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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 624; Valencia Orange Regulation 623, Amendment 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 10-16, 1979, and increases the quantity of such oranges that may be so shipped during the period August 3-9, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective August 10, 1979, and the amendment is effective for the period August 3-9, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is

hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on August 7, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is very weak.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accordance with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447-5975.

§ 908.924 Valencia Orange Regulation 624.

1. Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 10, 1979, through August 16, 1979, are established as follows:

- (1) District 1: 238,000 cartons;
- (2) District 2: 212,000 cartons;
- (3) District 3: Unlimited.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

§ 908.923 [Amended]

2. Paragraph (a)(1) in § 908.923 Valencia Orange Regulation 623 (44 FR 45359), is hereby amended to read:

(9) * * *

- (1) District 1: 288,000 cartons

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

Dated: August 8, 1979.

D. S. Kuryloski

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-24824 Filed 8-8-79; 12:13 pm]

BILLING CODE 3410-02-M

7 CFR Part 1011

[Milk Order No. 11]

Milk in the Tennessee Valley Marketing Area; Termination of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of the order.

SUMMARY: This document terminates all but certain administrative provisions of the Tennessee Valley Federal milk marketing order, effective midnight, September 30, 1979. The remaining administrative provisions will be terminated at a later date.

On the basis of a public hearing on proposed amendments to the order, the department concluded that the order should be amended in several respects. In a referendum, the issuance of the proposed amended order was not approved by the required two-thirds of the producers voting. Since the Department had determined from the hearing evidence that the order must be amended to carry out the applicable statutory authority, and in view of insufficient producer support for the proposed amended order, the department notified the public that termination of the present order was being considered. Comments on the proposed termination were invited.

After reviewing the comments filed, and on the basis of the record of the public hearing, the Department has concluded that the present order should be terminated.

EFFECTIVE DATE: Midnight, September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued August 23, 1978; published August 28, 1978 (43 FR 38412).

Recommended Decision—Issued January 18, 1979; published January 23, 1979 (44 FR 4696).

Extension of Time for Filing Exceptions—Issued February 9, 1979; published February 15, 1979 (44 FR 9761).

Final Decision—Issued April 23, 1979; published April 26, 1979 (44 FR 24563).

Referendum Order—Issued May 21, 1979; published May 25, 1979 (44 FR 30353).

Notice Proposing Termination of the Order—Issued June 20, 1979; published June 26, 1979 (44 FR 37232).

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the "Act," and of the order, as amended, regulating the handling of milk in the Tennessee Valley marketing area (7 CFR Part 1011), it is hereby found and determined that:

(a) The terms and provisions of the current order, as amended, do not tend to effectuate the declared policy of the Act.

A public hearing on proposed amendments to the Tennessee Valley milk order was held at Knoxville, Tennessee, on September 13, 1978, pursuant to notice thereof issued August 23, 1978 (43 FR 38412). Following the issuance of a recommended decision and the opportunity for filing exceptions, the Deputy Assistant Secretary for Marketing and Transportation Services issued on April 23, 1979 (44 FR 24563) a final decision on the issues considered at the hearing. It was concluded that the order should be amended in several respects and that the provisions of the proposed amended order would tend to effectuate the declared policy of the Act. Having found on the basis of the hearing evidence that certain provisions of the current order should be amended, it necessarily follows that the current provisions in question are not

effectuating the declared policy of the Act.

(b) The required number of producers do not favor the issuance of the proposed amended order as set forth in the April 23, 1979, decision.

On May 21, 1979, the Deputy Assistant Secretary issued an order (44 FR 30353) directing that a referendum be conducted among producers to determine whether they approved the issuance of the order as proposed to be amended by the decision issued on April 23, 1979. Less than two-thirds of the producers who participated in the referendum favored the issuance of the proposed amended order. Approval by at least two-thirds of the producers voting in a referendum is required before an amended order may be issued.

(c) The comments filed in response to the notice of proposed termination (44 FR 37232) do not provide a sufficient basis for retaining the order as currently effective.

Comments favoring the retention of the current order were received from a proprietary handler and from a cooperative association that represents a large majority of the producers on the market. Another proprietary handler, while supporting the order program in general, supported the termination of the Tennessee Valley order under the circumstances involved in this proceeding. When taken into consideration with the evidence received at the public hearing, the comments received do not provide a basis for concluding that the current order is effectuating the declared policy of the Act and should be retained.

