

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that five postdoctoral research associate positions a year may be filled under Schedule A at the U.S. Naval Ordnance Test Station, China Lake, Calif., under specified conditions. Effective on publication in the FEDERAL REGISTER, paragraph (e) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

(e) U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, Calif.; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Md.; U.S. Naval Weapons Laboratory, Dahlgren, Va.; David Taylor Model Basin, Washington, D.C.; and U.S. Naval Ordnance Test Station, China Lake, Calif. (1) Scientific and professional research associate positions when filled on a temporary basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to appointees and the installations. Appointments under this provision may not exceed 20 each calendar year at the Naval Research Laboratory, 6 each calendar year at the Navy Electronics Laboratory, 5 each calendar year at the Naval Ordnance Test Station, and 10 each calendar year at the Naval Weapons Laboratory, and David Taylor Model Basin. Employment under this provision may not exceed 1 year in any individual case, except that with the approval of the Commission, such employment may be extended for not to exceed one additional year.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-11442; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 351—REDUCTION IN FORCE Subpart J—Establishment and Maintenance of Reemployment Priority List

ESTABLISHMENT OF LIST

Section 351.1001 is amended to show an exception from the right to entry on an

overseas reemployment priority list where entry would be inconsistent with the limits on overseas service under an agency's rotation program. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 351.1001 is amended as set out below.

§ 351.1001 Establishment of list.

(b) When an agency separates a group I or II employee from a competitive position overseas or in Alaska, it shall enter his name on the reemployment priority list for the area in which the position is located, except (1) when he leaves that area or (2) when the agency has a general program for rotating employees between overseas areas and the United States, and the employee's immediately preceding overseas service or residence combined with prospective overseas service under available appointments exceeds the maximum duration of an overseas duty tour in the agency's rotation program. On the request of an employee who leaves the area, the agency shall enter his name on its reemployment priority list for the commuting area from which he was employed for overseas or Alaskan service or for another area (except overseas or Alaska) mutually acceptable to him and the agency. An agency may delete an employee's name from the list for one of the reasons in paragraph (a) of this section, and shall delete it from an overseas or Alaskan list when he leaves the area covered by that list or becomes disqualified for overseas appointment because of his previous service or residence.

(5 U.S.C. 1302, 3502)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-11441; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Maximum Stipends

Section 534.202(b) is amended to show the maximum stipend prescribed for certain student nurses, Department of Health, Education, and Welfare. Effective October 2, 1966, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

(b) * * *

Student nurses, Department of Health, Education, and Welfare:
Approved training during clinical affiliation ----- L-1.

(5 U.S.C. 5102, 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-11413; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 802; Amdt. 39-294]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series and FH-227 Airplanes

Amendment 308 (26 F.R. 6265), AD 61-15-2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), requires repetitive inspection of the gimbal nuts in the wing flap actuating screwjacks on Fairchild Model F-27 Series airplanes. Subsequent to the issuance of Amendment 331, the Model FH-227 airplane was certificated, which is a modification of the Model F-27 airplane. Therefore, the AD is being further amended to apply to the Fairchild Model F-27 Series and FH-227 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 308 (26 F.R. 6265), AD 61-15-2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), is further amended by amending the applicability statement to read as follows:

Applies to Model F-27 Series and FH-227 airplanes.

This amendment becomes effective October 20, 1966.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11392; Filed, Oct. 19, 1966; 8:45 a.m.]

[Regulatory Docket No. 7258; Amdts. 61-25; 63-7; 65-9; 143-2]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 143—GROUND INSTRUCTORS

Airman and Ground Instructor Administrative Requirements

The purpose of these amendments to Parts 61, 63, 65, and 143 of the Federal Aviation Regulations is to resolve several inconsistent administrative requirements applicable to airman and ground instructor certificate holders, and to standardize these provisions. The requirements concern presentation of certificates for inspection; application during suspension or after revocation; changes of name, and replacement of lost or destroyed certificates; and retesting after failure (written and flight tests). Several additional changes clarify certain provisions or remove others that are considered unnecessary. The changes were proposed in Notice No. 66-9 issued on March 28, 1966 (31 F.R. 5324), except for those making consistent the provisions on return of certificates that are suspended or revoked.

