note immediately following §§ 73.93(c), 73.265(c), and 73.565(c)(3) explaining the applicability of the rules prior to April 19, 1964; and

It further appearing, that, the date of April 19, 1964, has passed and that the aforesaid rules are now fully effective so that the aforesaid notes are unnecessary and superfluous and should be deleted;

It further appearing, that, the authority for deleting said notes in the Commission's rules and regulations is contained in sections 4(i) and (j), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that, said amendments are editorial in nature and that notice and public procedure thereon, and delay in the effective date of the amendments, are unnecessary and contrary to the public interest, a finding which we make pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003);

It is ordered, That, effective November 26, 1965, §§ 73.93(c), 73.265(c), and 73.565(c)(3) of the Commission's rules and regulations are amended by deleting the note at the end of each of said sections.

(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: November 18, 1965.

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

[F.R. Doc. 65-12570; Filed, Nov. 22, 1965;
8:50 a.m.]

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1966, inclusive.

(2) Boats, motorboats and other floating craft may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1966.

JOHN E. WILBRECHT,
Refuge Manager, Crescent Lake
National Wildlife Refuge,
Ellsworth, Nebr.

NOVEMBER 10, 1965.

[F.R. Doc. 65-12534; Filed, Nov. 22, 1965;
8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES**Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior****PART 33—SPORT FISHING****Crescent Lake and North Platte National Wildlife Refuges, Nebr.**

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

S 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**NEBRASKA****CRESCENT LAKE NATIONAL WILDLIFE REFUGE**

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,330 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1966, inclusive.

(2) Boats, without motors, may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1966.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

* Commissioners Hyde and Loevinger absent.

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1966, inclusive.

(2) Boats, motorboats and other floating craft may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1966.

JOHN E. WILBRECHT,
Refuge Manager, Crescent Lake
National Wildlife Refuge,
Ellsworth, Nebr.

NOVEMBER 10, 1965.

[F.R. Doc. 65-12534; Filed, Nov. 22, 1965;
8:46 a.m.]

PART 33—SPORT FISHING**Lacreek National Wildlife Refuge, S. Dak.**

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

S 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**SOUTH DAKOTA****LACREEK NATIONAL WILDLIFE REFUGE**

Sport fishing on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the Little White River Recreational Area, which is designated by signs as open to fishing. This open area, comprising 180 acres or 15 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: largemouth bass, crappies, northern pike and other minor species permitted under State regulations.

(b) Open season: January 1, 1966 through December 31, 1966; daylight hours only.

(c) Creel limits: As prescribed by State regulations.

(d) Methods of fishing:

(1) The use of boats for fishing is permitted.

(2) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1966.

JAMES B. MONNIE,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

NOVEMBER 15, 1965.

[F.R. Doc. 65-12535; Filed, Nov. 22, 1965;
8:46 a.m.]

RULES AND REGULATIONS

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 6458; Amdt. 63-3]

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

Flight Engineer Certificates and Training Courses

The purpose of this amendment is to revise Subpart B of Part 63 to require class ratings for flight engineers and to add an appendix to Part 63 that sets forth the requirements for obtaining approval of a flight engineer training course. The changes effected by this amendment were proposed in Notice 65-3 published in the *FEDERAL REGISTER* on February 4, 1965 (30 F.R. 1196).

The comments received on this proposal almost unanimously agreed that the present requirements for a flight engineer certificate are out of date and require revision. Most of the comments received approved of the Agency's approach in accomplishing this revision but several of the commentators questioned the adequacy of this approach and proposed alternative ways of updating the present rules. For example, one pilots association stated that its opposition to the Agency's proposal was primarily because the regulatory requirements for a flight engineer would not recognize its belief that a Commercial Pilot's Certificate and an Instrument Rating are needed to qualify a third crewmember for the operation of modern transport airplanes. Similarly, one industry group thought the Agency should permit a commercial pilot certificate to be substituted for a flight engineer certificate for qualification as a flight engineer in air carrier operations, if the pilot has completed an air carrier training program approved under FAR 121. Those proposals are outside the scope of Notice 65-3 and cannot be adopted without further notice and public participation. However, they will be carefully considered by the Agency to determine whether future regulatory action is justified.

