Technology, U.S. House of Representatives (March 31, April 1, 1981) at 136–139.

(2) "Spotlight" series, *Boston Globe*, Sunday, June 29 through Thursday, July 3, 1980.

(3) Memorandum from Dr. Vincent T. DeVita, Jr., Acting Director, NCI to Acting Director, Division of Management Survey and Review, NIH (July 3, 1980).

(4) Letter from Edward J. Lehman, Executive Officer, American Anthropological Association, to Anta Montet-White, Chair, Department of Anthropology, University of Kansas (April 28, 1980).

(5) Food and Drug Administration, Department of Health and Human Services *In the Matter of Nathan S. Kline, M.D., Commissioner's Decision.* (November 13, 1980).

(6) Memorandum from Deputy Director, President's Commission, to Director, OPRR (Feb. 19, 1981).

(7) Letter from Charles R. McCarthy (Director, OPRR) to Barbara Mishkin (Deputy Director, President's Commission) (May 19, 1981).

(8) *Id.*

(9) Grant #2S07RR05651–15.

(10) Letter from Dr. Thomas Bowery, Director, NIH Biomedical Research Support Program, NIH to Barbara Mishkin (December 2, 1981), attaching *14th Year Annual Progress Report* of Rockland Research Institute, which lists members of Allocation Committee at p. 6.

(11) Letter from Sherman Mellinkoff to Alexander M. Capron, Executive Director, President's Commission (February 5, 1981).

(12) *Id.*

(13) Statement of the Director, NIH, accompanying the release of the Report concerning Martin J. Cline, M.D. (May 26, 1981).

(14) Memorandum from Chairman, NIH Ad Hoc Committee on UCLA Report (transmitting the Committee's report) to Director, HIH (May 21, 1981) at 7–10, 16–21.

(15) *Id.* at 1415, 21.

(16) *id.* at 10.

(17) *Id.* at 6. The IRB voted on July 16, 1980 to disapprove the protocol. Dr. Cline was formally notified on July 22; the procedure was performed on the patient in Israel on July 10, 1980 and on the patient in Italy on or about July 15, 1980.

(18) *Id.* at 1112.

(19) *Id.* at 20.

(20) Statement of the Director, NIH, *supra*, note 39.

(21) Memorandum from Associate Director for Extramural Research and Training to Acting Director, NIH (Nov. 12, 1981).

(22) *Id.*

(23) *Id.*

(24) *Id.*

(25) *Report of NIH Ad Hoc Committee, supra* note 40, at 19.

(26) Confirmed by personal communications (Nov. 23, 1981) with Dr. Charles McCarthy, Director, OPRR and Dr. Martin Cline. Dr. Cline expressed frustration at his inability to get his explanatory letter to the Advisory Councils in time for them to take it into consideration, noting that no one told him the dates of the Council meetings or how to address communications to them.

(27) Memorandum from Associate Director for Extramural Research and Training, *supra* note 47.

(28) *Id.*

(29) *See:* 45 CFR Part 74, Subpart M: 45 CFR Part 16; 42 CFR Part 50, Subpart D; 45 CFR 74.7; 45 CFR 46.121–122; 45 FR 77384 (November 21, 1980).

(30) 45 CFR Part (45 FR 67262, October 9, 1980). In the executive summary of the regulations, Secretary Patricia R. Harris stated: "the effect of the regulations will be to establish a procedure, with due process safeguards, to render persons ineligible to receive HHS financial assistance for reasonable periods of time." The regulations became effective on November 10, 1980.

(31) Memorandum from Deputy Director, NCI to Director, NCI (July 24 1981) on: Clinical Pharmacology Study of [MTHHF] carried out at M.D. Anderson Hospital and Tumor Institute (University of Texas System Cancer Center) *Summary Report of NIH Site Visit Team.*

(32) Report of IRB Inspection of M.D. Anderson Hospital, FDA (March 20, 1981).

(33) *Summary Report of NIH Site Visit Team, supra* note 57. The protocol, numbered DT 78–31, the consent form, and the certification of IRB approval are among background documents attached to the site visit report.

(34) Testimony of James Bowen, Associate Vice President for Research, M.D. Anderson, before a joint hearing of the Subcommittee on Health and the Environment, Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations, Committee on Science and Technology, U.S. House of Representatives (October 27, 1981).

(35) Report of NIH Site Visit Team, *supra* note 57, at 8. OPRR recently reported additional "intensive interaction" with M.D. Anderson "to develop revised procedures which explicitly bar 'Standard' or 'Master' [consent] forms." (Comments on November draft Biennial Report.) The use of Standard forms, however, was already explicitly barred by the hospital's 1975 "Code and Methods of Procedure" for activities involving human subjects.

(36) Memorandum from Deputy Director, DCT, NCI, to Director, NCI, on Follow-up on M.D. Anderson Site Visit (August 6, 1981).

(37) The consent forms is contained in the *Summary Report of the NIH Site Visit Team, supra* note 57.

(38) *Id.*, Protocol DT 78–31, paragraph 3.14: Animal Toxicology.

(39) *Id.*, Protocol DT 78–31, Appendix A, Maximum Tolerated Dose.

(40) Section 46.110 of the 1974 regulations required documentation of the "actual procedure utilized in obtaining legally effective informed consent and the basis for Institutional Review Board determiniations that the procedures are adequate and appropriate." The documentation of consent was permitted to take one of two forms in bimedical research. When the "short form" written consent procedures was utilized, the document must indicate "that the basic elements of informed consent have been presented orally to the subject or his legally authorized representative." Sample copies of the consent form and of the summaries as approved by the Board must be retained in its records.

More typcially, a subject is provided with "a written document embodying all of the basic elements of informed consent. This may be read to the subject or to his legally authorized representative, but in any event he or his legally authorized representative must be given adequate opportunity to read it." The regulation required that the document be signed by the subject or his legally authorized representative, and that "Sample copies of the consent form as approved by the Board . . . be retained in its records."