Several comments concurred generally with the proposals. Other comments were addressed to individual proposals, principally those concerned with presenting certificates for inspection, and with clarifying and incorporating in § 61.39 the interpretation that a flight instructor may not log as instrument time (and receive credit for) periods when he is serving as a flight instructor but not manipulating the controls.

(1) *Presentation of certificates for inspection.* Three comments opposed adding Federal law enforcement officers to the list of persons to whom the holder of an airman or ground instructor certificate must present it for inspection upon request. One comment expressed apprehension that a law enforcement officer might use the regulations to deprive an individual of his license. However, neither the proposed change nor the existing regulations (already requiring presentation upon request of the Administrator or an authorized representative of the Civil Aeronautics Board or of any State or local law enforcement officer) purport to extend to other agencies authority to enforce FAA safety regulations. The authority to enforce those regulations by a civil penalty or certificate action remains with the FAA, and only this Agency may suspend or revoke an airman certificate issued by it, subject to review by the CAB. This comment also questioned the existing requirements for presentation to other than authorized personnel of the regulatory agencies. However, the requirements, as expanded by these amend-

ments, are appropriate to implement the enforcement of criminal provisions of the Federal Aviation Act of 1958 such as sections 902(b)—Forgery of certificates, and 902(i) through (m)—Aircraft piracy, etc. (for whose investigation the FBI is responsible), as well as to implement regulations issued thereunder and other regulatory provisions. The second adverse comment believed that presentation should be required only to authorized persons who understand what the certificates are, namely, the FAA and CAB. The concern of the third adverse comment was with the question who constitutes a law enforcement officer. However, no difficulty has been encountered in these respects in connection with the existing regulatory provisions, and none can reasonably be expected in the future.

(2) *Application during suspension or after revocation.* Several comments felt it was too harsh to prohibit a pilot whose pilot certificate has been revoked from applying for any pilot or flight instructor certificate or rating for 1 year, or to prohibit a person whose flight instructor certificate only is revoked from applying for any flight instructor certificate for 1 year. One of these comments suggested that a pilot who flies for a living could not sustain himself for a year without an opportunity to regain his certificate, and that he should be permitted to requalify without a time limit if he shows evidence of up-dating and training. These comments lose sight of the punitive as well as corrective nature of revocation action. Furthermore, the revocation order may allow application in less than 1 year.

(3) *Changes of name, and replacement of lost or destroyed certificates.* One comment objected to requiring a brief statement of the circumstances of loss or destruction of a certificate when a person applies for a replacement certificate. The Agency agrees that this requirement serves no useful purpose, and these amendments therefore omit the requirement from Part 61 where it already exists and from the additions made to the other Parts involved. This comment also criticized the requirement to supply documentary evidence verifying a change of name. However, this is a reasonable requirement to safeguard the integrity of certificates that, once issued, are reissued under changed names. Although the comment asserted that some people change their names without marriage or court order, it is reasonable to require at least some documentary evidence in such a case, as is permitted.

One comment mistakenly believed a "user charge" was being introduced into the regulations, that is, the \$2 charge for a replacement certificate. This is not a new charge. The charge already was provided for in § 61.13, and the other regulations here involved merely repeat what is already included in Part 187.

(4) *Retesting after failure (written and flight tests).* One comment suggested that in § 61.27(d) as amended, the applicant for an airline transport pilot certificate or associated rating should be required, after a second failure of a

maneuver of the flight test, to demonstrate competency on related maneuvers. These amendments make no substantive change at this time. A substantive change has been proposed by Notice No. 66-6 (31 F.R. 4735), upon which final action has not yet been completed.

(5) *Other changes.* As proposed, the word "civil" is inserted before the word "aircraft" in § 61.3(f), thus making the language of this prohibition concerning the lack of instrument rating consistent with § 61.3(a) concerning in general the lack of a pilot certificate. Also, § 61.3(f) is amended to reflect the changes recently made by Amendment 61-24, as well as those proposed by Notice No. 66-9.

Strong opposition was expressed to the proposed change in § 61.39(e) that would specifically express the limitation, already existing and confirmed by interpretation, that a flight instructor may not log (and receive credit for) as instrument time, periods when he is serving as a flight instructor but not manipulating the controls. Since the change is clarifying only, it is made as proposed. However, the Agency intends to fully reconsider this provision in view of the public response to Notice 66-9 and, if relaxation of the rule then appears appropriate, to issue a notice of proposed rule making in order to allow full public participation in making the rule change.

