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TITLE 14 -- AERONAUTICS AND SPACE

CHAPTER I -- FEDERAL AVIATION AGENCY

[Regulatory Docket No. 570 ; Regulation No. SR-443]

[Affects Parts 49]

Authority to Deviate from Certain Provisions of Part 49 of the Civil Air Regulations Within the State of Alaska

The Federal Aviation Agency has recently received requests from various operators in Alaska for authority to transport in cargo aircraft within the State of Alaska flammable liquids, viz., gasoline and fuel oil, in larger quantities than presently permitted by Part 49 of the Civil Air Regulations and Part 72 of the Interstate Commerce Commission Regulations.

These operators state that they have the need to transport gasoline and fuel oil supplies in 55-gallon drums to mining sites, exploration groups, and small villages in relatively remote areas, as well as to the various outlying stations served by scheduled and charter services. Although water transportation to some of these locations is possible at certain times, surface freezing during the major part of the year makes air transportation the only practicable means of resupply. Annual resupply by stockpiling fuel in 55-gallon drums, during the limited time when surface transportation is possible, presents a fuel contamination problem, due to the water and rust accumulation which develops in the drums. This is especially critical where aviation fuel is concerned.

Section 49.41(a) of Part 49 of the Civil Air Regulations permits transportation in cargo aircraft of any article packed, marked, and labeled in accordance with ICC Regulations for transportation by rail express. The

ICC Regulations do not permit the carriage by rail express of gasoline and fuel oil in quantities exceeding 10 gallons. They do, however, permit larger quantities to be shipped in an outside container aboard trucks and in freight carriage, and 55-gallon drums have been approved for such shipments. Section 49.2 provides, in emergency situations or where other forms of transportation are impracticable, for deviation from any of the provisions of Part 49 for a particular flight subject to such terms, conditions, and limitations as the Administrator finds necessary in the interest of safety in air commerce.

Certain of the operators in Alaska have previously been granted individual authorizations for the carriage of gasoline and fuel oil in the larger quantities under consideration. The experience gained under these individual authorizations has indicated that such operations can be conducted without an adverse effect upon safety. Since there is a continuing need to transport these flammable liquids and an authorization granted under § 49.2 for a particular flight is not sufficient to meet this need, special authority for a series of flights is required. Therefore, it would be consistent with present procedures to grant special authority to such operators to deviate from the provisions of Part 49 to the extent provided herein.

The provisions of this Special Civil Air Regulation authorize deviations from Part 49 only with respect to the carriage of gasoline and fuel oil in 55-gallon drums aboard cargo aircraft, and the shipper and operator are required to comply with the requirements of Part 49 in all other respects.

Prior to engaging in operations pursuant to this Special Civil Air Regulation, each operator will be required to furnish the Chief, Flight Standards Field Division, Region 5, with a list showing the type aircraft,

registration number, airports to be used, and the area in which the aircraft is to be operated.

This special regulation shall continue in effect until October 31, 1962. Prior to this date, the experience gained under this authorization will be evaluated for the purpose of considering the incorporation of the substance of this rule in the permanent body of the Civil Air Regulations.

Since this special regulation grants relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making it effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective

1. Contrary provisions of § 49.41(a) of Part 49 of the Civil Air Regulations notwithstanding, and subject to the conditions hereinafter set forth, any operator of aircraft while conducting operations entirely within the State of Alaska, may deviate from the provisions of such section to the extent necessary to permit the transportation in cargo aircraft of 55-gallon drums of gasoline or fuel oil.

(a) Prior to engaging in operations pursuant to this Special Civil Air Regulation, each operator furnishes the Chief, Flight Standards Field Division, Region 5, with a list showing the type aircraft, registration number, airports to be used, and the area in which the aircraft is to be operated. All operations must be conducted with the aircraft and at the places listed unless express approval to do otherwise is obtained from the Chief, Flight Standards Field Division.

(b) Gasoline and fuel oil are prepared for shipment in 55-gallon containers which meet Specification 5, 5B, 5C, or 5M prescribed in Part 78 of the Interstate Commerce Commission Regulations.

(c) Each container is inspected prior to and after being loaded aboard the aircraft to determine that it is airtight and leakproof. Any defective container shall be rejected for shipment.

(d) Each container is loaded with the filling hole up, and blocked, braced, and secured so as to prevent change of position by ordinary shocks incident to transportation.

(e) The cargo compartment is ventilated so as to prevent accumulation of fumes from the contents of the containers.

(f) Other cargo carried in the same compartment with flammable liquid containers is blocked, braced, and secured so as to prevent change of position by ordinary shocks incident to transportation.

(g) Each container is conspicuously labeled with a flammable liquids label or plainly marked to indicate its contents. In lieu thereof, "DANGEROUS - FLAMMABLE LIQUID CARGO" may be conspicuously and legibly marked on the outside of the cargo doors.

(h) No smoking, lighting of matches, or carrying of any flame or lighted cigar, pipe, or cigarette is permitted while loading or unloading the aircraft, or during flight.

(i) Loading and unloading of flammable liquids are not to be accomplished while the aircraft engines are running.

(j) The operator or a competent authorized employee of the operator must supervise the loading of the aircraft, inspect each finished load, and certify as to its compliance with the pertinent requirements of this Special

Civil Air Regulation. The operator must maintain a record of such inspections, showing the dates, quantities carried, and the results of the inspections made.

(k) Persons other than crewmembers are not carried aboard the aircraft while transporting flammable liquids under this authorization.

This Special Civil Air Regulation shall expire October 31, 1962, unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 313(a), 601, 902(h); 72 Stat. 752, 775, 784; 49 U.S.C. 1354(a), 1421, 1472.)

E Alexander

Administrator

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