(41) Report of FDA's Inspection Report, *supra* note 58, Exhibit #2.

(42) Consent form in *Summary Report of NIH Site Visit Team, supra* note 57.

(43) The principal investigator has also failed to obtain approval from the hospital's Radioactive Drug Research Committee, which was required for use of radioactive "labels" which facilities study of the subjects' metabolism of the drug.

(44) *Summary Report of NIH Site Visit Team, supra* note 57, Reviews of protocol DT 78–81 by Alexander Y.M. Wang, Ph.D. (81878) and W.W. Sutow, M.D. (August 2, 1978).

(45) Memorandum from Director, NCI to Acting Director, NIH (August 6, 1981) forwarding Recommendations Regarding Ti Li Loo, Ph.D. and the M.D. Anderson Hospital and Tumor Institute, University of Texas System Cancer Center, and attached Site Visit report.

(46) *Id.*

(47) *Id.*

(48) *Id.* The sanctions recommended by NCI were approved by the NIH Acting Director on August 11, 1981. (See concurrence signature on p. 4 of the memorandum.)

(49) Testimony of Charles MacKay, Deputy Director, OPRR, at 14th meeting of the President's Commission (Nov. 14, 1981) at 323.

(50) Testimony of the Director, OPRR at the 2nd meeting of the President's Commission (May 16, 1980) at 82. *See also,* letter from Dr. Charles R. McCarthy to Morris B. Abram (May 7, 1980) at 4.

(51) FDA Inspection Report, *supra* note 58, at 1.

(52) Id. *See* Exhibits 1a-d, 4c, and 4d.

[FR Doc. 82–7962 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

federal register

Monday
March 29, 1982

Part III

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HHS.

ACTION: Notice of actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Acting Director, NIAID, by authority of the Director, NIH, under the 1981 Guidelines for Research Involving Recombinant DNA Molecules (46 FR 34462).

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205 (301) 496–6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Moelcules. These proposed actions were published for comment in the **Federal Register** of December 7, 1981 (46 FR 59734), and January 6, 1982 (47 FR 732), and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on February 8–9, 1982. In accordance with Section IV–E–1–b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the major actions.

The decision on the "Gottesman proposal" which was also recommended by the RAC at their February 8–9, 1982, meeting, will be issued at a later date.

I. Decisions on Actions Under Guidelines

A. *Request for Permission to Clone Subgenomic Segments of the Foot and Mouth Disease Virus.* The RAC considered a proposal submitted by Molecular Genetics, Inc. (MGI), of Minnetonka, Minnesota, to transfer *E. coli* K–12 clones comprising less than 75% of the Foot and Mouth Disease Virus (FMDV) genome from the Plum Island Animal Disease Center (PIADC) to the MGI research facility in Minnesota and to conduct experiments with these clones under P1 containment conditions. A notice of this proposal was published for 30 days comment in the **Federal Register** of January 6, 1982 (47 FR 732). No comments were received during this period. It was noted that the proposal is almost identical to one previously approved by NIH. (See **Federal Register** of January 17, 1980, pg. 1059; July 29, 1980, pg. 50528; and March 12, 1981, pg. 16455). After discussion, the RAC, by a vote of 16 in favor, none opposed, and 4 abstentions, recommended approval of the proposal contingent upon review by a working group of the RAC of data on infectivity testing of the clones, prior to their transfer from PIADC.

I accept this recommendation and text has been added to Appendix E of the Guidelines indicating this action.

B. *Request to use Bacillus Megaterium in Recombinant DNA Experiments under P1 Containment.* A request submitted by Dr. Patricia Vary of Northern Illinois University, DeKalb, Illinois, to transfer recombinant DNA segments derived from *E. coli, Bacillus subtilis,* and *Staphylococcus aureus* into *Bacillus megaterium* under P1 containment conditions was considered by the RAC at its February 8–9, 1982 meeting. A notice concerning this request appeared in the **Federal Register** of December 7, 1981 (46 FR 59734). No comments were received on the proposal.

The RAC, after discussing this proposal, recommended approval under P2 containment conditions with the stipulation that the local IBC be authorized to lower containment to P1 for specific experiments. The vote for approval of this recommendation was 13 in favor, none opposed, and 1 abstention.

I accept this recommendation and text has been added to Appendix E of the Guidelines indicating this action.

C. *Proposed Pseudomonas Putida Host-Vector System.* In response to a request from Professor Michael Bagdasarian of the Max-Plank-Institut Fur Molekulare Genetik, Berlin, West Germany, a notice was published in the **Federal Register** of December 7, 1981 (46 FR 59734). The investigator requested HV1 certification of a new host-vector system based on *Pseudomonas putida* strain KT2440 and plasmid cloning vectors pKT262, pKT263, and pKT264. During the public comment period no responses were received.

The RAC discussed this proposal at its February 8–9, 1982 meeting. It was noted that the cloning system would have broad utility. The data indicate that the plasmid vectors have been constructed to be poorly mobilizable. The data submitted meet the criteria for HV1. The RAC by a vote of 18 in favor, none opposed, and 1 abstention recommended that this system be approved as a new HV1 system.

I accept this recommendation, and appropriate text has been added to Appendix F of the Guidelines.

D. *Request to Clone Plant DNA in the Cyanobacterium Anacystis Nidulans.* In a letter dated September 24, 1981, Dr. Lawrence Bogorad of Harvard University requested permission to initiate, at P1 containment, a program involving the cloning of DNA from chloroplasts of various plants (initially primarily from *Zea mays*) in the cyanobacterium *Anacystis nidulans* strain R2. Dr. Bogorad would employ the plasmid vector pUC104, a construct of the cyanobacterial plasmid pUC1 and the *E. coli* vector pACYC184. A notice of this proposal appeared in the **Federal Register** of January 6, 1982 (47 FR 732) for public comment. No comments were received on the proposal.