These amendments make the remaining changes proposed by Notice No. 66-9. In addition, the provisions requiring the return of suspended or revoked certificates are made consistent throughout these regulations. Thus, §§ 61.9(g), 63.15(b), 65.15(c), and 143.7(b) are all amended to provide that the holder of a suspended or revoked certificate shall, upon the Administrator's request, return it to the Administrator. This change was not proposed by Notice No. 66-9; however, since the provision is considered procedural only, notice and public procedure thereon is not necessary.

Interested persons have been afforded an opportunity to participate in the making of these amendments (except those concerning return of suspended or revoked certificates), and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended effective November 19, 1966, as follows:

1. Part 61 is amended as follows:

a. By amending paragraphs (e) and (f) of § 61.3 to read as follows:

§ 61.3 Certificates and ratings required.

(e) *Inspection of certificate.* Each person who holds a pilot certificate or medical certificate shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(f) *Instrument rating.* No person may act as pilot in command of a civil aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless—

(1) In the case of a helicopter, he holds a helicopter instrument rating, or an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR;

(2) In the case of an airship, he holds a commercial pilot certificate with lighter-than-air category and airship class ratings; or

(3) In the case of an aircraft other than a helicopter or airship, he holds an instrument rating or an airline transport pilot certificate.

b. By amending paragraphs (e) and (f) of § 61.5 to read as follows:

§ 61.5 Application and issue.

(e) Unless authorized by the Administrator—

(1) A person whose pilot certificate is suspended may not apply for any pilot or flight instructor certificate or rating during the period of suspension; and

(2) A person whose flight instructor certificate only is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(f) Unless the order of revocation provides otherwise—

(1) A person whose pilot certificate is revoked may not apply for any pilot or flight instructor certificate or rating for 1 year after the date of revocation; and

(2) A person whose flight instructor certificate only is revoked may not apply for any flight instructor certificate for 1 year after the date of revocation.

c. By amending paragraph (g) of § 61.9 to read as follows:

§ 61.9 Duration of certificate.

(g) *Return of certificate.* The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By striking out subparagraph (b) (1) of § 61.13, and redesignating subparagraphs (b) (2) and (b) (3) as subparagraphs (b) (1) and (b) (2) respectively.

e. By amending paragraph (c) of § 61.13 to read as follows:

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

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for \$2.

f. By amending paragraph (a) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

(a) *Written test.* An applicant for a certificate or rating under this part 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; or

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and considers him 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 an appropriate rating.

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

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

(iv) For an airline transport pilot certificate—a person employed by an airline to instruct in airline transport pilot subjects, a certificated airline transport pilot, a certificated ground instructor with an appropriate rating, or a person qualified to instruct in instrument flight theory.

g. By striking out paragraphs (c), (e), and (f) of § 61.27.

h. By amending the lead-in sentence of paragraph (d) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers him ready for retesting, and satisfactory evidence that he has—

1. By amending § 61.29 to read as follows:

§ 61.29 Graduates of certificated flying schools: Special rules.

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the applicable aeronautical experience requirements of this part if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for a flight test for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115 (except paragraphs (a) (3) and (4) thereof).

(b) An applicant for a certificate or rating under this part may be considered to meet the aeronautical knowledge or skill requirements, or both, applicable to that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part 141 of this chapter and is authorized by the

Administrator to test applicants on aeronautical knowledge or skill, or both.

j. By amending paragraph (e) of § 61.39 by inserting the word "only" between the words "log" and "that".

k. By striking out § 61.49.

2. Part 63 is amended as follows:

a. By amending paragraph (c) of § 63.3 to read as follows:

§ 63.3 Certificates required.

(c) Each person who holds a flight engineer or flight navigator certificate, or medical certificate, shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

b. By adding new paragraphs (c) and (d) to § 63.11 to read as follows:

§ 63.11 Application and issue.

(c) Unless authorized by the Administrator, a person whose flight engineer certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose flight engineer or flight navigator certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation.

c. By amending paragraph (b) of § 63.15 to read as follows:

§ 63.15 Duration of certificates.