Several comments stated that the proposed regulation did not adequately recognize the fact that the training programs of the air carriers and commercial operators operating under FAR Part 121 are, under existing regulations, approved by the FAA and these commentators argued that completion of such a training course should be considered automatic qualification for a flight engineer certificate. While this proposal goes beyond the scope of Notice 65-3, the Agency does agree that since air carrier and commercial operator training courses conducted under FAR Part 121 are approved by the Administrator some changes to reflect this approval are warranted. These changes are discussed hereafter under the specific sections affected.

The overall question as to the amount of emphasis to be placed on "maintenance" training and experience was the most controversial part of this proposal. Some commentators took the position that in modern air carrier operations the flight engineer is not expected to do maintenance either on the ground or in flight and that including "General Maintenance" as a knowledge requirement in § 63.35 and "Basic Maintenance" as a subject in the proposed curriculum in Appendix C was inappropriate. Other commentators argued that the proposed curriculum does not provide adequate maintenance training and that in view of the complexity of modern transport aircraft, specific curriculum recognition should be given to training in electrical and electronic principles.

The Agency recognizes that in the modern transport fleet of aircraft the flight engineer is no longer used as an in-flight maintenance man. In fact, under the Federal Aviation Regulations a flight engineer would be prohibited from performing maintenance unless he held a mechanic's or repairman's certificate or performed the work under the supervision of the holder of such a certificate. Accordingly, the agency agrees that the inclusion of "general maintenance" as a knowledge requirement and "basic maintenance" as a curriculum requirement is no longer appropriate.

In addition to those changes discussed above, this amendment contains additional changes from the notice as discussed below:

Section 63.35 Knowledge requirements. As proposed, paragraph (d) of § 63.35 would in effect permit an applicant to take a flight test more than two years after passing the written test if the applicant was continuously employed in a position equivalent to the one that qualified him to take the written test or if he continuously participated in an approved training program of a United States air carrier or commercial operator, or a United States scheduled military air transportation service. One comment objected to the exception from the two year requirement for continuous employment, in any case, and for credit for any training other than in a flight engineer training course. After reviewing this proposal the Agency agrees that mere continuous employment as a mechanic or as a pilot does not assure that the applicant has a reasonable recollection of the subjects covered in the written test. However, where the applicant has, during the period following the written test, continuously participated in a maintenance, flight engineer, or pilot training program it is reasonable to assume that the applicant has had continuing exposure to these subjects. Accordingly, as adopted, this section excepts from the two year requirement only those applicants who have continuously participated in a maintenance, flight engineer, or pilot training program, of a United States air carrier or commercial operator, conducted under FAR Part 121, or conducted by a United States scheduled military air transportation service.

Since air carriers and commercial operators operating under Part 121 must have approved training programs a new paragraph (e) is being added to § 63.35 to permit such an air carrier or commercial operator, when authorized by the Administrator, to provide as part of that program a written test that it may administer to satisfy the test required for an additional rating under § 63.35(b).

Section 63.37 Aeronautical experience requirements. One comment proposed that the experience requirements be liberalized to give credit for flight time in any airplane if subsequently verified by successful completion of at least a pilot second in command approved air carrier or commercial operator training program. The Agency does not believe that credit should be given for pilot flight time in an airplane not relevant to the duties of a flight engineer. However, since flight time as a pilot in command or second in command (performing the functions of a pilot in command, under the supervision of a pilot in command), in a transport category airplane, is relevant to a flight engineer's duties this section has been amended to give credit for such time.

Section 63.41 Retesting after failure. Paragraph (b) of this section has been rewritten to make it consistent with the comparable requirements of § 61.27(d) (2), as amended by Amendment 61-17 adopted after the issue of Notice 65-3. As stated in the preamble to that amendment, its purpose was to permit more flexibility in determining the amount and type of additional instruction required of an applicant who has failed a test.

Section 63.43 Flight engineer courses. The Agency agrees, and § 63.43 is amended accordingly, that an air carrier or commercial operator with an approved training course should be permitted to apply for approval of a flight engineer course under Part 63 without submitting duplicative information to that furnished the Agency in obtaining the FAR 121 approval.

Section 63.45 Exchange of flight engineer certificates. This section, as proposed in the notice, permits a flight engineer to exchange his present certificate, including a limited flight engineer certificate, for a new certificate at any time within five years from the effective date of this amendment. However, after two years from the effective date of this amendment a person who has not made such an exchange may not continue to exercise the privileges of his present certificate.