The RAC discussed the proposal at the February 8–9, 1982 meeting. It was noted that neither *Anacystis nidulans* nor plant chloroplasts produce toxins. In addition, *A. nidulans* does not exchange genetic information with other cyanobacteria. By a vote of fourteen in favor, none opposed, and no abstentions, RAC recommended that the project be approved at the P1 level of containment.

I accept this recommendation and a new entry has been added to Appendix E of the Guidelines.

E. *Proposed Inclusion of Yersinia Enterocolitica on Sublist A, Appendix A.* In a letter dated September 22, 1981, Dr. Guy Cornelis of the Universite Catholique de Louvain, Brussels, Belgium requested that *Yersinia enterocolitica* be exempted from the Guidelines under the provisions of Section I–E–4 by being added to Sublist A, Appendix A, of the Guidelines. In support of this request, Dr. Cornelis supplied data indicating that *Y. enterocolitica* exchanges genetic information with *E. coli.*

Dr. Cornelis' request was published for comment in the December 7, 1981, **Federal Register** (46 FR 59734). No comments concerning the request were received.

The RAC discussed the request at the February 8–9, 1982 meeting. During the discussion, it was noted that some strains of *Y. enterocolitica* cause human disease; however, the organism is ubiquitous. The frequency of transfer of DNA between *E. coli* and *Y. enterocolitica* is three orders of magnitude lower than *E. coli—E. coli* exchange. However, exchange does occur and on this basis *Y. enterocolitica*

can be included in Sublist A, Appendix A. By a vote of eighteen in favor, none opposed, and one abstention, the RAC recommended approval of the request.

I accept this recommendation and *Yersinia enterocolitica* has been added to Sublist A of Appendix A of the Guidelines.

F. *Proposed EK2 Host-Vector Systems.* In a letter dated September 25, 1981, Dr. Roy Curtiss of the University of Alabama in Birmingham, requested EK2 certification of six different *E. coli* K–12 strains in conjunction with various virulent and temperate bacteriophage lambda, plasmid, and cosmid vectors. The request was subdivided into three separate requests. The requests were published for comment in the Federal Register of December 7, 1981 (46 FR 59734). During the thirty day comment period, no comments were received.

Dr. Curtiss' submission was reviewed by a working group of the RAC on January 21, 1982. The working group made recommendations on the basis of data available, and requested certain additional documents. A summary of the working group conference telephone call was prepared and distributed to the full RAC.

The RAC reviewed the submission and working group report at its meeting on February 9, 1982. It was agreed that the first request posed no particular problems, and the RAC voted, by 11 in favor, none opposed, and 2 abstentions, to recommend EK2 certification of *E. coli* K–12 strains chi–2447 and chi–2281 for use with those lambda vectors that already have been certified for use with strain DP50 on the condition that the su^- strain not be used as a propagation host. I accept this recommendation and appropriate language has been added to Appendix F of the Guidelines.

The RAC then turned its attention to the second and third requests which proposed EK2 certification of four strains of *E. coli* K–12 (chi-1984, chi-2705, chi-2001, and chi-2363) in conjunction with virulent and temperate lambda vectors, plasmid vectors, and cosmid vectors. The RAC felt that there were no significant problems in considering certification of the strains specified in requests 2 and 3 with virulent lambda vectors. However, enough data were not available for the RAC to recommend their use with lysogenizing phage vectors, plasmid vectors, and cosmid vectors. The RAC voted 11 in favor, none opposed, and 4 abstentions to recommend EK2 certification of *E. coli* strains chi-1984, chi-2705, chi-2001, and chi-2363 with certified virulent lambda vectors on the condition that the su^- strains not be used as propagation hosts.

Consideration of the requests for use of other vectors with these strains was deferred. I accept these recommendations, and appropriate language has been added to Appendix F of the Guidelines.

G. *Proposed use of EK2 Host-Vector Systems for Cloning DNA from Class 3 and 4 Etiological Agents.* In a letter dated September 25, 1981, Dr. Roy Curtiss of the University of Alabama in Birmingham requested permission to use all certified EK2 host-vector systems to clone DNA fragments from CDC Class 3 and Class 4 etiological agents under P2 containment and under P1 containment if the recombinant clones are shown not to express a virulence determinant that has toxic potential.

As an alternative to this general proposal, Dr. Curtiss requested permission to clone DNA from *Yersinia pestis* and *Mycobacterium leprae* into EK2 host-vector systems under P2 containment, and under P1 conditions in the absence of expression of virulence determinants by the recombinant clones. This request was published in the December 7, 1981, Federal Register (46 FR 59734). During the thirty day public comment period, no comments were received.

During the RAC discussion of the proposal on February 9, 1982, it was noted that Class 3 agents can currently be worked with in EK1 systems under P3 containment conditions (Guidelines Section III–0–1). It would, therefore, be a reasonable alternative also to permit DNA from Class 3 organisms to be cloned and propagated under P2 + EK2 conditions. However, the RAC felt that recombinant DNA experiments involving Class 4 agents should be considered only on a case-by-case basis under the current Guidelines. By a vote of thirteen in favor, none opposed, and two abstentions, the RAC recommended that DNA from Class 3 etiological agents may be propagated in *E. coli* K–12 under P2 + EK2 containment conditions.

I accept this recommendation, and Section III–0–1 and Appendix C of the Guidelines have been accordingly modified.

II. Summary of Actions Under the Guidelines.

A. *Modification of Section III–0–1 and Appendix C of the Guidelines.* Section III–0–1 of the Guidelines is modified to read:

"III–0–1. *Experiments Involving Class 3 Organisms.* Experiments involving recombinant DNA from Class 3 organisms (1) or from cells known to be infected with these agents may be conducted at P3 containment in *E. coli* K–12 EK1 hosts or at P2 containment in *E. coli* K–12 EK2 hosts (see Appendix C). Containment levels for all other experiments with Class 3 organisms or with recombinant DNA which increases the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange will be determined by NIH. (See Section IV–E–1–b–2–(e))."

