"Draft Releases"

FEDERAL AVIATION AGENCY
WASHINGTON 25, D. C.

March 21, 1962

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 62-12

SUBJECT: Subchapter J - Administrative Regulations [New]

The Federal Aviation Agency has under consideration in the recodification of its regulatory material a proposed Subchapter J "Administrative Regulations" [New] as set forth in the attached notice which is being published in the Federal Register. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the Federal Register on November 15, 1961 (26 F.R. 10698).

Copies of the notice are being circulated to afford all interested persons an opportunity to submit comments. Due to the large number of comments we anticipate receiving, we will be unable to acknowledge receipt of each reply. You may be assured, however, that all comments will receive careful consideration. It should be noted that comments must be submitted by May 7, 1962, in duplicate, to the Director of Rules Codification, Federal Aviation Agency, Room B-714, 1711 New York Avenue, N. W., Washington 25, D. C.

James B. Myers

Director, Rules Codification

Attachment

FEDERAL AVIATION AGENCY

Administrative Regulations [New]

Notice is hereby given that there is under consideration a proposal to recodify Parts 401, 414, 415, 418, and 612 of the Regulations of the Administrator. Chapter I of title 14 of the Code of Federal Regulations would be amended by adding a Subchapter J—ADMINISTRATIVE REGULATIONS [New] containing the recodified Parts.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications must be submitted in duplicate to the Director of Rules Codification, Federal Aviation Agency, Room B–714, 1711 New York Avenue, N.W., Washington 25, D.C. All communications received on or before May 7, 1962 will be considered before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the office of the Director of Rules Codification for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61–25 and published in the Federal Register on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

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

No substantive change has been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in proposed Part 1 [New], published in the Federal Register on February 21, 1962 (27 F.R. 1654), would apply to proposed Subchapter J [New].

In consideration of the foregoing, it is proposed to amend chapter III of title 14 by deleting Parts 401, 414, 415, 418, and 612 and to amend chapter I of that title by adding Subchapter J [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and section 501 of the Act of August 31, 1951 (5 U.S.C. 140).

N. E. HALABY,
Administrator.

Issued in Washington, D.C. on March 21, 1962.

Title 14—AERONAUTICS AND SPACE

Chapter I—FEDERAL AVIATION AGENCY

Subchapter J—ADMINISTRATIVE REGULATIONS [New]

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Subpart A—GENERAL

§ 173.1 Scope.

This Part describes the requirements for designating private persons to act as representatives of the Administrator in examining, inspecting, and testing persons and aircraft for the purpose of issuing airman and aircraft certificates. In addition, it states the privileges of those representatives and prescribes rules for their exercising of those privileges.

[Revision note: based on § 418.1]

Subpart B—CERTIFICATION OF REPRESENTATIVES

§ 173.11 Selection.

(a) The Civil Air Surgeon, or his designee, selects Aviation Medical Examiners from qualified physicians who apply.

(b) Any local Flight Standards Inspector may select a Flight Standards Designated Representative, except an Engineering and Manufacturing Inspection Representative, whenever he determines there is need for one.

(c) The Chief of the Engineering and Manufacturing Division, or his designee, selects Designated Engineering Representatives and Designated Manufacturing Inspection Representatives from qualified persons who apply by a letter accompanied by a "Statement of Qualifications of Designated Engineering Representative" or a "Statement of Qualifications for Designated Manufacturing Inspection Representative", as the case may be.

(d) The Director, Air Traffic Service, selects Air Traffic Control Tower Operator Examiners.

[Revision note: based on § 418.10]

§ 173.13 Certification.

(a) A "Certificate of Designation" and an appropriate Identification Card is issued to each Aviation Medical Examiner.

(b) A "Certificate of Authority" specifying the kinds of designation for which the person concerned is qualified and stating an expiration date is issued to each Flight Standards Designated Representative, along with a "Certificate of Designation" for display purposes, designating the holder as a Flight Standards Representative and specifying the kind of designation for which he is qualified.