Appendix C. One comment recommended that the proposed requirements for a flight engineer training program be issued as an advisory circular rather than as an appendix to Part 63. The subjects and classroom hours set forth in the appendix are considered to be the minimum programmed hours that the Agency would accept in initially approving a flight engineer training course. As such, these required standards must, to comply with the Administrative Procedure Act, be prescribed according to the Agency's regulatory process rather than as an advisory circular.

The Agency does agree that provision should be made for approving reductions in the required hours of ground school training where a school is able to show that the effectiveness of its training warrants such a reduction. Appendix C as adopted includes such a provision that is comparable with the authorization for a reduction in programmed hours in an approved training program under FAR 121 contained in § 121.414(b)(4).

The Agency also agrees that an air carrier or commercial operator with an approved flight engineer training course under FAR 121, that is monitored by the FAA under that Part, should be relieved from the annual reporting requirements in Appendix C to avoid duplicate reporting and recordkeeping.

Several comments indicated that the requirement that approval of a ground or flight course would be discontinued whenever less than 80 percent of the students pass the written or practical test, as applicable, could prove unfair where a small number of students is involved. The Agency agrees, and this provision, as adopted, permits the Administrator to continue approval of a training course where the 80 percent requirement is not met, if he finds that the failure rate was based on less than a representative number of students or that the course operator has taken satisfactory steps to improve the training effectiveness.

The "Inspection" requirements are revised to be consistent with the comparable requirements throughout the FAR's. Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

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

In consideration of the foregoing, Part 63 of Chapter I of Title 14 of the Code of Federal Regulations is amended effective February 22, 1966, as set forth below.

Issued in Washington, D.C., on November 16, 1965.

D. D. THOMAS,
Acting Administrator.

§ 63.3 [Amended]

1. By amending § 63.3 by amending the title to read "Certificates and ratings required" and by inserting the phrase "with appropriate ratings" after the words "flight engineer certificate" in paragraph (a).

§ 63.11 [Amended]

2. By amending § 63.11 by inserting the words "and appropriate class ratings" after the word "certificate" in paragraph (a) and after the period in paragraph (b).

3. By amending Subpart B of Part 63 to read as follows:

Subpart B—Flight Engineers

Sec. 63.31 Eligibility requirements; general.
63.33 Aircraft ratings.

Sec.	
63.35	Knowledge requirements.
63.37	Aeronautical experience requirements.
63.39	Skill requirements.
63.41	Retesting after failure.
63.43	Flight engineer courses.
63.45	Exchange of flight engineer certificates.

AUTORITY: The provisions of this Subpart B issued under secs. 313(a), 601, and 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422.

§ 63.31 Eligibility requirements; general.

To be eligible for a flight engineer certificate, a person must—

- (a) Be at least 21 years of age;
- (b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his flight engineer certificate;
- (c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and
- (d) Comply with the requirements of this subpart that apply to the rating he seeks.

§ 63.33 Aircraft ratings.

(a) The aircraft class ratings to be placed on flight engineer certificates are—

- (1) Reciprocating engine powered;
- (2) Turbopropeller powered; and
- (3) Turbojet powered.

(b) To be eligible for an additional aircraft class rating after his flight engineer certificate with a class rating is issued to him, an applicant must pass the written test that is appropriate to the class of airplane for which an additional rating is sought, and—

- (1) Pass the flight test for that class of aircraft; or
- (2) Satisfactorily complete an approved flight engineer training program that is appropriate to the additional class rating sought.

§ 63.35 Knowledge requirements.

(a) An applicant for a flight engineer certificate must pass a written test on the following:

- (1) The regulations of this chapter that apply to the duties of a flight engineer.
- (2) The theory of flight and aerodynamics.
- (3) Basic meteorology with respect to engine operations.
- (4) Center of gravity computations.

(b) An applicant for the original or additional issue of a flight engineer class rating must pass a written test for that airplane class on the following:

- (1) Preflight.
- (2) Airplane equipment.
- (3) Airplane systems.
- (4) Airplane loading.
- (5) Airplane procedures and engine operations with respect to limitations.
- (6) Normal operating procedures.
- (7) Emergency procedures.
- (8) Mathematical computation of engine operations and fuel consumption.

(c) Before taking the written test, an applicant for a flight engineer certificate must present satisfactory evidence of

having completed one of the experience requirements of § 63.37. However, he may take the written test before acquiring the flight training required by § 63.37.

