

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Off-Bloom Allotment

Notice was published in the FEDERAL REGISTER on July 18, 1972 (37 F.R. 14235), that the Department was giving consideration to proposed amendment of § 910.161a of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100–910.180) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), which regulate the handling of fresh lemons grown in Arizona and designated part of California, hereinafter referred to collectively as the "order". This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment of said rules and regulations was recommended by the Lemon Administrative Committee, established under said order as the agency to administer the terms and provisions thereof. Said notice allowed interested persons 10 days in which to submit written data, views, or arguments for consideration in connection with the proposed amendment. None were received.

Currently, the rules and regulations authorize the committee to allocate off-bloom allotment each week in the proportion that each handler's certified off-bloom lemons bear to the total quantity of all off-bloom lemons certified for all handlers, but not in excess of the quantity requested by each handler. The amendment would (1) provide that the committee shall allocate off-bloom allotment on the basis of the volume of certified off-bloom lemons picked and delivered, and (2) limit the proportion of such allotment, granted to a handler, to a percentage not exceeding 15 percentage points above the percentage of such handler's total volume of lemons which the committee estimates will be marketed in domestic channels.

The amendment reflects the committee's evaluation of program operations since the off-bloom allotment provisions were added to the order (August 1971) and its belief that this amendment would help to assure equity among handlers in the allocation of allotment and the shipment of lemons to fresh market outlets.

After consideration of all relevant matter presented, including that in the no-

tice, it is hereby found that amendment of said rules and regulations as hereinafter set forth is in accordance with the amended order and will tend to effectuate the declared policy of the act. Therefore, said rules and regulations are amended as follows:

Paragraph (c) of § 910.161a is revised to read as follows:

§ 910.161a Off-bloom allotment.

(c) *Issuance of weekly allotment.* The committee shall allocate allotment each week in such proportion as the quantity of off-bloom lemons a handler has certified bears to the total quantity of all off-bloom lemons certified for all handlers, but not in excess of the amount a handler requests, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in the same proportion as aforesaid but not in excess of the amount requested: *Provided*, That such allotment shall be granted only for certified lemons which have been picked and delivered and the total allotment granted shall not be for more than 15 percentage points above the percentage which the Committee estimates will be marketed in domestic channels in its current marketing policy established pursuant to § 910.50.

It is hereby found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of lemons is now in progress and to be of maximum benefit the provisions of this amendment should become operative at the time specified herein, (2) the effective time hereof will not require of handlers any preparation that cannot be completed prior thereto, (3) the provisions of this amendment are identical with the recommendations of the Committee and information concerning such provisions has been disseminated among handlers of lemons, and (4) notice of proposed rule making concerning this amendment was published in the FEDERAL REGISTER and no objection to the amendment was received.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 3, 1972, to become effective upon publication in the FEDERAL REGISTER (8–9–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 72–12433 Filed 8–8–72; 8:47 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Limitation of Handling

On July 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 13110), regarding amendment of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174; 37 F.R. 4245; 5600). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 37 F.R. 861; 3349), regulating the handling of dried prunes produced in California. The amended marketing agreement and order (hereinafter referred to collectively as the "order"), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

Interested persons were given 7 days in which to submit written data, views, or arguments with respect to the proposal. None was submitted within the prescribed time.

Recent amendment of the order required conforming changes in the administrative rules and regulations. The changes set forth in the Committee's proposal were: (1) Deleted obsolete provisions including provisions pertaining to the accumulation of certain quality prunes and their disposition for nonhuman consumption; (2) prescribed procedures for the receipt and disposition of undersized prunes, including documentation requirements for such disposition; and (3) made minor changes in handler reporting requirements.