In Appendix C, the second paragraph in the language detailing "exceptions" to the section "2. *Experiments Involving E. coli K–12 Host-Vector Systems*" is modified to read:

"Experiments involving DNA from Class 3 organisms (1) or from cells known to be infected with these agents may be conducted at P3 containment using *E. coli* K–12 EK1 host-vectors systems, or at P2 containment in *E. coli* K–12 EK2 host-vector systems. Lower containment levels may be specified by NIH. (See Section IV–E–1–b–(2)–(e)). Experiments in this category require prior IBC review and approval."

B. *Addition of Yersinia Enterocolitica to Sublist A, Appendix A.* Sublist A of Appendix A of the Guidelines is amended to read as follows:

1. Genus *Escherichia.*
2. Genus *Shigella.*
3. Genus *Salmonella* (including Arizona).
4. Genus *Enterobacter.*
5. Genus *Citrobacter* (including *Levinea*).
6. Genus *Klebsiella.*
7. Genus *Erwinia.*
8. *Pseudomonas aeruginosa, Pseudomonas putida* and *Pseudomonas fluorescens.*
9. *Serratia marcescens.*
10. *Yersinia enterocolitica.*

C. *Cloning of Subgenomic Segments of Foot and Mouth Disease Virus.* A net item, number 42, is added to Appendix E of the Guidelines:

"42. Permission is granted to transfer certain clones of subgenomic segments of Foot and Mouth Disease Virus from Plum Island Animal Disease Center to the laboratories of Molecular Genetics, Inc., Minnetonka, Minnesota, and to work with these clones under P1 containment conditions. Approval is contingent upon review of data on infectivity testing of the clones by a working group of the RAC."

D. *Cloning of E. Coli, Bacillus Subtilis, and Staphylococcus Aureus DNA in Bacillus Megaterium.* A new item, number 43, is added to Appendix E of the Guidelines:

"43. *Bacillus megaterium* can be used as a host for cloning DNA segments derived from *E. coli, Bacillus subtilis,* and *Staphylococcus aureus* under P2 containment conditions. Local IBCs are authorized to lower containment to P1 for specific experiments."

E. *Cloning of Plant DNA in Anacystis Nidulans.* A new item, number 44, is added to Appendix E of the Guidelines:

"44. DNA from the chloroplasts of plants may be cloned in the cyanobacterium *Anacystis nidulans* strain R–2 under P1 containment conditions using the plasmid vector pUC104."

F. *Certification of Pseudomonas Putida HV1 Host-Vector System.* The following paragraph is added under the heading "HV1" in Appendix F of the Guidelines:

"*Pseudomonas putida* strain KT2440 with plasmid vectors pKT262, pKT263, and pKT264 is certified as an HV1 host-vector system."

G. *Certification of EK2 Host-Vector Systems.* The following paragraphs are added to Appendix F of the Guidelines under the heading "EK2 Bacteriophage Systems":

"*E. coli* K–12 strains chi-2447 and chi-2281 are certified for use with lambda vectors that are certified for use with strain DP50 or DP50supF provided that the su^0 strain not be used as a propagation host.

"*E. coli* K–12 strains chi-1984, chi-2705, chi-2001, and chi-2363 are certified for use with lambda vectors that are certified for use with strain DP50 or DP50supF provided that the su^0 not strains be used as propagation hosts."

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it had been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "program not considered appropriate" in Section 8–(b)–(4) and (5) of that Circular.

Dated: March 18, 1982.

Bernard Talbot,

Acting Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health.

[FR Doc. 82–8108 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

federal register

Monday
March 29, 1982

Part IV

Department of Transportation

Federal Aviation Administration

Federal Aviation Regulations; Miscellaneous Amendments

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 23, 25, 45, 61, 63, 65, 91, 107, 121, and 129

[Docket No. 21129; Amdt. 23-28, 25-55, 45-14, 61-71, 63-21, 65-27, 91-178, 107-2, 121-178, and 129-12]

Federal Aviation Regulations; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments make a number of minor changes to the Federal Aviation Regulations (FAR). They amend certain parts to change prerequisites required for flight tests and the experience necessary for an airline transport pilot certificate. They change the validity period for the written test for a flight engineer certificate. In addition, they amend certain sections of the FAR by changing the word aircraft to airplane. Part 45 of the FAR is amended to permit an approved parts manufacturer to refer, on a tag, to readily available information when it would be impractical to mark the required eligibility information on the tag. Part 91 of the FAR is amended to delete the list of purposes for which a special flight authorization for foreign civil aircraft may be issued. Other sections are amended for purposes of clarification or correction.

EFFECTIVE DATE: April 28, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. E. Wendell Owens Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; Telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Background

A number of these amendments address problems in the FAR which have been highlighted by numerous requests for exemptions and extensions of compliance dates. In addition, several areas in the FAR require interpretation and clarification. The remaining changes are editorial.

Generally, these amendments address unrelated items that have accumulated over recent years and are appropriate for consolidation in a miscellaneous amendment package.

Discussion of Comments

The following discussions are keyed to like-numbered proposals contained in Notice 80-23 (45 FR 80450; December 4, 1980).

Proposal 1. The proposal to amend § 21.197 to make Part 135 operators eligible for special flight permits with continuing authorizations was disposed of separately in Amendment 21-54 (46 FR 37876; July 23, 1981).

Proposal 2. This proposal would correct an incomplete listing of sections. The correct sections are listed in Appendix A, Section A23.1(a), as §§ 23.321 through 23.459. No comments were received on this proposal. Accordingly, the proposal is adopted without substantive change.

Proposals 3 and 9. Sections 23.305(a) and 25.305(a) contain parallel requirements for structural strength and deformation; however, these include differences in wording and punctuation from the corresponding statements contained in the similar, but correctly stated §§ 27.305(a) and 29.305(a). These proposals would correct §§ 23.305(a) and 25.305(a) by making them consistent with §§ 27.305(a) and 29.305(a). One commenter points out that the word "or" was erroneously inserted at the time CAR 6 and 7 were recodified to Parts 27 and 29 of the FAR. The commenter further states that §§ 23.305 and 25.305 are correctly stated, and that §§ 27.305(a) and 29.305(a) (which have the word "or" inserted) should be revised accordingly.