(d) An applicant for a flight engineer certificate must have passed the written test within the 24-month period before the date he takes the flight test. However, this limitation does not apply to an applicant who, after passing the written test, has continuously participated in a maintenance, flight engineer, or pilot training program, of a United States air carrier or commercial operator, conducted under Part 121 of this chapter, or conducted by a United States scheduled military air transportation service.

(e) An air carrier or commercial operator with an approved training program under Part 121 of this chapter may, when authorized by the Administrator, provide as part of that program a written test that it may administer to satisfy the test required for an additional rating under paragraph (b) of this section.

§ 63.37 Aeronautical experience requirements.

(a) The flight time used to satisfy the aeronautical experience requirements of paragraph (b) of this section must have been obtained on—

(1) A transport category airplane, if the flight time was in the capacity of pilot in command or second in command; or

(2) An airplane on which a flight engineer is required by this chapter or that has at least three engines that are rated at least 800 horsepower each, or the equivalent in turbine powered engines.

(b) An applicant for a flight engineer certificate with a class rating must present, for the class rating sought, satisfactory evidence of one of the following:

(1) 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 800 horsepower each, or the equivalent in turbine engine powered aircraft), and at least 5 hours of flight training in the duties of a flight engineer.

(2) 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 800 horsepower each, or the equivalent in turbine engine powered aircraft), and at least 5 hours of flight training in the duties of a flight engineer.

(3) 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 800 horsepower each, or the equivalent in turbine engine powered aircraft; and at least 5 hours of flight training in the duties of a flight engineer.

(4) At least 200 hours of flight time in a transport category airplane as pilot

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in command, or as second in command performing the functions of a pilot in command under the supervision of a pilot in command.

(5) At least 100 hours of flight time as a flight engineer.

(6) Within the 90-day period before he applies, successful completion of an approved flight engineer ground and flight course of instruction as provided in Appendix C of this part.

§ 63.39 Skill requirements.

(a) An applicant for a flight engineer certificate with a class rating must pass a practical test on the duties of a flight engineer in the class of airplane for which a rating is sought. The test may only be given on an airplane specified in § 63.37(a).

(b) The applicant must—

(1) Show that he can satisfactorily perform preflight inspection, servicing, starting, pretakeoff, and postlanding procedures;

(2) In flight, show that he can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances; and

(3) In flight, in an airplane simulator, or in an approved flight engineer training device, show that he can satisfactorily perform emergency duties and procedures and recognize and take appropriate action for malfunctions of the airplane, engines, propellers (if appropriate), systems and appliances.

§ 63.41 Retesting after failure.

An applicant for a flight engineer certificate who fails a written test or practical test for that certificate may apply for retesting—

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

(b) After he has received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

§ 63.43 Flight engineer courses.

An applicant for approval of a flight engineer course must submit a letter to the Administrator requesting approval, and must also submit three copies of each course outline, a description of the facilities and equipment, and a list of the instructors and their qualifications. An air carrier or commercial operator with an approved flight engineer training course under Part 121 of this chapter may apply for approval of a training course under this part by letter without submitting the additional information required by this paragraph. Minimum requirements for obtaining approval of a flight engineer course are set forth in Appendix C of this part.

§ 63.45 Exchange of flight engineer certificates.

(a) The holder of a flight engineer certificate, including a limited flight engineer certificate, issued before February 22, 1966, may not continue to exercise the privileges of that certificate after two years after February 22, 1966. However, until five years after February 22, 1966, he may exchange his certificate for a new flight engineer certificate. A class rating is added to the new certificate for each class of airplane on which the applicant has—

(1) Passed a practical test for a flight engineer certificate;

(2) Successfully completed an approved flight engineer training course or air carrier training program; or

(3) Submitted satisfactory evidence that he has acquired at least 25 hours of flight experience performing the duties and functions of a flight engineer on an airplane specified in § 63.37(a).

(b) The holder of a flight engineer certificate issued before February 22, 1966, who does not qualify for a class rating may obtain a class rating by taking the practical test prescribed by § 63.39.

3. By adding an Appendix C to read as follows:

APPENDIX C

FLIGHT ENGINEER TRAINING COURSE REQUIREMENTS

(a) Training course outline—

(1) Format.

The ground course outline and the flight course outline are independent. Each must be contained in a looseleaf binder to include a table of contents. If an applicant desires approval of both a ground school course and a flight school course, they must be combined in one looseleaf binder that includes a separate table of contents for each course. Separate course outlines are required for each type of airplane.