Sections 993.149 and 993.150 contain provisions as to handler receipt and handler disposition of prunes, respectively. Major changes resulting from this amendment of the administrative rules and regulations include revision of § 993.149(c) (2) to provide provisions for receipt of undersized prunes. A new paragraph (g) is added to § 993.150 to provide procedures for handler disposition of undersized prunes. The amendment also deletes paragraph (e) of § 993.149, and references to that paragraph in other sections of the administrative rules and regulations. Paragraph (e) pertains to the disposition of certain quality prunes in nonhuman consumption outlets.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found and determined

that these changes would tend to effectuate the declared policy of the act.

It is, therefore, ordered, That Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174; 37 F.R. 4245; 5600) be revised as follows:

§ 993.105a [Redesignated]

1. Section 993.105a *Size count*, is redesignated § 993.105 *Size count*.

§ 993.105b [Deleted]

2. Section 993.105b is deleted.

3. Section 993.149(c) (2) is revised to read as follows, and paragraph (e) is deleted.

§ 993.149 Receiving of prunes by handlers.

(c) * * *

(2) *Certification*. Following inspection of a lot not returned to the producer or dehydrator, the handler shall require the inspection service to issue, in quintuplicate, a signed certificate containing at least the following information: (i) The date and place where samples were drawn and the date and place of inspection; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; (iii) the variety of the prunes, the county in which such prunes were produced, the number and type of the containers thereof, the net weight of the prunes as shown on the applicable door receipt or weight certificate, together with the number of such receipt or certificate and the contract or account number under which the prunes were delivered; (iv) whenever applicable, the percentage by weight of undersized prunes in the lot; (v) with respect to the balance of the lot, the inspector's computation of the percentage of each group or combination of groups of defects for which a maximum tolerance is in effect; (vi) whether the balance of the prunes are standard or substandard; (vii) if substandard, the percentage of weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom in order for the remainder of the balance of the lot to be standard prunes; and (viii) in any crop year in which a reserve percentage other than 0 percent is established, the average size count of all prunes in the lot: *Provided*, That whenever an undersize prune regulation is in effect for the crop year, the average size count shall be of all prunes except undersized prunes in the lot. The handler shall require the inspection service to furnish the producer or dehydrator with one copy of the certificate and the handler with two copies promptly.

(e) [Deleted]

§ 993.150 [Amended]

5. The first sentence of § 993.150(d) is revised to read: "Any lot of standard prunes or standard processed prunes containing more than 2 percent by weight of non-French prunes shall be disposed of only in prune product outlets as prescribed in § 993.50(c) unless the non-French prunes therein have an

average count of 40 or less per pound and unless in a 100-ounce sample of the lot, the count per pound of 10 ounces of the smallest prunes in the sample does not vary from the count per pound of 10 ounces of the largest prunes in the sample by more than 35 points."

6. Section 993.150(e) (3) is revised by deleting the words "or to be credited against handler disposition obligations in accordance with § 993.149(e) (2)";

7. Section 993.150(e) (3) (vii) is revised by deleting the words "except for prunes within § 993.149(e) (2)";

8. A new paragraph (g) is added to § 993.150 reading as follows:

(g) *Disposition of undersized prunes*.—

(1) *Application for and approval of disposition*. Undersized prunes accumulated by a handler pursuant to § 993.49(c) shall be disposed of in nonhuman consumption outlets during the crop year in which the prunes establishing such obligation were received from producers and dehydrators. Prior to making any such disposition, the handler shall obtain the Committee's approval of his application to do so. The handler's application to ship or otherwise make final disposition of any such undersized prunes shall be submitted on Form PAC 2.21 "Application for Permission to Dispose of Undersized Prunes" which shall set forth: (i) The name and address of the handler's vendee and the name and address of the consignee whether the same as or different from the vendee; (ii) the particular use to be made of the prunes; (iii) if such use is to be by a person other than the handler's vendee or the consignee, the name and address of such user; and (iv) the crop year or the period within, or the portion of, the crop year during which shipment or other disposition is to be made. When the use or the name and address of the consignee or user are not known by the handler, the handler shall arrange for the submission of such information to the Committee. If use is to be by the handler, the application shall so indicate and shall set forth all applicable information. Each application for shipment shall be limited to the handler's vendee and the consignee, if different from the vendee, and to a specific user and use. Each application for final disposition for a particular use by the handler shall be limited to such handler and use. The Committee's approval of a handler's application shall be transmitted to the handler on Form PAC 2.31 "Permission to Dispose of Undersized Prunes." In approving an application, the Committee shall specify the crop year or the period within, or the portion of, the crop year for which the approval is granted. When the use or name and address of the user or consignee are not known to the handler, the Committee shall not approve the application until it has been informed as to such use and user and consignee of the prunes. The requirements of § 993.150(e) (1) (iv) (except item (a) thereof), (v), and (vi) with regard to disapproval of applications or revocation of approved applications, and the main-