[Revision note: combines §§ 418.11 and 418.12(a) (last sentence)]

§ 173.15 Duration of certificates.

(a) A designation as an Aviation Medical Examiner is valid until terminated under subsection (c), but must be revalidated on or before January 1 of each year by a letter of designation and a new identification card issued by the Civil Air Surgeon that specifies the year during which the designation is valid.

(b) Unless sooner terminated under subsection (c), a designation as a Flight Standards Designated Representative is effective for one year after the date it is issued and may be renewed for additional periods of one year in the Administrator's discretion.

(c) A designation made under this subpart terminates—

(1) upon the written request of the representative;

(2) upon the written request of the employer in any case in which the recommendation of the employer is required for the designation;

(3) upon the representative being separated from the employe of the employer who recommended him for certification;

(4) upon a finding by the Administrator that the representative has not properly performed his duties under the designation;

(5) upon the assistance of the representative being no longer needed by the Administrator; or

(6) for any reason the Administrator considers appropriate.

[Revision note: based on § 418.12 (less last sentence of (a))]

§173.17 Reports.

Each representative designated under this Part shall make such reports as are prescribed by the Administrator.

[Revision note: based on § 418.13]

Subpart C—KINDS OF DESIGNATIONS: PRIVILEGES

§ 173.21 Aviation Medical Examiners.

(a) An Aviation Medical Examiner may—

(1) accept applications for physical examinations necessary for issuing medical certificates under Part _____ of this chapter [Present Part 29];

(2) under the general supervision of the Civil Air Surgeon or the appropriate senior regional flight surgeon, conduct those physical examinations;

(3) issue or deny medical certificates in accordance with Part _____ of this chapter [Present Part 29]; and

(4) as requested, participates in investigating aircraft accidents.

(b) The Civil Air Surgeon may designate a qualified forensic pathologist to assist in the medical investigation of aircraft accidents and issue an appropriate "Certificate of Designation" and an Identification Card to him. When on duty, such a consultant is entitled to a fee from the United States.

[Revision note: based on § 418.20]

§ 173.23 Pilot Examiners.

(a) The FAA issues the following kinds of pilot examiner designations:

(1) Pilot Examiner.

(2) Instrument Rating Examiner.

(3) Airline Transport Pilot Examiner.

(b) Any pilot examiner named in subsection (a) may—

(1) as authorized in his designation, accept applications for flight tests necessary for issuing pilot certificates and ratings under this chapter;

(2) under the general supervision of the appropriate local Flight Standards Inspector, conduct those tests; and

(3) in the discretion of the appropriate local Flight Standards Inspector, issue temporary pilot certificates and ratings to qualified applicants.

[Revision note: based on § 418.21]

§ 173.25 Technical personnel examiners.

(a) The FAA issues the following kinds of technical personnel examiner designations:

(1) Mechanic Examiner (airframe and powerplant).

(2) Parachute Rigger Examiner.

(3) Air Traffic Control Tower Operator Examiner.

(4) Flight Navigator Examiner.

(5) Flight Engineer Examiner.

(b) A designated mechanic examiner (DME) may—

(1) accept applications for, and conduct, mechanic, oral and practical tests necessary for issuing mechanic certificates under Part _____ of this chapter [Present Part 24]; and

(2) in the discretion of the appropriate local Flight Standards Inspector, issue temporary mechanic certificates to qualified applicants.

(c) A designated parachute rigger examiner (DPRE) may—

(1) accept applications for, and conduct, oral and practical tests necessary for issuing parachute rigger certificates under Part _____ of this chapter [Present Part 25]; and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary parachute rigger certificates to qualified applicants.

(d) An air traffic control tower operator examiner may—

(1) accept applications for, and conduct, written and practical tests necessary for issuing control tower operator certificates under Part _____ of this chapter [Present Part 26]; and

(2) in the discretion of the Director, Air Traffic Service, issue temporary control tower operator certificates to qualified applicants.