(2) Ground course outline.

(i) It is not mandatory that the subject headings be arranged exactly as listed in this subparagraph. Any arrangement of subjects is satisfactory if all the subject material listed here is included and at least the minimum programmed hours are assigned to each subject. Each general subject must be broken down into detail showing the items to be covered.

(ii) If any course operator desires to include additional subjects in the ground course curriculum, such as international law, flight hygiene, or others that are not required, the hours allotted these additional subjects may not be included in the minimum programmed classroom hours.

(iii) The following subjects and classroom hours are the minimum programmed coverage for the initial approval of a ground training course for flight engineers. Subsequent to initial approval of a ground training course an applicant may apply to the Administrator for a reduction in the programmed hours. Approval of a reduction in the approved programmed hours is based on improved training effectiveness due to improvements in methods, training aids, quality of instruction, or any combination thereof.

Subject	Classroom hours
Federal Aviation Regulations	10
To include the regulations of this chapter that apply to flight engineers.	90
Theory of Flight and Aerodynamics	10
Airplane Familiarization	90
To include as appropriate:	
Specifications.	
Construction features.	
Flight controls.	
Hydraulic systems.	
Pneumatic systems.	
Electrical systems.	
Anti-icing and de-icing systems.	
Pressurization and air-conditioning systems.	
Vacuum systems.	
Pitot static systems.	
Instrument systems.	
Fuel and oil systems.	
Emergency equipment.	
Engine Familiarization	45
To include as appropriate:	
Specifications.	
Construction features.	
Lubrication.	
Ignition.	
Carburetor and induction, super-charging and fuel control systems.	
Accessories.	
Propellers.	
Instrumentation.	
Emergency equipment.	
Normal Operations (Ground and Flight)	50
To include as appropriate:	
Servicing methods and procedures.	
Operation of all the airplane systems.	
Operation of all the engine systems.	
Loading and center of gravity computations.	
Cruise control (normal, long range, maximum endurance).	
Power and fuel computation.	
Meteorology as applicable to engine operation.	
Emergency Operations	30
To include as appropriate:	
Landing gear, brakes, flaps, speed brakes, and leading edge devices.	
Pressurization and air-conditioning.	
Portable fire extinguishers.	
Fuselage fire and smoke control.	
Loss of electrical power.	
Engine fire control.	
Engine shut-down and restart.	
Oxygen.	

Total (exclusive of final tests) ... 235

The above subjects, except Theory of Flight and Aerodynamics, and Regulations, must apply to the same type of airplane in which the student flight engineer is to receive flight training.

(3) Flight Course Outline.

(i) The flight training curriculum must include at least 10 hours of flight instruction in an airplane specified in § 63.37 (a). The flight time required for the practical test may not be credited as part of the required flight instruction.

(ii) All of the flight training must be given in the same type airplane.

(iii) As appropriate to the airplane type, the following subjects must be taught in the flight training course:

SUBJECT

NORMAL DUTIES, PROCEDURES AND OPERATIONS

To include as appropriate:

Airplane preflight.

Engine starting, power checks, pretakeoff, postlanding and shut-down procedures. Power control.

Temperature control.

Engine operation analysis.

Operation of all systems.

Fuel management.

Logbook entries.

Pressurization and air conditioning.

RECOGNITION AND CORRECTION OF IN-FLIGHT MALFUNCTIONS

To include:

Analysis of abnormal engine operation.

Analysis of abnormal operation of all systems.

Corrective action.

EMERGENCY OPERATIONS IN FLIGHT

To include as appropriate:

Engine fire control.

Fuselage fire control.

Smoke control.

Loss of power or pressure in each system.

Engine overspeed.

Fuel dumping.

Landing gear, spoilers, speed brakes, and flap extension and retraction.

Engine shut-down and restart.

Use of oxygen.

(iv) If the Administrator finds a simulator or flight engineer training device to accurately reproduce the design, function, and control characteristics, as pertaining to the duties and responsibilities of a flight engineer on the type of airplane to be flown, the flight training time may be reduced by a ratio of 1 hour of flight time to 2 hours of airplane simulator time, or 3 hours of flight engineer training device time, as the case may be. However, the flight time may not be less than 5 hours.

(v) To obtain credit for flight training time, airplane simulator time, or flight engineer training device time, the student must occupy the flight engineer station and operate the controls.