tenance of books and records, applicable to prunes which fail to meet minimum standards, shall also apply to undersized prunes.

(2) *Documentation of disposition of undersized prunes*.—(i) *Inspection and certification*. The handler shall cause an inspection to be made of each lot of undersized prunes prior to shipment or other disposition to determine whether such prunes meet the applicable requirements prescribed with respect to undersized prunes. After such determination, the handler shall cause a signed inspection certificate applicable to such prunes to be forwarded promptly to the Committee.

(ii) *Documentation of shipment or other disposition*. For each quantity of undersized prunes so shipped or otherwise disposed of, the handler shall promptly forward to the Committee one copy of the applicable bill of lading, truck receipt, or related documentation of disposition which shall show: (a) The name of the consignee; (b) the Committee approval number; (c) the destination by name and address of the person designated to receive the prunes; (d) the date of shipment or other disposition; (e) the inspection certificate number; (f) the net weight of the prunes; (g) the weight certificate number; and (h) identification of the prunes as undersized prunes.

(iii) *Certification of receipt*. The handler shall forward with each quantity of undersized prunes disposed of a certification form in triplicate, Form PAC 4.71 "User's Receipt of Dried Prunes for Nonhuman Usage" on which the handler shall have entered the following applicable information: (a) The inspection certificate number; (b) the Committee approval number; (c) the shipping or other disposition document number; (d) the name of the carrier; (e) the date of shipment or other disposition; and (f) the license or car number of each carrier unit, if applicable, used in the movement of the prunes to the destination of disposition or usage. The handler shall cause, either directly or through the vendee or consignee, the user of the prunes to certify on Form PAC 4.71 the receipt by him of the applicable prunes and to promptly forward the original thereof to the Committee. Such certification shall set forth the location where the prunes were received, the date of such receipt, the name and address of the person who will use or otherwise dispose of the prunes, and the signature and authority of the certificant to act for the user.

(iv) *Certification of usage*. The handler shall cause, either directly or through the vendee or consignee, the user of the prunes to certify, and forward to the Committee, one copy of Form PAC 4.71, following use or disposition thereof, that the prunes have been used or otherwise disposed of, the date and location at which use or other disposition took place, the name and address of the user, the signature and authority of the certificant to act for the user, and the date of his certification.

§ 993.173 [Amended]

9. Section 993.173(a) (4) is revised to read: "An itemized statement listing each lot of prunes in the delivery, showing the date received, receiving point, weight certificate, or door receipt number, inspection certificate number, variety, crop year of production, and the net weight, if any, of prunes shown by the applicable incoming inspection certificate to be disposed of for nonhuman consumption in accordance with § 993.150(g);".

10. Section 993.173(b) (2) is revised to read: "the aggregate net weight of prunes, as shown by the applicable incoming inspection certificates, required to be disposed of for nonhuman consumption in accordance with § 993.150(g);".