(e) A designated flight engineer examiner (DFEE) may—

(1) accept applications for, and conduct, oral and practical tests necessary for issuing flight engineer certificates under Part _____ of this chapter [Present Part 35]; and

(2) in the discretion of the appropriate local Flight Standards Inspector, issue temporary flight engineer certificates to qualified applicants.

(f) A designated flight navigator examiner (DFNE) may—

(1) accept applications for, and conduct, oral and practical tests necessary for issuing flight navigator certificates under Part _____ of this chapter [Present Part 34]; and

(2) in the discretion of the appropriate local Flight Standards Inspector, issue temporary flight navigator certificates to qualified applicants.

[Revision note: based on § 418.22]

§ 173.27 Designated aircraft maintenance inspectors.

A designated aircraft maintenance inspector (DAMI) may approve maintenance on civil aircraft used by United States military flying clubs in foreign countries.

[Revision note: based on § 418.23]

§173.29 Designated engineering representatives.

(a) The FAA issues the following kinds of engineering representative designations (DER):

(1) Structural engineering.

(2) Powerplant engineering.

(3) Systems and equipment engineering.

(4) Radio engineering.

(5) Engine engineering.

(6) Propeller engineering.

(7) Flight analyst.

(8) Flight test pilot.

(b) A structural engineering representative may approve structural engineering information and other structural considerations within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information and other structural considerations comply with the applicable regulations of this chapter.

(c) A powerplant engineering representative may approve information relating to powerplant installations within limitations prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(d) A systems and equipment engineering representative may approve engineering information relating to equipment and systems, other than those of a structural, powerplant, or radio nature, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(e) A radio engineering representative may approve engineering information relating to the design and operating characteristics of radio equipment, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(f) An engine engineering representative may approve engineering information relating to engine design, operation, and service, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(g) A propeller engineering representative may approve engineering information relating to propeller design, operation, and maintenance, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(h) A flight analyst representative may approve flight test information, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(i) A flight test pilot representative may make flight tests, and prepare and approve flight test information relating to compliance with the regulations of this chapter, within limits prescribed by and under the general supervision of the Administrator.

[Revision note: based on § 418.24]

§ 173.31 Designated manufacturing inspection representative.

A designated manufacturing inspection representative (DMIR) may—

(1) issue original airworthiness and export certificates for aircraft, engines, propellers, and other type certificated products that conform to approved type design requirements;

(2) issue export ferry permits;

(3) make station and conformity inspections; and

(4) make any other inspections that may be necessary to determine whether prototype and production articles are airworthy and safe for operation.

An authorization under this section is valid only for the manufacturing plant at which the representative is employed.

[Revision note: based on § 418.25]

Part 173—DISTRIBUTION TABLE

Present Section	*Revised Section*
418.1	173.1
418.2	trf. to Part 1
418.3	surplusage
418.10	173.11
418.11	173.13
418.12(a) (last sentence)	173.13
418.12 (less last sentence of (a))	173.15
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Part 175—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS [New]

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175.17 ACCEPTANCE OF SERVICE ON BEHALF OF ADMINISTRATOR.

§ 175.1 Purpose.

This Part prescribes the policies and procedures of the Federal Aviation Agency with respect to testimony of its employees as witnesses in legal proceedings, the release or disclosure of FAA files and documents, and the serving of legal process and pleadings.

[Revision note: based on § 415.1]

§ 175.3 Deviation from policy.

Only the General Counsel or the appropriate Regional Counsel may grant permission to deviate from a policy prescribed in this Part. He may grant that permission only when—

(1) it is necessary to prevent a miscarriage of justice;

(2) the FAA has an interest in the decision that may be rendered in the legal proceeding; or

(3) the deviation is in the best interests of civil aviation or the United States.

[Revision note: based on § 415.4]

§ 175.5 Testimony by FAA employees in proceedings involving the United States.