(b) Classroom equipment.

Classroom equipment should consist of systems and procedural training devices, satisfactory to the Administrator, that duplicate the operation of the systems of the airplane in which the student is to receive his flight training.

(c) Contracts or agreements.

(1) An approved flight engineer course operator may contract with other persons to obtain suitable airplanes, airplane simulators, or other training devices or equipment.

(2) An operator who is approved to conduct both the flight engineer ground course and the flight engineer flight course may contract with others to conduct one course or the other in its entirety but may not contract with others to conduct both courses for the same airplane type.

(3) An operator who has approval to conduct a flight engineer ground course or flight course for a type of airplane, but not both courses, may not contract with another person to conduct that course in whole or in part.

(4) An operator who contracts with another to conduct a flight engineer course may not authorize or permit the course to be conducted in whole or in part by a third person.

(5) In all cases, the course operator who is approved to operate the course is responsible for the nature and quality of the instruction given.

(6) A copy of each contract authorized under this paragraph must be attached to each of the 3 copies of the course outline submitted for approval.

(d) Instructors.

(1) Only certificated flight engineers may give the flight instruction required by this Appendix in an airplane, simulator, or flight engineer training device.

(2) There must be a sufficient number of qualified instructors available to prevent an excess ratio of students to instructors.

(e) Revisions.

(1) Requests for revisions of the course outlines, facilities or equipment must follow the procedures for original approval of the course. Revisions must be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

(2) The list of instructors may be revised at any time without request for approval, if the requirements of paragraph (d) of this Appendix are maintained.

(f) Ground school credits.

(1) Credit may be granted a student in the ground school course by the course operator for comparable previous training or experience that the student can show by written evidence; however, the course operator must still meet the quality of instruction as described in paragraph (h) of this Appendix.

(2) Before credit for previous training or experience may be given, the student must pass a test given by the course operator on the subject for which the credit is to be given. The course operator shall incorporate results of the test, the basis for credit allowance, and the hours credited as part of the student's records.

(g) Records and reports.

(1) The course operator must maintain, for at least two years after a student graduates, fails, or drops from a course, a record of the student's training, including a chronological log of the subject course, attendance, examinations, and grades.

(2) Except as provided in subparagraph (3) of this paragraph, the course operator must submit to the Administrator, not later than January 31 of each year, a report for the previous calendar year's training, to include:

(i) Name, enrollment and graduation date of each student;

(ii) Ground school hours and grades of each student;

(iii) Flight, airplane simulator, flight engineer training device hours, and grades of each student; and

(iv) Names of students failed or dropped, together with their school grades and reasons for dropping.

(3) Upon request, the Administrator may waive the reporting requirements of subparagraph (2) of this paragraph for an approved flight engineer course that is part of an approved training course under Subpart N of Part 121 of this chapter.

(h) Quality of instruction.

(1) Approval of a ground course is discontinued whenever less than 80 percent of the students pass the FAA written test on the first attempt.

(2) Approval of a flight course is discontinued whenever less than 80 percent of the students pass the FAA practical test on the first attempt.

(3) Notwithstanding subparagraphs (1) and (2) of this paragraph, approval of a ground or flight course may be continued when the Administrator finds—

(i) That the failure rate was based on less than a representative number of students; or

(ii) That the course operator has taken satisfactory means to improve the effectiveness of the training.

(i) Time limitation.

Each student must apply for the written test and the flight test within 90 days after completing the ground school course.

(j) Statement of course completion.

(1) The course operator shall give to each student who successfully completes an ap-

proved flight engineer ground school training course, and passes the FAA written test, a statement of successful completion of the course that indicates the date of training, the type of airplane on which the ground course training was based, and the number of hours received in the ground school course.

(2) The course operator shall give each student who successfully completes an approved flight engineer flight course, and passes the FAA practical test, a statement of successful completion of the flight course that indicates the dates of the training, the type of airplane used in the flight course, and the number of hours received in the flight course.

(3) A course operator who is approved to conduct both the ground course and the flight course may include both courses in a single statement of course completion if the provisions of subparagraphs (1) and (2) of this paragraph are included.

(4) The requirements of this paragraph do not apply to an air carrier or commercial operator with an approved training course under Part 121 of this chapter providing the student receives a flight engineer certificate upon completion of that course.

(k) Inspections.