Dated August 3, 1972, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc.72-12434 Filed 8-8-72;8:47 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter 1—Small Business Administration

[Rev. 11, Amdt. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition for Purpose of SBA Financial Assistance to Certain Agriculture Related Businesses

On June 28, 1972, the Small Business Administration published in the FEDERAL REGISTER (37 F.R. 12730) a notice that it proposed to adopt a \$250,000 annual receipts size standard for the purpose of SBA loans to certain agriculture related businesses.

Interested persons were given 15 days in which to submit written comments thereon and no adverse comment was received.

Accordingly, Part 121 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby amended by adding new § 121.3-10(i) to read as follows:

§ 121.3-10 Definition of Small Business for SBA Loans.

(i) Agriculture production (crops), fish farms, and fish hatcheries. Any concern primarily engaged (1) in an industry set forth in Major Group 01—Agriculture Production—Crops, of the Standard Industrial Classification Manual, (2) in the operation of a fish farm (part of Standard Industrial Classification Industry No. 0279, Animal Specialties, Not Elsewhere Classified), or (3) in the operation of a fish hatchery (part of Standard Industrial Classification Industry

No. 0921, Fish Hatcheries and Preserves) is classified as small if its annual receipts do not exceed \$250,000.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (8-9-72).

Dated: July 24, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-12422 Filed 8-8-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter 1—Federal Aviation Administration, Department of Transportation

[Docket No. 10658, Amdts. 43-16; 91-102;
121-94; 127-28]

AIRCRAFT MAINTENANCE AND RELATED RECORDS

The purpose of these amendments to Parts 43, 91, 121, and 127 of the Federal Aviation Regulations is to revise the maintenance and related recordkeeping requirements for aircraft and aircraft components.

These amendments are based on a notice of proposed rule making (Notice 70-43) published in the FEDERAL REGISTER on October 29, 1970 (35 F.R. 16740). A number of comments were received in response to the notice and, except for those indicating agreement with the proposal or merely repeating issues discussed and disposed of in the notice, the FAA's disposition of the comments is set forth hereinafter.

Several commentators were concerned that proposed § 91.173 would require more recordkeeping than is now required by the present rule thereby increasing the burden on owners and operators. However, the comments did not cite specific examples to support their concern in this respect. In this connection, both the present and the proposed rules require a complete record of maintenance and alteration of each aircraft and engine. The proposal is clarifying, however, in specifically requiring that records of maintenance and alteration be kept also for propellers, rotors, and appliances. Moreover, whereas the present rule requires total time in service records for aircraft and certain engines, the proposal requires such records only for the airframe and as necessary for showing the current status of life-limited parts, applicable airworthiness directives, and aircraft inspections. A primary objective of the amendments is to produce more useful records and while it is not possible to say in any given case that recordkeeping will not be increased, it is possible that in some instances, there may be a reduction.

In further connection with the recordkeeping under proposed § 91.173, one commentator was concerned that the proposal did not give assurance that work already performed would not be subject to record verification back to the

time of construction of the basic airplane or component. However, the commentator's suggestion, that a date be established after which the data specified in the proposal would be required, would permit all records of work performed prior to that date to be destroyed. The purpose of the proposal was to ease the record retention requirement of the present regulations which make no provision for the disposal of superseded or obsolete records that are now part of the "permanent" records and accordingly required to be retained for the life of the article. Proposed § 91.173 effectively makes provision for retaining specific records only for the period of time they are useful, after which they may be discarded. This applies to existing as well as future records. To the extent that the commentator is concerned that the data required to be retained under the present regulations may be set forth in a number of documents and that those documents may also contain data that can be disposed of under the proposal, it should be noted that the owner or operator has the option of retaining those documents or establishing a new record containing only the required data.