(a) An FAA employee shall testify as a witness for the United States whenever, in any legal proceeding involving the United States, the attorney in charge of presenting the case for the United States requests it.

(b) An FAA employee may not testify as an expert or opinion witness for an adverse party in any legal proceeding in which the United States is involved, but may testify as to facts.

[Revision note: based on § 415.2]

§ 175.7 Legal proceedings between private litigants: general rule.

An FAA employee may not testify as an expert or opinion witness in any legal proceeding between private litigants, for the following reasons:

(1) To conserve the time of employees for conducting official business.

(2) To minimize the possibility of criticism against the FAA in cases where its employees participate in controversial issues.

(3) To avoid spending the time and money of the United States for private purposes.

Private litigants are expected to obtain their expert witnesses from private sources.

[Revision note: based on § 415.3 (less (a)-(d))]

§ 175.9 Legal proceedings between private litigants: subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an FAA employee has been properly served with a subpoena, he shall appear at the time and place specified in it. He shall immediately report the service to the General Counsel or appropriate Regional Counsel, who shall determine whether the employee is required to comply and shall provide legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would seriously affect the performance of official duties, or require producing FAA documents or files the release of which is prohibited by Agency Standard Practice Part 7, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or modified.

[Revision note: based on § 415.3(a)]

§ 175.11 Legal proceedings between private litigants: factual testimony.

(a) An FAA employee who has been properly subpoenaed in a legal proceeding between private litigants shall testify as to facts within his personal knowledge, even if the facts are embodied in a report that he is not permitted to produce. However, he must obtain the permission of the General Counsel or Regional Counsel, as appropriate, before disclosing any information that is restricted by statute or that would violate an FAA regulation.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

[Revision note: based on § 415.3(b)]

§ 175.13 Legal proceedings between private litigants: expert or opinion testimony.

If, in testifying in a legal proceeding between private litigants, an FAA employee is asked a question calling for expert or opinion testimony, he shall decline to answer on the grounds that he is forbidden to do so by this Part. If the court then orders him to testify, the employee shall do so.

[Revision note: based on § 415.3(c)]

§ 175.15 Legal proceedings between private litigants: disclosure of FAA documents and files.

(a) It is the policy of the Administrator to make factual information in the possession of the FAA available to persons who are properly and directly concerned, based on the principle that the FAA exists to serve the public and that a free sharing of information within the government of the United States and with the public is usually in the public interest. For these resons, an FAA employee may release information, documents, and records, as authorized by Agency Standard Practice Part 7, to other agencies of the United States and to the general public.

(b) Information, documents, and records are in the custody of FAA employees only for purposes relating to the performance of their official duties. Such an employee has no authority or discretion to permit their use for any other purpose. Except for documents or files the release of which is authorized by Agency Standard Practice Part 7, no FAA employee may release FAA information, documents, or records or produce them in a court, whether in answer to a subpoena ordering that they be produced, or otherwise.

(c) An FAA employee may not produce an FAA document or record in court except upon a clearance from the General Counsel or Regional Counsel, as appropriate. If an employee receives a subpoena or request to produce such a document or record, he shall refer it to the General Counsel or Regional Counsel, as appropriate. If the request or subpoena calls for producing documents the release of which is authorized by Agency Standard Practice Part 7, the General Counsel or Regional Counsel, as appropriate, shall honor it.

(d) If an FAA employee is served with a subpoena calling for producing FAA documents or records the release of which is restricted by statute or FAA regulation, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or vacated. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by a representative of the Office of the General Counsel or Regional Counsel, as appropriate, and explain to the court that FAA regulations prohibit him from producing the documents or records, whether in answer to a subpoena or otherwise.

(e) If an FAA employee who follows the procedure set forth in subsection (d) is cited for contempt of court, the General Counsel or Regional Counsel, as appropriate, shall request the local United States Attorney to begin habeas corpus proceedings. The Regional Counsel concerned shall report immediately to the General Counsel whenever he learns of such a case. The General Counsel shall then request the necessary cooperation of the Department of Justice in Washington, D.C.

