

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6973; Amdt. 103-2]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAG- NETIZED MATERIALS

Quantity Limitations and Cargo Locations

The purpose of this amendment is to exclude small arms ammunition from the limitation to 50 pounds net weight for each outside container in § 103.7(b); to make the quantity limitations in § 103.19 (a) and (c) applicable only to inaccessible cargo pits or bins; and to clarify § 103.31(c), that prohibits placing yellow labeled and white labeled material side by side anywhere in an aircraft.

This amendment is based on a notice of proposed rule making (Notice No. 65-29) issued on October 14, 1965, and published in the FEDERAL REGISTER on October 21, 1965 (30 F.R. 13381). Before the notice was issued, the Air Transport Association (ATA) submitted a proposal to relax the quantity and storage limitations. Among other things, ATA based its proposal on the fact that these limitations were unnecessary as a matter of safety, and impractical as a matter of cargo handling.

The Agency is adopting the amendments proposed in the notice for the reasons stated therein. Small arms ammunition is being excluded from that part of § 103.7(b) limiting the net weight packed in one outside container to a maximum of 50 pounds to accord with the weight limitations established by the Interstate Commerce Commission in 49 CFR Parts 72 and 73. The quantity limitations in § 103.19 (a) and (c) are being changed so as to apply only to inacces-

sible cargo pits or bins, thus allowing the carriage of any quantity of properly packed, marked, and labeled articles; that are subject to those paragraphs, in accessible cargo pits or bins. Finally, § 103.31(c) is being clarified to avoid its further misinterpretation. However, for the reasons also stated in the notice, the Agency adheres to its belief that further relaxation of these, and other provisions in Part 103, proposed by ATA, are not justified at this time.

All but one of the comments received in response to the notice agreed with the amendments proposed, but urged the Agency to adopt other proposals rejected in the notice, and to further relax or delete entirely the sections affected by the notice. However, these comments presented no new or additional facts that justified further relaxation of Part 103 at this time. One comment opposed any relaxation of Part 103, and requested a hearing, but presented no written data to support its position. Since no similar requests were received, it was determined that a public hearing was not appropriate. Although the Agency offered to discuss the views of the objector on an informal basis, no meeting was held.

In addition to the amendments proposed in the notice, the reference in § 103.5(b) to obsolete Form ACA-400 is corrected to current Form FAA-400. Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, effective July 31, 1966, Part 103 of the Federal Aviation Regulations is amended as follows:

§ 103.5 [Amended]

1. Section 103.5(b) is amended by striking out the words "Form FAA— (Form ACA-400)" and inserting the words "Form FAA-400" in place thereof.

2. Section 103.7(b) is amended to read as follows:

§ 103.7 Passenger-carrying aircraft.

(b) Class C explosives that are packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC regulations (49 CFR Parts 72 and 73) for shipment by rail express, except that the maximum for other than small-arms ammunition that may be packed in one outside container is 50 pounds net weight;

3. Paragraphs (a) and (c) of § 103.19 are amended to read as follows:

§ 103.19 Quantity limitations.

(a) No person may carry more than 150 pounds net weight of nonflammable compressed gas in any inaccessible cargo pit or bin on any aircraft.

(c) No person may carry more than 50 pounds net weight of any article that is subject to this part (other than an article specified in paragraph (a) or (b) of this section) in any inaccessible cargo pit or bin on any aircraft.

4. Section 103.31(c) is amended to read as follows:

§ 103.31 Cargo location.

(c) No person may place a container of yellow label material next to, or in a position to allow contact with, a container of white label material in any aircraft.

(Secs. 307, 313(a), 601, 802, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1421, 1472))

Issued in Washington, D.C., on June 27, 1966.

WILLIAM F. MCKEE,
Administrator.

(As published in the Federal Register /31 F.R. 9058/ on July 1, 1966)