As originally written, the word "detrimental" was used to quantify the amount of permanent deformation and prohibit acceptance of a loading test which resulted in deforming the tested article to an extent that would degrade its structural characteristics. Insertion of a comma or a conjunction between "detrimental" and "permanent" would change the intended meaning. Inasmuch as the proposed change would only add to the error, the proposals to amend §§ 23.305 and 25.305 are withdrawn.

Proposal 4. This proposal would rearrange paragraphs (a)(1), (a)(2), and (a)(3) of § 23.441 to ensure that the correct tail load distribution is imposed for the flight condition. One commenter points out that the desired correct correlation between load specifying figures in Appendix B and the alternate load requirements of §§ 23.441(a), (b), and (c) could also be accomplished by leaving (a)(1), (a)(2), and (a)(3) in their present order while changing B6, B7, and B8 to B7, B6, and B8. Inasmuch as the interchange of the numbers 6 and 7 occurred initially when the prefix letter B was added in Amendment No. 23-7, August 13, 1969, and because other printings of Part 23 use the order B7, B6, and B8, the FAA disagrees with the commenter. Accordingly, the proposal is adopted without substantive change.

Proposal 5. This proposal would amend § 23.472(f) to delete reference to § 23.725 and insert the reference to § 23.723(a) in its place. This proposal would permit drop tests other than the free drop tests, and would make the requirement consistent with corresponding sections of Parts 25, 27, and 29. No comments were received on this proposal. Accordingly, the proposal is adopted without substantive change.

Proposal 6. No comments were received on the proposal to insert the word "red" before the word "arcs" in § 23.1549(d), for consistency with § 25.1549(d). The proposal is adopted without substantive change.

Proposal 7. This proposal would correct a reference to § 23.201(b) in § 23.1587(a)(1).

The reference to § 23.201(a) or (b) in § 23.1587(a)(1) is incorrect. Reference to § 23.201(a) as proposed in Notice 80-23 is also incorrect. Both references are for paragraphs dealing with control configurations. Section 23.201(c) deals with a maneuver as intended in § 25.1587(a)(1).

Two commenters suggest that the altitude loss information required by § 23.1587(a)(1) should be required for all airplanes regardless of whether or not they have independent controls. The FAA agrees and has amended § 23.1587(a)(1) to reference § 23.201(c) which applies to all airplanes regardless of their control configuration. The section is amended accordingly.

Proposal 8. This proposal would correct errors contained in the equation constants noted under A23.3, Special Symbols.

No comments were received on the proposal to correct the numbers in the velocity equations which will then correctly reflect the change from miles per hour to knots. This proposal is adopted without substantive change.

Proposal 10. This proposal would amend § 25.807 to make it clear that all transport category aircraft must have ditching emergency exits whether or not ditching certification is requested.

One commenter objects to the application of the ditching (emergency exit) requirement to all Part 25 and Part 29 aircraft. The commenter states that the ditching provisions of §§ 25.807 and 29.807 do not apply unless requested. This commenter also directs attention to Notice 80-23 which solicits economic information on these regulations.

Another commenter expressed full support of the proposal. This proposal is intended to clarify the existing regulation and does not establish a new requirement for transport category airplanes. Accordingly, the proposal is adopted without substantive change.

Proposal 11. No comments were received concerning these proposed minor editorial changes. Accordingly, the proposal is adopted without substantive change.

Proposal 12. This proposal would amend § 29.807 to make it clear that all transport category aircraft must have ditching emergency exits whether or not ditching certification is requested.

A commenter states that helicopters not certified for ditching will probably capsize immediately when rotor lift is lost because of their high center of gravity and lack of lateral stabilizing appendages such as wings. This commenter also claims that, because of the additional factor that compartments are not usually water-tight, it is impossible to determine a waterline. The commenter recommends the proposal be cancelled.

Two commenters strongly object to this proposal on the basis that the extension of the transport airplane condition to a helicopter is illogical because of the unique characteristics of helicopters. The commenters point out that the FAA previously considered this question and agreed that the proposed requirement was inappropriate.

Since the time this question was previously considered, there has been no new evidence which would justify a change in rationale, nor has there been any new evidence pointing to a need for added rotorcraft ditching exit provisions. Accordingly, this proposal is withdrawn.

Proposal 13. This proposal would have made Part 43 internally consistent by amending § 43.3 to include Canadian persons authorized under § 43.17. Operations Review Program Notice No. 12 proposes changes to § 43.3. Accordingly, this proposal is withdrawn and will be acted upon as part of that review. Comments received in response to this proposal will be given full consideration in that action.

Proposal 14. Two comments were received in response to this proposal to revise the marking requirements of § 45.15 so that when it is impractical to mark the required eligibility information on the tag attached to a part or container, the tag may refer to a specific and readily available reference manual or catalog which contains the required information.

One comment was submitted by the Industry Association that petitioned for this rule change. It found the wording of this proposal to be reasonable.

Another commenter believed that the original concept of Parts Manufacturer Approvals (PMA) was primarily based on the production of parts such as spark plugs, pistons, piston pins, etc., to be used as duplicate parts without a specific part number. These parts are, in fact, required to have a specific part number. Further, the PMA manufacturer is required to mark the parts (or tags) with parts replacement eligibility. It was not proposed to remove the requirement for this information from § 45.15; it was proposed to provide that, in those cases where it would not be practical to mark the required eligibility information on the tag, the tag may contain a reference to a readily available manual or catalog containing the required eligibility information.

Section 45.15 is adopted without substantive change.