Pointing out that proposed § 91.173 does not make specific provision for logging repairs or alterations by reference to FAA Form ACA-337, one commentator asked if that procedure were being deleted. The proposal makes the language of § 91.173(a)(1)(i) consistent with that of § 43.9(a)(1). Accordingly, where maintenance or alteration is recorded by reference to Form ACA-337 in compliance with § 43.9(a)(1), the owner or operator receives from the person who maintains or alters the aircraft an entry to that effect in the aircraft maintenance record. That entry meets the requirement of § 91.173(a)(1)(i) since it references data acceptable to the Administrator and any further description of the work would be superfluous. For this reason, it is unnecessary to include a provision that repairs or alterations may be logged by making specific reference to Form ACA-337 even though, as indicated above, such a recording procedure may continue to be utilized in an appropriate situation.

Three commentators requested clarification of the intent or meaning of the phrase "current status of life-limited parts" used in proposed §§ 91.173(a)(2)(ii) and 91.174(b)(4). Two other commentators questioned whether "life-limited" referred to manufacturers' recommendations or to limitations included in the aircraft type certificates issued by the FAA. The intent of the proposal is to assure that records are kept from which the "current status" of life-limited parts can be determined. The term "life-limited parts" refers to parts or components for which retirement times, service life limitations, parts retirement limitations, retirement life limitations, or life limitations exist. By whatever term they are called, such limitations on life-limited parts are those that are "required" by the Administrator under the provisions of the Federal Aviation Regulations. "Required" life limits may be

established during the type certification of a product and set forth in the type certificate data sheet (or product specification that is a part of the type certificate). They may also be established in an airworthiness directive, in an operator's operations specifications, in an FAA-approved maintenance program, including an inspection program, or in the limitations section of an Airplane Flight Manual or other manual required by an operating rule. Similarly, the phrase "required to be overhauled on a specified time basis", as used in proposed §§ 91.173(a)(2)(iii) and 91.174(b)(5), means "required" by the Administrator under the provisions of the Federal Aviation Regulations and refers to those items which must be overhauled on a specified or "hard" time inservice basis established by one of the same procedures mentioned above in connection with life-limited parts.

Indicating its belief that proposed § 91.173 does not go far enough in setting forth recording requirements, one commentator suggested that the amendment should also require a record of maintenance that had been scheduled but not performed as, for example, work written up by technicians and inspectors or included in a service bulletin but not accomplished prior to return to service because it had been deferred or deemed to be a "noncompliance" item. The situation presented by this commentator relates to air carrier operations and is, therefore, not properly cognizable under § 91.173. However, to the extent that it applies to maintenance in general, the FAA does not agree with this concept of recordkeeping. The FAA believes that a proper maintenance record is a record of the work actually done and of the identification of the persons approving the work. Moreover, contrary to a further recommendation, the FAA does not believe there is any necessity that work performed be recorded both by description and by reference to data acceptable to the Administrator since a proper description of the work may be given without reference to bulletins, manuals, or engineering data.

With reference to the disposition of records, one commentator suggested that at the time of the annual inspection, the required data on time-in-service alterations, and airworthiness directives be submitted to the FAA for retention. Another commentator in a similar vein wanted records of all work, including nondestructive test records, kept for 1 year, whether or not the work was repeated or superseded, and then micro-filmed and submitted to the FAA. The FAA disagrees with these comments. Obsolete and redundant records do not aid in determining the current condition of an aircraft, and the FAA does not have facilities to be the repository of such records. Current records, as provided in the amendment to § 91.173, are to be retained by the owner or operator.

One commentator recommended that maintenance records should be required for any time period that an aircraft may have been a public aircraft. However,

under the Federal Aviation Act of 1958 public aircraft are not subject to the certification and maintenance requirements of the Federal Aviation Regulations. Therefore, a prospective purchaser of a public aircraft must assess the records of such an aircraft against the recordkeeping requirements of § 91.173 to assure their adequacy for civil aircraft purposes. Finally, it should be noted in connection with proposed § 91.173, that clarification of the term "approved," as requested by another commentator, is unnecessary in view of the definition of that term in Part 1 of the Federal Aviation Regulations. However, § 91.173(a)(1) has been revised to make it clear that it includes records of other required inspections as well as of other approved inspections. In addition, for further clarification and consistency, § 91.173(a)(2) has been revised to list, as records required to be kept, all the information listed for transfer in § 91.174(b) of the proposal.