It is therefore ordered. That the terms and provisions of the order, as amended, regulating the handling of milk in the Tennessee Valley marketing area, except for §§ 1000.4 (c) and (d), 1000.5 (b) and (c), and 1000.6 of 7 CFR Part 1000 that are incorporated by reference in § 1011.1 of the order, are hereby terminated effective at midnight, September 30, 1979.

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

Effective date: Midnight, September 30, 1979.

Signed at Washington, D.C., on: August 3, 1979.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 79-24552 Filed 8-8-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 65

[Docket No. 18739; Amendments Nos. 21-49 and 65-24]

Exhibition, Air-Racing, and Amateur-Built Aircraft; Airworthiness Certificate and Repairman Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments provide for the issuance of experimental certificates for exhibition, air-racing, and amateur built aircraft for periods longer than one year and for repairman certification of the primary builders of these aircraft, who may then perform the required condition inspection on such aircraft. The purpose of these amendments is to reduce, without any derogation of safety, the burden on certain experimental aircraft owners associated with annual recertification by the FAA.

EFFECTIVE DATE: September 10, 1979.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

These amendments to Parts 21 and 65 of the Federal Aviation Regulations (FAR) are based on a Notice of Proposed Rule Making (NPRM) issued as Notice 79-4 and published in the *Federal Register* on March 5, 1979 (44 FR 12042).

Notice 79-4 proposed to extend the duration of experimental certificates for aircraft certificated for the purpose of exhibition, air racing, or operating amateur-built aircraft for a period longer than one year. It also proposed that primary builders of these aircraft be eligible for repairman certification.

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. Two hundred and twelve comments pertaining to the proposals were received and they are discussed below.

Present section 21.181(a)(3) provides that an experimental airworthiness certificate is effective for one year after the date of issuance or renewal, unless a

shorter period is prescribed by the Administrator. Generally, this has meant that aircraft having experimental certificates are recertificated annually by FAA inspectors. This recertification process has included a condition inspection performed by the FAA.

A recent survey indicates that there are about 9,000 aircraft on the U.S. Registry certificated in the experimental category; approximately 7,000 of these are certificated for the purpose of exhibition, air racing, or operating an amateur-built aircraft. This large and ever-increasing number of experimental aircraft, particularly the amateur-built, has resulted in extended delays for many applicants seeking certification or recertification of their experimental aircraft.

Extending the duration of these experimental certificates will relieve this burden on aircraft owners by eliminating the annual recertification by the FAA. Experience with the present rule has shown that safety considerations do not require that FAA inspectors conduct the annual recertification inspection of such aircraft provided that they are inspected in a manner similar to aircraft certificated in a standard category. To ensure an adequate level of safety, the FAA will impose an operating limitation during certification requiring that, at least once a year, the aircraft receive a condition inspection in accordance with Appendix D of FAR Part 43 and be found to be in a safe condition, and that an entry recording that inspection be made in the aircraft's maintenance records.

These inspections will be able to be conducted by a certificated mechanic holding an airframe and powerplant rating (A & P mechanic) or an appropriately rated repair station. In addition, these amendments will further reduce the burden on some owners by providing for the repairman certification under Part 65 of certain aircraft builders. If a person qualifies for certification, that individual will be allowed to perform the condition inspection on the aircraft that person has built. The builder's certification as an airman is required to satisfy Section 610(a)(2) of the Federal Aviation Act of 1958 which makes it unlawful for any person to serve in any capacity as an airman without an airman certificate authorizing him to serve in this capacity.

These amendments are issued in accordance with Executive Order 12044 and the Department of Transportation's Regulatory Policies and Procedures which are intended to reduce the unnecessary burdens of regulation on the public.

Discussion of Comments

A majority of the comments received in response to Notice 79-4 contained a recommendation that the duration of experimental certificates for amateur-built, exhibition, and air-racing aircraft be permanent or for an indefinite period. Other commenters suggested that the duration of the certificates be for the length of time the aircraft is owned by the builder while some others would specify a certain number of years. The FAA agrees that once the aircraft has been shown to pose no hazard to the general public it should be certificated for an unlimited time. Since most experimental aircraft do not conform to an FAA approved type design and must be subject to a trial period of operation, the initial period of certification must necessarily be of limited duration. The FAA certificating inspector must retain the latitude needed to establish the initial certification period based on personal inspection of the aircraft and data presented by the applicant. Thereafter, following the initial certification and successful operation within the assigned flight test area for a specified period of time, it is the FAA intent that amateur-built, air racing, and exhibition aircraft be given an experimental certificate of unlimited duration. The rule therefore provides that such aircraft will be certificated for an unlimited period unless the Administrator finds for good cause that a specific period should be established.