Proposal 15. Section 61.39(b) has required that an applicant for an airline transport pilot certificate or an additional rating who does not wish to retake the required written examination must have been continuously employed since passing the written examination and be participating in a pilot training program. For the exception from the 24-month requirement to apply, a person had to have been employed by a carrier immediately (within 24 hours) after taking the written examination; a strike or furlough constituted a break in continuous employment, thus invalidating the exception. The FAA has determined that this rule is too restrictive, since it is possible for a pilot to be on vacation for a longer period of time than some strikes or furloughs last, and it would be unfair to apply the exception provision to the vacationing pilot but not the striking or furloughed pilot. Accordingly, Notice 80–23 proposed to amend § 61.39 to provide that the applicant need only be employed within the period ending 24 calendar months after the month in which the applicant passed the written examination and at the time of the flight test. Notice 80–23 also proposed to eliminate the continuous employment requirement and substitute a requirement to complete initial training and when appropriate, transition or upgrade training, and to meet the recurrent training requirements. Requiring an individual's training to be current is a better means of ensuring retention of the knowledge tested by the written test than requiring continuous employment.

One commenter responded in support of the proposal. The proposal is adopted as proposed.

Proposal 16. Section 61.155(d) has provided that a commercial pilot may credit toward the total flight time required for an airline transport pilot certificate any second-in-command time "in operations under Part 121." However, § 61.51(c)(3) provides that for meeting the requirements for a certificate or rating, a pilot may log as second-in-command time all flight time during which that pilot acts as second in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted. The intent of § 61.51(c)(3), when it was adopted, was that this rule should apply to the experience requirements for each kind of pilot certificate. However, at that time no change was made in § 61.155(d). Notice 80–23 proposed to eliminate the phrase "in operations under Part 121," so that all second-in-command time which meets the requirements of § 61.51(c)(3) may be credited under § 61.155. No comments were received on this proposal.

The proposal is adopted and all second-in-command time which meets the requirements of § 61.51(c)(3) may be credited under § 61.155(d).

Proposal 17. Section 63.35(d) has required continuous participation in a maintenance, flight engineer, or pilot training program of a Part 121 certificate holder for an applicant for a flight engineer certificate to be exempted from the 24-month validity period for the written examination. Similar to § 61.39, this section has been interpreted to mean that any break in employment, such as a strike or furlough, constitutes an interruption of continuous participation in a training program and prevents the exception from applying. The FAA has reevaluated this requirement and has determined that continuous participation in a training program is not essential. Currency in a certificate holder's training program for a flight crewmember or recency of experience for a mechanic employed by a certificate holder ensures knowledge retention better than continuous participation in a training program.

Notice 80–23 proposed to amend § 63.35(d) to apply the exception provision to a flight crewmember or mechanic who is employed by a certificate holder within the period ending 24 calendar months after the month in which the applicant passed the written examination, and whose training is current or meets the recent experience requirements for a mechanic under § 65.83. It also proposed to expand the

rule to include employment by a commuter air carrier.

No comments were received on the proposal. It is adopted without substantive change.

Proposal 18. Notice 80–23 proposed to amend § 65.101 to allow formal training to be substituted for the practical experience now required for repairman certificate eligibility. One commenter agreed with the substance of the proposal, with the exception that completed formal training should have the prior approval of the Administrator instead of being reviewed for acceptability for completion.

Because of the diversity and uniqueness of training associated with repairman ratings, it would be impractical to establish national uniform training standards necessary for prior approval of training programs. Conversely, FAA certificated air agencies, aviation manufacturers, and air carriers are best able to establish that formal training which will qualify the repairmen they employ to perform or supervise the maintenance of aircraft or components at its facilities. The FAA can then review the training and determine if it is acceptable. This amendment will provide a logical alternative to the 18 months of practical experience formerly required for repairmen eligibility and still provide an equivalent level of competency. Accordingly, this proposal is adopted without substantive change.

Proposal 19. It was proposed to amend § 65.127(b) to provide that a parachute rigger need only have available suitable housing that is adequately heated, lighted, and ventilated for drying and airing parachutes. This section has required, in part, a compartment for hanging a parachute vertically for drying and airing. Since parachutes are now made of synthetic fabrics, a vertical or horizontal means for drying and airing parachutes is also acceptable. However, the housing must still be adequately heated, lighted, and ventilated.

No comments were received on this proposal. Section 65.127(b) is being revised as proposed.

Proposal 20. Notice 80–23 proposed to delete the list of purposes for which a special flight authorization could be issued. The intent was to eliminate the need for an applicant to petition for an exemption from previous § 91.28 when the purpose was other than that specified under the rule. This was intended to relieve the burden on both the FAA and the public imposed by exemption procedures.

Review of the comments received revealed that even though all commenters supported the proposal, they apparently misconstrued its intent, in believing that CAB authority, in addition to the FAA special flight authorization, would be necessary for all purposes, including those which formerly did not require CAB authority under the previous rule. The CAB also submitted comments consistent with most commenters indicating that the proposed rule was subject to misinterpretation. The CAB provided revised language for proposed § 91.28(c) to preclude any misunderstanding as to when CAB authority would be necessary.

In this regard the FAA agrees with the commenters and the CAB that the proposal was not clear relative to when CAB authority would be necessary. Accordingly, the FAA has amended the language of proposed § 91.28 to clarify when CAB authority would be necessary.

One commenter noted that, in the case of special flight authorizations for air shows (§ 91.28(b)(6)), the application procedure contained in proposed § 91.28(a) would no longer provide for applications to be made to the Regional Director of the FAA region in which the air show will take place. The commenter stated that the existing application procedure should be retained since it is economical and effective. The FAA agrees with this comment and has amended § 91.28(a) to reinstate this application procedure.

One commenter stated that it was not clear whether the Regional Director would have authority to issue special flight authorizations for extended periods of time; i.e., once justification had been established for an initial special flight authorization, there would be no benefit in repeating the procedure for each subsequent trip, as in the case of a Canadian amateur-built aircraft to participate at United States air shows. This comment was not considered since it was determind to be outside the scope of Notice 80–23.

Accordingly, this section has been amended consistent with public comments in the interest of clarification and adopted without substantive change.