With regard to proposed § 91.174(b)(1), one commentator reported seeing logbook entries that recorded compliance with airworthiness directives without including a description of compliance and recommended that a "grandfather" provision be provided or the regulation be made more specific as to recording the method of compliance. Contrary to the commentator's understanding, proposed § 91.174(b)(1) merely continues the present requirement that the method of compliance must be recorded. It should be noted that airworthiness directives generally refer to a manufacturer's service bulletin for one acceptable method of compliance, and if the service bulletin is followed, the record of the method of compliance may be made by referencing the service bulletin.

The present regulations require that the entire maintenance record be given to the transferee upon disposition of an aircraft. Notice 70-43, on the other hand, proposed that the mandatory transfer of maintenance records include only summary information in the form of various status and time lists. One commentator requested clarification of the proposed record transfer requirement since it appeared that the transfer of the other maintenance records should be the subject of agreement between seller and purchaser. In this connection, the proposal continued the requirement that all maintenance records required to be kept be made available for inspection by the FAA and the National Transportation Safety Board (NTSB). Therefore, to insure the availability of necessary records, notwithstanding an intervening sale, the transfer requirements of new §§ 91.174, 121.380a, and 127.142, make provision for all maintenance records required to be kept. Following the suggestion of the commentator, maintenance records, other than the status and time summaries, may either be transferred to the purchaser or, upon agreement of seller and purchaser, remain in the physical custody of the seller. In the latter event, however, the purchaser as the new owner,

or operator, is not relieved of his responsibility to make the records available for inspection by the FAA and the NTSB.

One commentator objected to continuation of the requirement stated in proposed § 121.380(b) for retention of the record of the last complete overhaul of certain items. The commentator contends that for many such items used by air carriers, complete overhaul has been effectively superseded by the application of various maintenance control programs such as condition-monitoring and fault-isolation techniques. The FAA does not agree, however, that all provisions for overhaul record retention should be deleted. The proposal takes into account the realistic needs of the air carriers and investigative agencies in relation to the present state-of-the-art of data collection, recording, and storage. Notwithstanding the availability of various maintenance control program techniques, overhaul remains a part of maintenance even though the number of items overhauled may vary from operator to operator. Where a maintenance program for an item of aircraft equipment does not require overhaul, of course, there will be no overhaul records requiring retention under this provision. The FAA does agree that there should be a provision for the disposal of overhaul records when the work is superseded by other work. The intent of the Notice was that overhaul records not be subject to the one year rule but that they be retained until the work is superseded by work of equivalent scope and detail, and the proposal has been changed accordingly.

With reference to a query regarding the airworthiness release form, it should be noted that the form itself is not a maintenance record covered by the retention requirements of § 121.380, notwithstanding certain requirements for records relative to it as stated in that section. Retention of the airworthiness release form continues to be governed by § 121.709.

Another comment questioned the different retention times for certain records by air carriers and by repair stations and manufacturers doing work for the carriers and further alleged that the proposal requires a duplication of certain records. However, the FAA does not believe there is any inconsistency. The recording and retention requirements for the carriers on the one hand and repair stations and manufacturers on the other are necessarily governed by the needs of each and are not duplicative. A person performing maintenance for an air carrier must perform and record that work in accordance with the carrier's manual but the manual need not be identical with recording requirements for repair stations or manufacturers.

Anticipating a situation in which records required to be transferred with an aircraft might not be available, one commentator recommended the retention of the provisions of present § 121.699(c) under which an aircraft component, aircraft engine, propeller, or appliance could be placed in service without complete records if certain conditions are met.