(b) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By inserting the following new section after § 63.15:

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

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

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

(1) 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

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla.

73101, accompanied by a check or money order for \$2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the Federal Aviation Agency 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.

3. Part 65 is amended as follows:

- a. By adding new paragraphs (c) and (d) to § 65.11 to read as follows:

§ 65.11 Application and issue.

(c) Unless authorized by the Administrator, a person whose air traffic control tower operator, mechanic, or parachute rigger certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise—

(1) A person whose air traffic control tower operator, aircraft dispatcher, or parachute rigger certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation; and

(2) A person whose mechanic or repairman certificate is revoked may not apply for either of those kinds of certificates for 1 year after the date of revocation.

- b. By amending paragraph (c) of § 65.15 to read as follows:

§ 65.15 Duration of certificates.

(c) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

- c. By inserting the following new section after § 65.15:

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

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

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

(1) 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

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for \$2.

(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.

- d. By amending paragraph (a) of § 65.45 to read as follows:

§ 65.45 General operating rules.

(a) Each person who holds an air traffic control tower operator certificate shall keep it readily available when performing duties under it, and shall present that certificate or a medical certificate held by him or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

- e. By amending paragraph (b) of § 65.51 to read as follows:

§ 65.51 Certificate required.

(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 Federal, State, or local law enforcement officer.

- f. By amending § 65.89 to read as follows:

§ 65.89 Display of certificate.

Each person who holds a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

navics Board, or of any Federal, State, or local law enforcement officer.

- g. By amending paragraph (b) of § 65.95 to read as follows:

§ 65.95 Inspection authorization: privileges and limitations.

(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), and shall present it upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

- h. By amending § 65.105 to read as follows:

§ 65.105 Display of certificate.

Each person who holds 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 Federal, State, or local law enforcement officer.

1. By amending paragraph (c) of § 65.111 to read as follows:

§ 65.111 Certificate required.

(c) Each person who holds 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 Federal, State, or local law enforcement officer.

4. Part 143 is amended as follows:

- a. By adding new paragraphs (c) and (d) to § 143.3 to read as follows:

§ 143.3 Application and issue.

(c) Unless authorized by the Administrator, a person whose ground instructor certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose ground instructor certificate is revoked may not apply for any ground instructor certificate for 1 year after the date of revocation.

- b. By amending paragraph (b) of § 143.7 to read as follows:

§ 143.7 Duration of certificates.

(b) The holder of any certificate issued under this part that is suspended or revoked shall upon the Administrator's request, return it to the Administrator.

- c. By inserting the following new section after § 143.7:

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

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

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

(1) 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

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) A person whose certificate issued under this part 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) 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) of this section.

d. By striking out § 143.13.

e. By amending § 143.21 to read as follows:

§ 143.21 Display of certificate.

Each person who holds a ground instructor certificate shall keep it readily available to him while instructing and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(Secs. 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. McKEE,
Administrator.

[F.R. Doc. 66-11393; Filed, Oct. 19, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control Areas 1141 and 1143.

The Canadian Department of Transport has advised that the Yarmouth, Nova Scotia, radio range was converted to a radio beacon on September 21, 1966. Action is taken herein to correct the descriptions of Control 1141 and Control 1143 by substituting the Yarmouth RBN for the Yarmouth RR. The extent of controlled airspace associated with these control areas will not be altered.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary and may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon the date of publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.163 (31 F.R. 2050) Control 1141 and Control 1143 are amended by deleting "Yarmouth, Nova Scotia, Canada, RR" and "Yarmouth RR" wherever it appears and substitute "Yarmouth, Nova Scotia, Canada, RBN" and "Yarmouth RBN" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 13, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-11394; Filed, Oct. 19, 1966; 8:45 a.m.]

[Docket No. 7264; Amdt. 91-33]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Authorization for Ferry Flight With One Engine Inoperative

The purpose of these amendments to § 91.45 of the Federal Aviation Regulations is to provide rules for ferry flight of a turbine engine powered airplane equipped with either three or four engines, with one engine inoperative, to a base for repair of that engine. These amendments also change § 91.45 to require the use of temperature accountability for the takeoff field length in flight tests of four-engine reciprocating engine powered airplanes under that section; to require the addition of certain data to the Airplane Flight Manual, and certain limitations to the operator's manual; and to make the rules of the section applicable to the same kind of ferry flights by commercial operators of large aircraft, in addition to air carriers.