Proposal 21. This proposal would have required all helicopters operating under IFR to use altimeters which have been tested for the altitudes at which operations are conducted. Operations Review Program Notice No. 12 proposes a number of changes to § 91.170. Accordingly, this proposal is withdrawn and will be acted upon as part of that review. Comments received in response to this proposal will be given full consideration in that action.

Proposal 22. This proposal would delete references to Part 103 in § 121.135(b)(23) and insert appropriate references to Title 49 of the CFR. Since this change was previously accomplished in Operations Review Amendment No. 9 (45 FR 46736), this proposal is withdrawn.

Proposal 23. This proposal would require the interphone system to be accessible for use at enough flight attendant stations so that all floor-level emergency exits in each passenger compartment are observable from one or more of those stations so equipped. Section 121.319(a) requires, in part, that airplanes with a seating capacity of more than 19 passengers must be equipped with a crewmember interphone system. Section 121.319(b)(5)(i) requires that for large turbojet-powered airplanes, the interphone system must be accessible for use at enough flight attendant stations so that all floor-level emergency exits in each passenger compartment are observable from one or more of those stations. From a security and operational viewpoint, if the floor-level exit is located within a galley, and the entryway to the galley is observable, this will satisfy the operational/security requirements and, therefore, it would be unnecessary to view the exit itself. No comments were received on this proposal. Accordingly, it is adopted without substantive change.

Proposals 24, 25, 27, and 28. Sections 121.385, 121.389, 121.695, and 121.697 contained inconsistencies in the use of the words "aircraft" and "airplanes." The proposals would replace the word "aircraft" with the word "airplane" where it appears in §§ 121.385(a), 121.389(a)(2), 121.695(a), and 121.697(a) and (d). These editorial corrections would make the language consistent with the applicable word definitions. No comments were received on these proposals. Accordingly, they are adopted without substantive change.

Proposal 26. This proposal would have amended § 121.585 to require a certificate holder to notify a passenger declaring a firearm in checked baggage of the definition of a "loaded" firearm. It further would have required a certificate holder to determine that ammunition is carried in accordance with the Hazardous Materials Regulations in Title 49 Parts 171, 172, and 173 of the CFR.

Inasmuch as there is no evidence indicating a need for this added provision, and its implementation would impose an additional unnecessary cost on certificate holders, this proposal is withdrawn.

Proposal 29. This proposal would relieve an unnecessary burden on certificate holders that do not have clerical staffs working holidays and weekends by revising § 121.703 to change the reporting time to 9:00 a.m. the second workday following the date of the reportable event for reports covering holidays and weekends. No comments were received on this proposal. Accordingly, this proposal is adopted without substantive change.

Proposal 30. Part 129 prescribes rules governing the operation within the United States of aircraft of foreign air carriers holding a permit issued by the Civil Aeronautics Board (CAB) under Section 402 of the Federal Aviation Act of 1958. Currently, the CAB issues exemptions to permit temporary operations by foreign air carriers without a Section 402 permit provided the foreign air carrier is in compliance with Part 129. This proposal would amend § 129.1 of the FAR to make Part 129 applicable to foreign air carriers who hold either a Section 402 permit or other appropriate economic authority, or an exemption issued by the CAB which requires compliance with that part. No comments were received on this proposal.

The phrase "conditioned upon the foreign air carrier complying with the requirements of this part" is ambiguous since Part 129 applies regardless of CAB conditions shown on the economic authority to operate in the United States. Accordingly, this section has been amended and adopted without substantive change.

Proposals 31 and 32. These proposals were disposed of in Amendments 135-13 (46 FR 28301; May 26, 1981) and 135-15 (46 FR 30968; June 11, 1981).

Editorial Corrections

Amendments to §§ 107.13(a) and 121.575 were not proposed in Notice 80-23. They are editorial corrections which are necessary and resulted from new Part 108, Airplane Operator Security (46 FR 3782; February 15, 1981).

These amendments correct §§ 107.13 and 121.575 by inserting the appropriate reference to the new part. No substantive change is made as a result of the corrections.

Adoption of the Amendment

Accordingly, Parts 23, 25, 29, 43, 45, 61, 63, 65, 91, 121, and 129 of the Federal Aviation Regulations are amended effective April 28, 1982, as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

§ 23.301 [Amended]

1. By amending the second sentence of § 23.301(d) by removing the words "equivalent of §§ 23.331 through 23.399" and inserting the words "equivalent of §§ 23.321 through 23.459" in their place.

§ 23.441 [Amended]

2. By amending § 23.441(b) by removing the phrase "(a)(1), (a)(2), and (a)(3), respectively." and by inserting the phrase "(a)(2), (a)(1), and (a)(3), respectively, of this section." in its place.

§ 23.473 [Amended]

3. By amending § 23.473(f) by removing the reference "§ 23.725" and inserting the reference "§ 23.723(a)" in its place.

§ 23.1549 [Amended]

4. By amending § 23.1549(d) by inserting the word "red" before the word "arcs".

§ 23.1587 [Amended]

5. By amending § 23.1587(a)(1) by removing the reference "§ 23.201(b)" and inserting "§ 23.201(c)" in its place.

Appendix A to Part 23 [Amended]

6. By amending Appendix A, paragraph A23.3, by removing the numbers 12.5, 17.0, 19.5, and 27.3 appearing in the equations and inserting the numbers 11.0, 15.0, 17.0, and 24.0, respectively, in their place.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

§ 25.807 [Amended]

7. By revising § 25.807(d) by amending the initial portion of the lead-in to delete the phrase "Ditching emergency exits must be provided in accordance with the following requirements," and inserting in its place the phrase "Whether or not ditching certification is requested, ditching emergency exits must be provided in accordance with the following requirements,".

Appendix F to Part 25 [Amended]

8. By amending Appendix F to Part 25 as follows:

1. By inserting a comma after "5'" in paragraph (a).

2. By removing the colon after the phrase "most critical flammability conditions" in the fourth sentence of paragraph (b) and inserting a period in its place.

3. By removing the reference to paragraph (h) in the first sentence of paragraph (c) and inserting a reference to paragraph (g) in its place.