However, since the comment was specifically directed at the airframe, the provisions of the section that is being deleted would be inapplicable in any event under the conditions stated in present § 121.699(c). Moreover, as the commentator recognized, it would be rare not to have the aircraft history and total time records available, and such cases should be dealt with on an individual basis.

Proposed § 91.173 deletes the present reference to "permanent" maintenance records. Similarly, proposed §§ 121.380 and 127.141 delete the provisions contained in the present section which, in part, require a record of "all" maintenance. For internal consistency, the related provisions of Part 43—Maintenance, Preventive Maintenance, Rebuilding, and Alteration, should also be changed. Accordingly, this amendment includes editorial changes to §§ 43.9 and 43.11 which delete the word "permanent" in connection with maintenance record entries, and the word "all" with reference to the recording of air carrier or commercial operator maintenance, rebuilding, and alteration.

Finally, the proposal has been editorially revised and minor clarifying changes have been made in the wording of the regulations proposed in Notice 70-43. However, these changes are nonsubstantive in nature. In this connection § 91.161 (b) is being amended to exempt aircraft maintained in accordance with a continuous airworthiness maintenance program as provided in Part 121, or 127, or 135 from the requirements of § 91.174 and the same requirements are being made applicable to those certificate holders in new §§ 121.380a and 127.142. This revision is consistent with the current exemption for these aircraft from the requirements of § 91.173.

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, Parts 43, 91, 121, and 127 of the Federal Aviation Regulations are amended as follows, effective September 8, 1972:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

§ 43.9 [Amended]

1. The lead-in sentence of paragraph (a) of § 43.9 is amended by striking out the word "permanent."

2. Paragraph (b) of § 43.9 is amended by striking out the word "all" and substituting the word "the" in place thereof.

§ 43.11 [Amended]

3. The lead-in sentence of paragraph (a) of § 43.11 is amended by striking out the word "permanent."

PART 91—GENERAL OPERATING AND FLIGHT RULES

4. Section 91.161(b) is amended to read as follows:

§ 91.161 Applicability.

(b) Sections 91.165, 91.169, 91.170, 91.171, 91.173, and 91.174 do not apply to an aircraft maintained in accordance with a continuous airworthiness maintenance program as provided in Part 121, 127, or 135 of this chapter.

5. Section 91.173 is amended to read as follows:

§ 91.173 Maintenance records.

(a) Except for work performed in accordance with § 91.170, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:

(1) Records of the maintenance and alteration, and records of the 100-hour, annual, progressive, and other required or approved inspections, as appropriate, for each aircraft (including the airframe) and each engine, propeller, rotor, and appliance of an aircraft. The records must include—

(i) A description (or reference to data acceptable to the Administrator) of the work performed;

(ii) The date of completion of the work performed; and

(iii) The signature and certificate number of the person approving the aircraft for return to service.

(2) Records containing the following information:

(i) The total time in service of the airframe.

(ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

(iii) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.

(iv) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.

(v) The current status of applicable airworthiness directives, including the method of compliance.

(vi) A list of current major alterations to each airframe engine, propeller, rotor, and appliance.

(b) The owner or operator shall retain the records required to be kept by this section for the following periods:

(1) The records specified in paragraph (a) (1) of this section shall be retained until the work is repeated or superseded by other work or for 1 year after the work is performed.

(2) The records specified in paragraph (a) (2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The owner or operator shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

6. Part 91 is amended by adding a new § 91.174 following § 91.173, to read as follows:

§ 91.174 Transfer of maintenance records.

Any owner or operator who sells a U.S. registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The records specified in § 91.173 (a) (2).

(b) The records specified in § 91.173 (a) (1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records in the seller does not relieve the purchaser of his responsibility under § 91.173(c), to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

7. Section 121.369 is amended by adding a new paragraph (c) to read as follows:

§ 121.369 Manual requirements.