[Revision note: based on § 415.3(d)]

§ 175.17 Acceptance of service on behalf of Administrator.

Legal process or pleadings in judicial and administrative proceedings, including proceedings before the Civil Aeronautics Board and Federal Aviation Agency proceedings, may be served, at the option of the server, on the General Counsel, Deputy General Counsel, or Associate General Counsel for Enforcement, Litigation, and Claims, of the FAA, with the same effect as if served upon the Administrator. Such an official accepts and acknowledges service and takes further action thereon as appropriate.

[Revision note: based on § 415.5]

Part 175—DISTRIBUTION TABLE

Present Section	*Revised Section*
415.1	175.1
415.2	175.5
415.3 (less (a)—(d))	175.7
415.3(a)	175.9
415.3(b)	175.11
415.3(c)	175.13
415.3(d)	175.15
415.4	175.3
415.5	175.17

Part 177—FEES FOR COPYING AND CERTIFYING FEDERAL AVIATION AGENCY RECORDS [New]

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177.1 SCOPE.

177.3 COPYING AND SEARCH OF RECORDS.

177.5 AFFIXING OF SEAL.

177.7 PAYMENT OF FEES.

§ 177.1 Scope.

This Part prescribes fees for services performed by the Federal Aviation Agency.

[Revision note: based on § 414.1]

§ 177.3 Copying and search of records.

(a) The fees for searching records and furnishing photostatic or similar copies of documents that are not more than 12 inches by 18 inches are as follows:

	Each page
Aircraft and airmen records	$0.50
Other documents	1.00

(b) The fees for searching records and furnishing duplicate original documents are as follows:

	Each page
Airman certificate	$2.00
Medical certificate	2.00
Other documents	1.00

[Revision note: based on § 414.2]

§ 177.5 Affixing of seal.

The fee for a certification or validation with the FAA seal is $1.00.

[Revision note: based on § 414.3]

§ 177.7 Payment of fees.

The fees prescribed in this Part may be paid by check, draft, or postal money order payable to the Federal Aviation Agency.

[Revision note: based on § 414.4]

Part 177—DISTRIBUTION TABLE

Present Section	*Revised Section*
414.1	177.1
414.2	177.3
414.3	177.5
414.4	177.7

Part 179—USE OF FEDERAL AVIATION AGENCY COMMUNICATIONS SYSTEM [New]

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179.1 SCOPE.

179.3 KINDS OF MESSAGES ACCEPTED.

179.5 CHARGES FOR MESSAGES.

179.7 LIMITATION OF LIABILITY.

§ 179.1 Scope.

This Part describes the kinds of messages that may be transmitted by FAA communications stations and prescribes the charges therefor.

[Revision note: based on § 612.1]

§ 179.3 Kinds of messages accepted.

(a) Any FAA International Flight Service Station or FAA Flight Service Station located outside of the 48 contiguous States and the District of Columbia may accept for transmission the messages, concerning international or overseas aircraft operations, described in clauses (1)—(8). Other FAA Flight Service Stations may accept for transmission only messages described in clauses (1)—(6), but may relay any message described in this section that was originally accepted for transmission at an FAA Service Station outside of the 48 contiguous States and the District of Columbia, or was received from a foreign station of the integrated international aeronautical network, and that in normal routing would require transit of the 48 contiguous States and the District of Columbia to reach an overseas address:

(1) Distress messages and distress traffic.

(2) Messages concerning the safety of human life.

(3) Flight safety messages concerning—

(A) air traffic control, including—

(i) messages concerning aircraft in flight or about to depart;

(ii) departure messages;

(iii) flight plan departure messages;

(iv) arrival messages;

(v) flight plan messages;

(vi) flight notification messages;

(vii) messages concerning flight cancellation; and

(viii) messages concerning delayed departure;

(B) position reports from aircraft;

(C) messages originated by an aircraft operating agency of immediate concern to an aircraft in flight or about to depart; and

(D) Meteorological advice of immediate concern to an aircraft in flight or about to depart.