Each course operator shall allow the Administrator at any time or place, to make any inspection necessary to ensure that the quality and effectiveness of the instruction are maintained at the required standards.

(l) Change of ownership, name, or location.

(1) Approval of a flight engineer ground course or flight course is discontinued if the ownership of the course changes. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) Approval of a flight engineer ground course or flight course does not terminate upon a change in the name of the course that is reported to the Administrator within 30 days. The Administrator issues a new letter of approval, using the new name, upon receipt of notice within that time.

(3) Approval of a flight engineer ground course or flight course does not terminate upon a change in location of the course that is reported to the Administrator within 30 days. The Administrator issues a new letter of approval, showing the new location, upon receipt of notice within that time, if he finds the new facilities to be adequate.

(m) Cancellation of approval.

(1) Failure to meet or maintain any of the requirements of this Appendix for the approval of a flight engineer ground course or flight course is reason for cancellation of the approval.

(2) If a course operator desires to voluntarily terminate the course, he should notify the Administrator in writing and return the last letter of approval.

(n) Duration.

Except for a course operated as part of an approved training course under subpart N of Part 121 of this chapter, the approval to operate a flight engineer ground course or flight course terminates 24 months after the last day of the month of issue.

(o) Renewal.

(1) Renewal of approval to operate a flight engineer ground course or flight course is conditioned upon the course operator's meeting the requirements of this Appendix.

(2) Application for renewal may be made to the Administrator at any time after 60 days before the termination date.

(p) Course operator approvals.

An applicant for approval of a flight engineer ground course, or flight course, or both, must meet all of the requirements of this Appendix concerning application, approval, and continuing approval of that course or courses.

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(q) *Practical test eligibility.*

An applicant for a flight engineer certificate and class rating under the provisions of § 63.37(b)(6) is not eligible to take the practical test unless he has successfully completed an approved flight engineer ground school course in the same type of airplane for which he has completed an approved flight engineer flight course.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

[F.R. Doc. 65-12525; Filed, Nov. 22, 1965; 8:45 a.m.]

[Docket No. 6900; Amdt. 67-3]

PART 67—MEDICAL STANDARDS AND CERTIFICATION**Distant Visual Acuity; First- and Second-Class Medical Certificates**

The purpose of these amendments is to change the distant visual acuity requirement for an applicant for a first- or second-class medical certificate from at least 20/50 to 20/100 in each eye separately before correction. This action was proposed in notice 65-22 (30 F.R. 11732) issued September 7, 1965. All comments received on the proposal were favorable.

The present standard in §§ 67.13(b)(1) and 67.15(b)(1) of Part 67 of the Federal Aviation Regulations requires an applicant for a first- or second-class

medical certificate, respectively, to have distant visual acuity of at least 20/50 in each eye separately, before correction to 20/20 or better with corrective glasses. As stated in the preamble of notice 65-22, this standard has been in effect unchanged since 1938, despite later significant technological advances in design and performance of aircraft, and in the environment in which they are operated. Also, as stated in that preamble, applicants with uncorrected distant visual acuity less than specified in the present standard, except those with gross myopic conditions, generally have been allowed to show under § 67.19 whether they have been able to operate aircraft without endangering safety in air commerce despite the disqualification. If they have not had other major disturbances in visual functions, they almost invariably have been able to demonstrate favorably, and they have received special issue of medical certificates on an individual basis. This process has required special detailed evaluations of all aspects of their vision, and has been expensive to applicants, both in money expended for ophthalmological examinations, and in issuance delay time, and it also has entailed considerable time and effort on the part of the Agency.

Accordingly, the accompanying amendments accommodate the distant visual acuity standard for first- and second-class medical certificates to cur-

rent conditions, and dispense with special testing that in the great majority of cases would result in the special issue of a certificate anyway, without adverse effect upon safety.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

Since these amendments are relaxatory in nature and impose no burden upon any person, good cause exists for making them effective on less than 30 days published notice.

In consideration of the foregoing, Part 67 of the Federal Aviation Regulations is amended, effective November 23, 1965, as follows:

1. Paragraph (b)(1) of § 67.13 is amended by striking out the figures "20/50" and inserting the figures "20/100" in place thereof.

2. Paragraph (b)(1) of § 67.15 is amended by striking out the figures "20/50" and inserting the figures "20/100" in place thereof.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on November 16, 1965.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 65-12526; Filed, Nov. 22, 1965; 8:45 a.m.]