The FAA will monitor the safety record of the aircraft certificated under this new rule. Should it appear at any time in the future that certificates of specific duration are required in order to safeguard the general public, appropriate rule making action will be taken.

One commenter objected to the proposal on the ground that it was unsafe. His major concern was that the work on these aircraft be accomplished by an A & P mechanic or under his direct supervision. As an alternative to the proposal contained in Notice 79-4, the commenter suggested that the construction of experimental aircraft be under the craftsmanship or direct supervision of a certificated mechanic, and that a mechanic holding an inspection authorization rating reissue the experimental certificate at the time of the annual inspection which would be conducted by such an inspector. The FAA has had a long-time policy of encouraging assistance of qualified private persons during aircraft construction and believes that amateur-aircraft builders should continue to

utilize those persons if the need arises. A delegation of authority for issuance of experimental certificates, however, is not warranted. The FAA wishes to retain the responsibility for certification, including a determination that the aircraft is in a condition for safe operation, and for prescribing appropriate operating limitations. With respect to the conduct of the annual recurring condition inspection, the FAA has concluded that an inspection by the original builder if he holds a repairman certificate, an A & P mechanic, or a repair station holding appropriate ratings can provide a satisfactory level of safety.

As suggested above, the FAA concurs with the suggestion of several commenters that appropriately rated repair stations be allowed to conduct the annual inspection. No additional rule change is required to implement this decision.

In order to increase the time available to FAA inspectors for other required functions, one commenter suggested that A & P mechanics perform the in-progress construction inspections. He also objected to the issuance of repairman certificates to "so-called aircraft builders," many of whom, he contended, do not build the aircraft and lack building and maintenance skills. It is during the in-progress inspection that FAA inspectors can concurrently inspect the aircraft and begin their assessment of the builder's skills and qualification for repairman certification. Only qualified builders will be certificated. Thus, it is important that the FAA maintain its inspection role during aircraft construction. This commenter's contention that the repairman certification process and repairman surveillance will be a drain on the FAA inspectors' time is rejected. As already noted, much of this one-time determination of qualification will be made during the construction.

One commenter suggested that A & P mechanics were not sufficiently qualified to make the required condition inspection of certain sophisticated aircraft, such as ex-military and jet aircraft, and suggested that a mechanic holding inspection authorization should be required in these cases. Another commenter suggested that certificated mechanics with inspection authorization be required in all cases. The FAA disagrees. The scope of the recurring condition inspection is the same as that required for a 100-hour inspection of standard category aircraft. Since A & P mechanics have long been permitted to conduct 100-hour inspections, there is no reason to doubt their ability to conduct

this inspection of experimental aircraft. Furthermore, under § 65.81 a certificated mechanic may perform only the maintenance for which he is rated and that only if he has satisfactorily performed the work concerned at an earlier date.

Several commenters objected to the issuance of a repairman certificate to the original builder of an amateur-built aircraft. Their concern was that the builder may have no experience in the inspection or detection of conditions causing or leading to defects in the aircraft. They also stated that, for the most part, the amateur-aircraft builder lacks the facilities and equipment necessary to maintain the aircraft, and therefore the annual inspection should be conducted by an authorized inspector. Those original builders who obtain repairman certification will have demonstrated, to the satisfaction of the FAA, sufficient knowledge and skill to allow them to inspect the aircraft they have built. The concern over lack of facilities is not valid. Under the present rule, the FAA inspector conducts the recertification inspection, for the most part, using the same facilities and equipment available to the aircraft owner.

Another commenter objected on two grounds. First, he asserted that having built a part of the aircraft does not qualify a person to inspect all of that aircraft. For example, he noted that while a home-built constructor may actually have built only a part of the airframe, his repairman certificate would permit him to inspect a powerplant, electrical, or hydraulic component of which he may not have sufficient knowledge. In this connection the scope and detail of the Part 43, Appendix D, inspection does not require extensive knowledge of such systems. It should be noted that in the case of repair stations, one which has only an appropriate airframe rating may conduct the inspection. Second, he objected to the fact that the FAA was turning over much administrative work to the general public rather than to a professional member of the aviation community. In fact, as a result of the adoption of these amendments there should be less administrative work since there will be no need for the owner to make annual application for recertification.