(4) Meteorological messages concerning—

(A) meteorological forecasts;

(B) meteorological observations exclusively; or

(C) other meteorological information exchanged between meteorological offices.

(5) Aeronautical administrative messages—

(A) concerning the operation or maintenance of facilities essential to the safety or regularity of aircraft operation;

(B) essential to efficient functioning of aeronautical telecommunications; or

(C) between civil aviation authorities concerning aircraft operation.

(6) Notices to airmen.

(7) Flight regularity messages—

(A) addressed to the point of intended landing and to not more than two other addressees in the general area of the route segment of the flight to which the message refers, containing information required for weight and balance computation and remarks essential to the rapid unloading of the aircraft;

(B) concerning changes, taking effect within 72 hours, in aircraft operating schedules;

(C) concerning the servicing of aircraft en route or scheduled to depart within 48 hours;

(D) concerning changes in the collective requirements for passengers, crew, or cargo of aircraft en route or about to depart, if the changes are caused by unavoidable deviations from normal operating schedules and are necessary for flight regularity;

(E) concerning non-routine landings to be made by aircraft en route or about to depart;

(F) concerning parts or materials urgently needed to operate aircraft en route or scheduled to depart within 48 hours; or

(G) concerning pre-flight arrangement of air navigation services and, in the case of non-scheduled or irregular operations, operational servicing of aircraft scheduled to depart within 48 hours.

(8) Messages originated by and addressed to aircraft operating agencies or their representa-

tives that directly bear on the efficient and economic conduct or day to day operations, if adequate non-United States communication facilities are not available and the messages concern—

(A) matter described in clause (7), but not meeting the time limitations described therein;

(B) aircraft parts, equipment, or supplies, air navigation or communications, or essential ground facilities;

(C) train or hotel reservations for passengers or employees;

(D) lost baggage or personal effects;

(E) tickets or cargo shipments and payment therefor;

(F) location of passsengers and cargo;

(G) new or revised passenger or cargo rates;

(H) crew assignments and similar operations personnel matters taking effect within 7 days;

(I) post flight reports for record purposes;

(J) publicity and special handling regarding dignitaries; or

(K) reservations, when originated by aircraft operating agencies to secure space required in transport aircraft.

(b) The messages described in clauses (1)–(7) are given priority over the messages described in clause (8).

[Revision note: combines §§ 612.2 and 612.5]

§ 179.5 Charges for messages.

(a) The messages described in section 179.3(a)(1)–(7) of this chapter are transmitted without charge.

(b) The charge for a message that, in whole or in part, contains matters described in section 179.3(a)(8) of this chapter, is 25 cents for each ten words, or part thereof, of text and signature, plus applicable taxes, for each addressee.

(c) Whenever the refiling of a message with a non-FAA communications facility is necessary, the refiling is made on a "collect" basis at no cost to, or assumption of liability by, the FAA. The cost of local telecommunications facilities used for the acceptance or delivery of a message must be paid by the user.

(d) Charges must be paid in United States currency to the FAA official in charge of the communications station first receiving the message, or to any other designated FAA official. However, the Assistant Administrator of the area in which the FAA communications station first transmitting or receiving the message is located may make advance arrangements for deferred payment of charges on a periodic basis or in any specific case where advance payment is not practicable.

[Revision note: combines §§ 612.3 and 612.4]

§ 179.7 Limitation of liability.

The United States is not liable, beyond the amount of the charge made, for any error or delay, in transmission or delivery, or for non-delivery, of any message accepted for transmission under this Part, even if the error, delay, or non-delivery is caused by the negligence of an employee of the United States.

[Revision note: based on § 612.6]

Part 179—DISTRIBUTION TABLE

Present Section	*Revised Section*
612.1	179.1
612.2	179.3
612.3	179.5
612.4	179.5
612.5	179.3
612.6	179.7