(c) The certificate holder must set forth in its manual a suitable system (which may include a coded system) that provides for preservation and retrieval of information in a manner acceptable to the Administrator and that provides—

(1) A description (or reference to data acceptable to the Administrator) of the work performed;

(2) The name of the person performing the work if the work is performed by a person outside the organization of the certificate holder; and

(3) The name or other positive identification of the individual approving the work.

8. Section 121.380 is amended to read as follows:

§ 121.380 Maintenance recording requirements.

(a) Each certificate holder shall keep (using the system specified in the manual required in § 121.369) the following records for the periods specified in paragraph (b) of this section:

(1) All the records necessary to show that all requirements for the issuance of an airworthiness release under § 121.709 have been met.

(2) Records containing the following information:

(i) The total time in service of the airframe.

(ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

(iii) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.

(iv) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.

(v) The current status of applicable airworthiness directives, including the method of compliance.

(vi) A list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

(b) Each certificate holder shall retain the records required to be kept by this section for the following periods:

(1) Except for the records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance, the records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for 1 year after the work is performed.

(2) The records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance shall be retained until the work is superseded by work of equivalent scope and detail.

(3) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The certificate holder shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

9. Part 121 is amended by adding a new § 121.380a following § 121.380 in Subpart L, to read as follows:

§ 121.380a Transfer of maintenance records.

Each certificate holder who sells a U.S. registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The record specified in § 121.380 (a)(2).

(a) The records specified in § 121.380 (a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records in the seller does not relieve the purchaser of his responsibility under § 121.380(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 121.698 [Reserved]

10. The section heading and substance of § 121.698 are deleted and the section is marked "reserved".

§ 121.699 [Reserved]

11. The section heading and substance of § 121.699 are deleted and the section is marked "reserved".

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

12. Section 127.134 is amended by adding a new paragraph (c) to read as follows:

§ 127.134 Manual requirements.

(c) The certificate holder must set forth in its manual a suitable system (which may include a coded system), that provides for preservation and retrieval of information in a manner acceptable to the Administrator and that provides—

(1) A description (or reference to data acceptable to the Administrator) of the work performed;

(2) The name of the person performing the work if the work is performed by a person outside the organization of the certificate holder; and

(3) The name or other positive identification of the individual approving the work.

13. Section 127.141 is amended to read as follows:

§ 127.141 Maintenance recording requirements.

(a) Each certificate holder shall keep (using the system specified in the manual required in § 127.134) the following records for the periods specified in paragraph (b) of this section:

(1) All the records necessary to show that all the requirements for the issuance of an airworthiness release under § 127.319 have been met.

(2) Records containing the following information:

(i) The total time in service of the airframe.

(ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

(iii) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.

(iv) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.

(v) The current status of applicable airworthiness directives, including the method of compliance.

(vi) A list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

(b) Each certificate holder shall retain the records required to be kept by this section for the following periods:

(1) Except for the records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance, the records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other

work or for 1 year after the work is performed.

(2) The records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance shall be retained until the work is superseded by work of equivalent scope and detail.

(3) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The certificate holder shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

14. Part 127 is amended by adding a new § 127.142 following § 127.141 in Subpart I, to read as follows:

§ 127.142 Transfer of maintenance records.

Each certificate holder who sells a U.S. registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The records specified in § 127.141 (a)(2).

(b) The records specified in § 127.141 (a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records in the seller does not relieve the purchaser of his responsibility under § 127.141(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 127.308 [Reserved]

15. The section heading and substance of § 127.308 are deleted and the section is marked "reserved".

§ 127.309 [Reserved]

16. The section heading and substance of § 127.309 are deleted and the section is marked "reserved".

(Secs. 313(a), 601, 605, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1425; sec. 6 (c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 1, 1972.

J. H. SHAFFER,
Administrator.

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[Airspace Docket No. 72-EA-59]

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

Alteration of Transition Area

On page 12154 of the FEDERAL REGISTER for June 20, 1972, the Federal Aviation Administration published a proposed