One commenter objected to the proposal on the ground that its adoption will impose a financial burden on owners who are not the original builders. Additional cost will be required for condition inspections. However, it is the conclusion of the FAA, apparently supported by most

commenters who support the proposal, that such cost will be more than offset by relief from the time delays associated with seeking recertification of their aircraft by the FAA and by the added flexibility made available for selecting the time and place of inspection.

In a related matter, several commenters suggested that the services of an FAA inspector be available to owners of amateur-built aircraft who are not the original builders when they are unable to secure an inspection from a certificated A & P mechanic. In those cases where an owner can show inability to get an inspection, he may apply for the services of an FAA inspector. In addition an owner may also utilize an appropriately rated repair station to perform the required inspection.

Several commenters proposed that Experimental Aircraft Association designees be authorized to perform the condition inspection. As in the case of those owners who are not the original builders, the FAA would not have a standard by which to judge the knowledge and skills of these persons.

Two commenters suggested that persons who have constructed an aircraft from a kit should not be eligible for a repairman certificate. Furthermore, one of these commenters stated his belief that a repairman certificate should only be issued to a builder whose workmanship is of acceptable quality. It should be noted that according to Advisory Circulars 20-27B, dated April 20, 1972, and 20-28A, dated December 29, 1972, aircraft which are merely assembled from kits composed completely of prefabricated components and parts, and pre-cut pre-drilled materials, are not eligible for certification as amateur-built aircraft, since the major portion of the aircraft would not have been fabricated and assembled by the builder as is required by FAR § 21.191(g). Although there is not a specific quality of workmanship requirement for receiving a repairman certificate, this is implicit in requiring that a person demonstrate to the satisfaction of the Administrator the requisite skill to determine whether the aircraft is in a condition for safe operation.

Several commenters suggested that a repairman certificate be made available to all owners of amateur-built aircraft after they demonstrate the required level of knowledge and skill needed to maintain their aircraft. Extending repairman certification to all owners of amateur-built aircraft would be impractical because the FAA does not have a standard by which to judge the

knowledge and skills of owners who have not built their aircraft. The FAA conducts inspections of amateur-built aircraft at various stages of their construction. In this way, the builder is able to demonstrate the knowledge and skills considered necessary for conducting an inspection and determining that the aircraft will be in a condition for safe operations.

Because this observation of the builder and his work is the essential means for determining a builder's knowledge and skill required for issuance of a repairman certificate, the FAA rejects the suggestion of one commenter that a written examination be required. If such an examination is considered necessary, it can be required by administrative means; a regulation is not required.

One commenter suggested that once issued a repairman certificate on the basis of having built an amateur-built aircraft, a person should be allowed to inspect other amateur-built aircraft. Another commenter stated that the condition inspection should be able to be performed by any amateur builder who had built an aircraft of the same type. The FAA cannot accept these suggestions. Although many amateur-built aircraft may be of similar type, they are not fabricated to a type design or specification and the builders frequently make changes based on personal desires or the availability of materials. These changes are often significant. Thus, the original builders may possess the expertise to inspect the aircraft they have built but not one built by another person or one of similar type.

Several commenters requested that the original builder of an amateur-built aircraft be allowed to continue to conduct the required inspection of the aircraft after its sale to a new owner, if the new owner so desired. Although the proposal did not address the situation directly, it was intended that the qualified original builder be allowed to continue to inspect the aircraft after its sale, at the request of the new owner.

Several commenters suggested a "grandfather" clause be applied to the issuance of repairman certificates to allow present amateur-built aircraft owners who are not the builders of the aircraft to be eligible for a repairman certificate. These commenters believe that since they have been performing their own maintenance and repairs under the present rule they should be qualified to perform the annual condition inspection under the new rule. A "grandfather" clause for amateur-built owners who are not the builders is not warranted. The nonbuilders do not have

the privilege of performing the annual condition inspection under the present rule; therefore, they cannot be "grandfathered" to perform it under the new rule. As previously stated, the original builders are the ones who most likely will possess the expertise to inspect the aircraft they have built. To issue repairman certificates to amateur-built aircraft owners who are not the builders on the basis of their performing maintenance would require that the FAA issue repairman certificates to the present owners of exhibition and air-racing aircraft for the same reason. This would not be in the interest of safety.