These amendments (except as now changed) were proposed in Notice No. 66-10 and published in the FEDERAL REGISTER on April 5, 1966 (31 F.R. 5381). Public comment was received from five sources. One comment expressed opposition to all ferry flights with one engine inoperative. However, the safety record of these flights supports the extension of the rules accomplished by the amendments. The other comments did not oppose the objectives of the proposals as such, but offered a number of sug-

gestions some of which have been adopted, others not.

Several comments dealt with the proposed or existing general criteria of § 91.45(a). Thus, some concern was expressed as to the inclusion, in the operator's manual, of limitations that the operating weight on any ferry flight must be the minimum necessary therefor, and takeoffs must be made from dry runways. Responsive to these comments, these amendments provide in § 91.45(a)(3) (i) and (ii) that the weight may include the necessary reserve fuel load, and that takeoffs may be made from wet runways after approval of an operator's showing of actual takeoff techniques with full controllability from wet runways. One comment was adverse to the provision of § 91.45(a)(4)(ii), already contained in the regulations, that no person may take off an airplane if weather conditions at the takeoff or destination airport are less than those required for VFR flight, and it suggested "circling minimums" of 500 feet and 1 or 2 miles visibility. However, the Agency believes that VFR conditions are essential for safe ferry operations, especially in the event of an additional engine failure at takeoff and destination landing areas, in order to allow the crewmembers to concentrate on the emergency and to minimize the necessity of holding or making an instrument approach.

Several comments dealt with the criteria for flight tests. One comment felt that the speed of not less than 1.3Vs, already contained in § 91.45(b)(1), is too high. However, the experience with this speed indicates it is satisfactory for the purpose and its use should be continued. Several comments objected to the proposed requirement, for both reciprocating and turbine engine powered airplanes, of attainment of a speed not less than the two-engine inoperative minimum control speed before the airplane reaches 400 feet above the surface after takeoff. This requirement has been dropped from the amendments, since upon reconsideration the Agency agrees with the observations made by these comments that the new requirement is not necessary in view of past satisfactory operations without it, and that the minimum cleanup altitude is 400 feet under the airworthiness standards for takeoff path in § 25.111(c)(2) and (4) of Part 25 of the Federal Aviation Regulations.

The preamble of Notice 66-10 referred to the use of "full" temperature accountability for the takeoff field length in flight tests for reciprocating engine powered airplanes, but the word "full" was not used in the proposed regulations themselves (§ 91.45(b)(5)). The operating factors for the weight and takeoff distance may be as little as one-half of the full accountability values, under § 25.61, the provision under which temperature accountability is to be computed. Accordingly, the rule as written governs in this respect, and not the language employed in the preamble of the Notice.

Two comments suggested that the minimum final climb gradient in the test flight for a three-engine turbine engine

powered airplane with two engines inoperative should be 1 percent at the end of the takeoff rather than 1.2 percent as proposed for § 91.45(c)(4)(i). The Agency does not concur with this suggestion. Section 25.121(c), the provision to which reference is made for maximum weight for the performance, requires a 1.2 percent gradient for a two-engine airplane for one engine inoperative, and it is proper to require the same gradient for the similar situation of a three-engine airplane with two engines inoperative.

Two other suggestions made by comments with respect to criteria for flight tests have been adopted. Thus, § 91.45(c)(2) has been clarified as to its inclusion of V_s speed with respect to takeoff field length; and the word "original" has been dropped from the reference to type certification in § 91.45(c)(1) and (2)(iii) as issued, with respect to the power selection, since use of the word might be confusing when applied to airplanes recertified for engine thrust increases.

Some concern was expressed that the proposals made in Notice 66-10 would require additional flight tests for aircraft for which approved Airplane Flight Manual data for one engine-out ferry flights already had been obtained. Pending these amendments of the rules to provide for the distinction between reciprocating and turbine engine powered airplanes, the Agency has approved the use of jet ferry data contained in Airplane Flight Manuals based upon flight tests determined to meet the existing requirements of § 91.45(a)(1) for three- or four-engine turbine engine powered airplanes. Therefore, it was also determined that this data might be used for compliance with § 91.45(a)(2). Also, the criterion (temperature accountability) added to the regulatory requirements for flight tests in the case of reciprocating engine powered airplanes, and to the criteria used for approval in the case of turbine engine powered airplanes, is a comparatively minor change. In view of these circumstances, these amendments include a provision in § 91.45(a)(1) that each operator who before the effective date of the amendments has shown that a model of airplane with one engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under § 91.45(a)(2) need not repeat that test flight.