One commenter proposed that the original builder be allowed to sign-off the recurring inspection and repairs performed by subsequent owners. As stated above, it is not in the interest of safety to allow nonbuilders to conduct the required inspection. Furthermore, while the FAA recognizes that qualified original builders have sufficient expertise to perform the inspection, it does not necessarily follow that they are sufficiently qualified to approve or disapprove another person's maintenance.

Several commenters proposed deletion of the citizenship requirement to be eligible for a repairman certificate. One of the commenters is a Canadian citizen who was admitted to the U.S. as a permanent resident and now holds an FAA Repairman Certificate. It is also noted that Section 501(b) of the Federal Aviation Act of 1958 was recently amended to allow an individual citizen of a foreign country who has been admitted to the United States as a permanent resident to register aircraft. Therefore, proposed Section 65.104(a)(4) is revised to provide for the issuance of a repairman certificate to an individual citizen of a foreign country who has lawfully been admitted for permanent residence in the United States.

Two commenters suggested an annual inspection certificate be executed by the person performing the condition inspection. The original certificate would be contained in the logbook with a copy sent to the local district office. An annual inspection certificate is not deemed necessary. The amendment provides for the FAA to impose operating limitations requiring the condition inspection to be recorded in the aircraft's maintenance records. In the case of standard category aircraft, no certificate is issued. An entry is made in the maintenance records. This should be sufficient for experimental aircraft. However, in line with these comments, the FAA does make available an annual inspection reminder. This reminder is a

decal which is secured in a conspicuous area in the aircraft and reminds the operator of the next inspection date.

One commenter suggested that the FAA perform spot checks to ensure the quality of maintenance and condition inspections of these experimental aircraft. This is an ongoing function of the FAA as to all aircraft and such surveillance will continue.

Several commenters suggested revising the applicability of Part 43 to include experimental aircraft and to require that they be inspected in accordance with Part 91. Applying such restrictions would be contrary to the intent of the amateur-built aircraft program, which is fabricating and assembling an aircraft for educational or recreational purposes. In addition, many exhibition and air-racing aircraft are military aircraft and applying Parts 43 and 91 to them would be excessively restrictive on their owners.

One commenter expressed his belief that an advisory circular giving inspection guidelines is needed. While advisory material is going to be released concerning these amendments, no inspection guidelines advisory circular is planned. Appendix D of FAR Part 43 is considered to be adequate.

One commenter suggested that an airworthiness certificate be renewed by an FAA inspector or a certificated mechanic holding an inspection authorization if there is a lapse in the recurring condition inspections to prevent the sale of an unsafe aircraft to an unsuspecting person. Such a provision in the regulation is not needed. The operating limitations will not permit flight of an aircraft unless during the previous twelve months it has been inspected and found to be in safe condition.

Several commenters suggested that the repairman certificate be issued only after the aircraft has flown off its initial restriction. While it is anticipated that the certificates will be issued at this time, such a decision is being retained as a matter for policy determination. One commenter also wanted to require that the owner be in possession of the applicable service manuals and plans before repairman certification. Since some amateur-built aircraft do not even have plans, such a regulation is not considered appropriate.

Two commenters made proposals, neither of which is related to the rule changes proposed in Notice 79-4. One suggested that an experimental certificate be converted to a standard airworthiness certificate after a specified period of satisfactory operation and inspection. The FAA

cannot accept this proposal. Standard category airworthiness certificates are issued only after an exacting and detailed finding that the design meets specific regulatory requirements. The mere operation of an experimental aircraft with limited inspections falls far short of the detailed compliance findings required for issuance of a standard airworthiness certificate.

The other commenter proposed to amend § 21.191 to permit the issuance of experimental certificates for the purpose of operating certain nonstandard aircraft for recreation. A similar proposal by that commenter in the form of a petition for rule making has already been denied.

Adoption of the Amendment

Accordingly, Parts 21 and 65 of the Federal Aviation Regulations (14 CFR Parts 21 and 65), are amended effective September 10, 1979, as follows:

1. By revising § 21.181(a)(3) to read as follows:

§ 21.181 Duration.

(a) * * *

(3) An experimental certificate for research and development, showing compliance with regulations, crew training, or market surveys is effective for one year after the date of issue or renewal unless a shorter period is prescribed by the Administrator. The duration of amateur-built, exhibition, and air-racing experimental certificates will be unlimited unless the Administrator finds for good cause that a specific period should be established.

* * * * *

2. By designating the text of current § 65.101 as § 65.101(a), by redesignating current paragraphs (a) through (f) of § 65.101, as paragraphs (a)(1) through (a)(6), respectively, and by adding a new § 65.101(b) to read as follows:

§ 65.101 Eligibility requirements: General.

* * * * *

(b) This section does not apply to the issuance of repairman certificates (experimental aircraft builder) under § 65.104.

3. By adding a new § 65.104 to read as follows:

§ 65.104 Repairman certificate—experimental aircraft builder—Eligibility, privileges and limitations.

(a) To be eligible for a repairman certificate (experimental aircraft builder), an individual must—

- (1) Be at least 18 years of age;
- (2) Be the primary builder of the aircraft to which the privileges of the certificate are applicable;

(3) Show to the satisfaction of the Administrator that the individual has the requisite skill to determine whether the aircraft is in a condition for safe operations; and

(4) Be a citizen of the United States or an individual citizen of a foreign country who has lawfully been admitted for permanent residence in the United States.

(b) The holder of a repairman certificate (experimental aircraft builder) may perform condition inspections on the aircraft constructed by the holder in accordance with the operating limitations of that aircraft.

(c) Section 65.103 does not apply to the holder of a repairman certificate (experimental aircraft builder) while performing under that certificate.

(Sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421, and 1422; sec. 6(a) of the Department of Transportation Act, 49 U.S.C. 1655(c)].)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the Final Regulatory Evaluation is filed in the Public Docket. Copies of this evaluation may be requested from Raymond E. Ramakis, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591; Telephone (202) 755-8716.

Issued in Washington, D.C., on August 2, 1979.

Langhorne Bond,
Administrator.

[FR Doc. 79-24556 Filed 8-8-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NW-23-AD, Amdt. 39-3526]

Boeing Model 747 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) to require inspection and replacement as required of the lower cargo door sill truss and latch support fittings. Truss fitting cracking could eventually reduce the door latch pin fitting attachment strength to the point cabin pressurization could not be maintained.

DATES: Effective date August 15, 1979. Compliance required within 300 hours time-in-service after the effective date of this AD unless already accomplished.

ADDRESS: The Boeing service bulletin specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Iven D. Connally, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Several instances of cracked truss fitting have been reported at the forward and aft lower cargo doorways. The cracks are due to stress corrosion in 7079-T6 aluminum alloy. Loss of two adjacent support fittings could allow the cargo door to distort sufficiently to allow loss of cabin pressure. Since this condition is likely to exist or develop in other Boeing 747 airplanes, action is taken herein to require inspection and replacement, if required, of the latch support truss fittings.

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.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing.—Applies to all Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-53-2200. Compliance required within 300 hours time-in-service after the effective date of this AD unless already accomplished.

To prevent failure of the 7079-T6 truss and related 7079-T6 latch support fittings on the lower sill of the forward and aft lower cargo doorway, accomplish the following:

A. Within 300 hours time-in-service after the effective date of this AD unless already accomplished, visually inspect the 7079-T6 truss and related 7079-T6 latch support fittings on the lower sill of forward and aft lower cargo doorways for corrosion, cracking and blocked drainage paths in accordance with Boeing Service Bulletin 747-53-2200 dated May 8, 1979, or methods approved by

the Chief, Engineering and Manufacturing Branch, Northwest Region.

B. Clear all blocked drainage paths, replace cracked latch support fittings, replace or repair corroded or cracked truss fittings in accordance with Boeing Service Bulletin 747-53-2200 before further flight.

C. Repeat the inspection in accordance with Paragraph A above at intervals not to exceed 2,000 flight hours until all affected fittings are replaced with 7075-T73 fittings. Apply LPS-3, BMS3-23 or equivalent to the internal lower sill areas after each inspection.

D. Replace all 7079-T6 aluminum alloy fittings listed in Boeing Service Bulletin 747-53-2200 with 7075-T73 alloy fitting no later than April 1, 1982.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective August 15, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended [49 U.S.C. 1354(a), 1421, and 1423]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c); and 14 CFR 11.89])

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Wash., on July 30, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79-24521 Filed 8-8-79; 8:45 am]
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14 CFR Part 39

[Docket No. 79-NW-22-AD; Amdt. 39-3525]

Rockwell International Model NA-265-60 Airplanes Modified in Accordance With Raisbeck Supplemental Type Certificate SA687NW; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) requires the addition of drainage provisions and a new aft balance limit for the elevators of Rockwell