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.

In consideration of the foregoing, and for the reasons stated in Notice No. 66-10, § 91.45 of Part 91 of the Federal Aviation Regulations is amended effective November 19, 1966, to read as follows:

§ 91.45 Authorization for ferry flight with one engine inoperative by air carriers and commercial operators of large aircraft.

(a) *General.* An air carrier or commercial operator of large aircraft may

conduct a ferry flight of a four-engine airplane or a turbine engine powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine subject to the following:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) or (c) of this section, as appropriate. However, each operator who before November 19, 1966, has shown that a model of airplane with an engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under subparagraph (2) of this paragraph need not repeat the test flight for that model.

(2) The approved Airplane Flight Manual contains the following performance data and the flight is conducted in accordance with that data:

- (i) Maximum weight.
- (ii) Center of gravity limits.
- (iii) Configuration of the inoperative propeller (if applicable).
- (iv) Runway length for takeoff (including temperature accountability).
- (v) Altitude range.
- (vi) Certificate limitations.
- (vii) Ranges of operational limits.
- (viii) Performance information.
- (ix) Operating procedures.

(3) The operator's manual contains operating procedures for the safe operation of the airplane, including specific requirements for—

- (i) A limitation that the operating weight on any ferry flight must be the minimum necessary therefor with the necessary reserve fuel load;
- (ii) A limitation that takeoffs must be made from dry runways unless, based on a showing of actual operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the Airplane Flight Manual;
- (iii) Operations from airports where the runways may require a takeoff or approach over populated areas; and
- (iv) Inspection procedures for determining the operating condition of the operative engines.

(4) No person may take off an airplane under this section if—

- (i) The initial climb is over thickly populated areas; or
- (ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) No air carrier or commercial operator of large aircraft may carry any persons other than required flight crewmembers on board the airplane during the flight.

(6) No air carrier or commercial operator of large aircraft may use a flight crewmember unless he is thoroughly familiar with the operating procedures for one-engine inoperative ferry flights listed in its manual and the limitations and performance information listed in the Airplane Flight Manual.

(b) *Flight tests: Reciprocating engine powered airplanes.* The airplane performance of a reciprocating engine pow-

ered airplane with one engine inoperative must be determined by flight test as follows:

(1) A speed not less than $1.3V_s$ must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator) and with all other engines operating at the maximum power determined in subparagraph (3) of this paragraph.

(2) The distance required to accelerate to the speed listed in subparagraph (1) of this paragraph and to climb to 50 feet must be determined with—

- (i) The landing gear extended;
- (ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator; and
- (iii) The other engines operating at not more than the maximum power established under subparagraph (3) of this paragraph.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet a minute in the en route configuration set forth in § 25.67(d) of this chapter at an altitude of 5,000 feet.

(5) The performance must be determined using temperature accountability for the takeoff field length, computed in accordance with § 25.61 of this chapter.

(c) *Flight tests: Turbine engine powered airplanes.* The airplane performance of a turbine engine powered airplane with one engine inoperative must be determined in accordance with the following, by flight tests including at least three takeoff tests:

(1) Takeoff speeds V_R and V_s , not less than the corresponding speeds under which the airplane was type certificated under § 25.107 of this chapter, must be chosen at which the airplane may be controlled satisfactorily with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator, if applicable) and with all other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(2) The minimum takeoff field length must be the horizontal distance required to accelerate, and climb to the 35-foot height at V_s speed (including any additional speed increment obtained in the tests), multiplied by 115 percent, and determined with—

- (i) The landing gear extended;
- (ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator (if applicable); and
- (iii) The other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed, must be established. The airplane must be satis-

factorially controllable during the entire takeoff run when operated according to these procedures.

(4) The performance must be determined at a maximum weight not greater than the weight determined under § 25.121(c) of this chapter, but with—

(i) The actual steady gradient of the final takeoff climb requirement not less than 1.2 percent at the end of the takeoff path with two critical engines inoperative; and

(ii) The climb speed not less than the two-engine inoperative trim speed for the actual steady gradient of the final takeoff climb prescribed by subdivision (i) of this subparagraph.

(5) The airplane must be satisfactorily controllable in a climb with two critical engines inoperative. Climb performance may be shown by calculations based on, and equal in accuracy to, the results of testing.

(6) The performance must be determined using temperature accountability for takeoff distance and final takeoff climb, computed in accordance with § 25.101 of this chapter.

For the purposes of subparagraphs (4) and (5), "two critical engines" means two adjacent engines on one side of an airplane with four engines, and the center engine and one outboard engine on an airplane with three engines.

(Secs. 307, 313(a), 603, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1424, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11395; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. On July 21, 1966, there was published in the FEDERAL REGISTER (31 F.R. 9871) a notice regarding proposed amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81). Interested persons were given an opportunity to submit written data, views, or arguments in connection with the proposed amendments not later than

August 22, 1966. The time for submitting such written data, views, or arguments was extended to September 23, 1966, in a notice published in the FEDERAL REGISTER of August 24, 1966 (31 F.R. 11185).

The amendments now adopted are essentially the same as the proposed amendments except as indicated below and except that § 81.25 *Suspension of plant approval and withdrawal of service* and § 81.205 *Termination of exemptions* are not being amended at this time. Comments were received indicating concern in a broad segment of the poultry industry with respect to the proposed amendment of § 81.25. The Department is considering modification of the proposed amendment to § 81.25 and will publish such modification in a notice of proposed rule-making at a later date. Further consideration is also being given to what action if any should be taken with respect to § 81.205.

Certain sections of the amendments have been modified slightly in the light of comments received during the rule-making procedure. The proposed temperature of 96° F. for incubating canned products has been changed to 95° F. based on additional information available to the Department. The amendments also provide for the thawing of frozen ready-to-cook poultry in recirculated water maintained at a temperature not in excess of 50° F. Clarifying changes have also been made in the amendments.

1. The heading and text of § 81.7 are hereby amended to read, respectively:

§ 81.7 Poultry, poultry products, meat and meat food products entering or prepared in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part. All dressed poultry and poultry products entering an official establishment shall have been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and shall be properly marked as so inspected and passed in accordance with § 81.130. All meat and meat food products of cattle, sheep, swine, goats, or horses entering an official establishment shall have been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.) or the Imported Meat Act (19 U.S.C. 1306(b)-(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and not otherwise prepared, and shall be properly marked as so inspected and passed.

2. In § 81.35 *Draining and plumbing*, paragraph (b) (1) is hereby amended to read:

§ 81.35 Draining and plumbing.

(b) *Sewage and plant wastes.* (1) The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing op-

erations and to minimize or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a state or local health authority, the applicant should furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

3. In § 81.41 *Equipment and utensils*, paragraph (e) (4) is hereby amended to read:

§ 81.41 Equipment and utensils.

(e) *Conveyors.* * * *

(4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor. Such troughs shall be flushed continuously by a water spray and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

4. In § 81.49 *Operations and procedures*, paragraph (g) is hereby amended to read:

§ 81.49 Operations and procedures.

(g) *Thawing poultry in water:*

(1) *Ready-to-cook poultry.* When frozen ready-to-cook poultry is to be thawed in water, the thawing practices and procedures shall be such as will prevent product from becoming adulterated by the absorption of moisture and such poultry shall be thawed by one of the following methods:

(i) Thawed in continuous running tap water of sufficient volume and for such limited time as is necessary to thaw such poultry. The thawing media shall not exceed 70° F. in temperature.

(ii) Thawed in cooking kettles provided the temperature of the water is raised to cooking temperature as rapidly as possible.

(iii) Thawed in recirculated water, maintained at a temperature not in excess of 50° F., for such limited time as is necessary to thaw such poultry.

(2) *Dressed poultry.* Frozen dressed poultry shall not be thawed in tanks with continuously running water or residual water, but shall be thawed on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

5. In § 81.50 *Temperatures and cooling and freezing procedures*, paragraph (d) is hereby amended to read:

§ 81.50 Temperatures and cooling and freezing procedures.