4. By removing the reference to paragraph (g) in the last sentence of paragraph (d) and inserting a reference to paragraph (h) in its place.

5. By removing the reference to paragraph (g) in the next to last sentence of paragraph (g) and inserting a reference to paragraph (h) in its place.

PART 45—IDENTIFICATION AND REGISTRATION MARKING

9. By amending § 45.15(b) by adding a sentence at the end to read as follows:

§ 45.15 Replacement and modification parts.

* * * * *

(b) * * * If the marking required by paragraph (a)(4) of this section is so extensive that to mark it on a tag is impractical, the tag attached to the part or the container may refer to a specific readily available manual or catalog for part eligibility information.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

10. By revising § 61.39(b) to read as follows:

§ 61.39 Prerequisites for flight tests.

* * * * *

(b) Notwithstanding the provisions of paragraph (a)(1) of this section, an applicant for an airline transport pilot certificate or rating may take the flight test for that certificate or rating if—

(1) The applicant—

(i) Within the period ending 24 calendar months after the month in which the applicant passed the first of any required written tests, was employed as a flight crewmember by a U.S. air carrier or commercial operator operating either under Part 121 or as a commuter air carrier under Part 135 (as defined in Part 298 of this title) and is employed by such a certificate holder at the time of the flight test;

(ii) Has completed initial training, and, if appropriate, transition or upgrade training; and

(iii) Meets the recurrent training requirements of the applicable part; or

(2) Within the period ending 24 calendar months after the month in which the applicant passed the first of any required written tests, the applicant participated as a pilot in a pilot training program of a U.S. scheduled military air transportation service and is currently participating in that program.

11. By revising the introductory phrase in § 61.155(d) to read as follows:

§ 61.155 Airplane Rating: Aeronautical experience.

* * * * *

(d) A commercial pilot may credit the following flight time toward the 1,500 hours total flight time requirement of paragraph (b)(2) of this section:

* * * * *

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

12. By revising § 63.35(d) to read as follows:

§ 63.35 Knowledge requirements.

* * * * *

(d) An applicant for a flight engineer certificate or rating must have passed the written tests required by paragraphs (a) and (b) of this section since the beginning of the 24th calendar month before the month in which the flight is taken. However, this limitation does not apply to an applicant for a flight engineer certificate or rating if—

(1) The applicant—

(i) Within the period ending 24 calendar months after the month in which the applicant passed the written test, is employed as a flight crewmember or mechanic by a U.S. air carrier or commercial operator operating either under Part 121 or as a commuter air carrier under Part 135 (as defined in Part 298 of this title) and is employed by such a certificate holder at the time of the flight test;

(ii) If employed as a flight crewmember, has completed initial training, and, if appropriate, transition or upgrade training; and

(iii) Meets the recurrent training requirements of the applicable part or, for mechanics, meets the recency of experience requirements of Part 65; or

(2) Within the period ending 24 calendar months after the month in which the applicant passed the written test, the applicant participated in a flight engineer or maintenance training program of a U.S. scheduled military air transportation service and is currently participating in that program.

* * * * *

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

13. By revising § 65.101(a)(5) to read as follows:

§ 65.101 Eligibility Requirements: General.

* * * * *

(a) * * *

(5) Have either—

(i) At least 18 months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the maintenance duties of the specific job for which the person is to be employed and certificated; or

(ii) Completed formal training that is acceptable to the Administrator and is specifically designed to qualify the applicant for the job on which the applicant is to be employed; and

* * * * *

14. By revising § 65.127(b) to read as follows:

§ 65.127 Facilities and equipment.

* * * * *

(b) Suitable housing that is adequately heated, lighted, and ventilated for drying and airing parachutes.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

15. By revising §§ 91.28 (a), (b), and (c) to read as follows:

§ 91.28 Special flight authorizations for foreign civil aircraft.

(a) Foreign civil aircraft may be operated without airworthiness certificates required under § 91.27 if a special flight authorization for that operation is issued under this section. Application for a special flight authorization must be made to the Regional Director of the FAA region in which the applicant is located, or to the region within which the U.S. point of entry is located. However, in the case of an aircraft to be operated in the U.S. for the purpose of demonstration at an air show, the application may be made to the Regional Director of the FAA region in which the air show is located.

(b) The Administrator may issue a special flight authorization for a foreign civil aircraft subject to any conditions and limitations that the Administrator considers necessary for safe operation in the U.S. airspace.

(c) No person may operate a foreign civil aircraft under a special flight authorization unless that operation also complies with Part 375 of the Special Regulations of the Civil Aeronautics Board (14 CFR 375).

PART 107—AIRPORT SECURITY

§ 107.13 [Amended]

16. By amending § 107.13(a) by removing the phrase "§ 108.5(a)(i)" in the introduction and substituting for it the phrase "§ 108.5(a)(1)".

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

17. By revising § 121.319(b)(5)(i) to read as follows:

§ 121.319 Crewmember interphone system.

* * * * *

(b) * * *

(5) * * *

(i) It must be accessible for use at enough flight attendant stations so that all floor-level emergency exits (or entryways to those exits in the case of exits located within galleys) in each passenger compartment are observable from one or more of those stations so equipped;

* * * * *

§ 121.385 [Amended]

18. By amending § 121.385(a) by removing the word "aircraft" wherever it appears and substituting the word "airplane".

§ 121.389 [Amended]

19. By amending § 121.389(a)(2) by removing the word "aircraft" and substituting the word "airplane".

§ 121.575 [Amended]

20. By amending § 121.575 by removing the phrase "§ 121.584" in paragraph (b)(2) and substituting for it the phrase "§ 108.21"; and by removing the phrase "§ 121.585(a)" in paragraph (b)(3) and substituting for it the phrase "§ 108.11".

§ 121.695 [Amended]

21. By amending § 121.695(a) by removing the word "aircraft" and inserting the word "airplane".

§ 121.697 [Amended]

22. By amending §§ 121.697 (a) and (d) by removing the word "aircraft" and inserting the word "airplane" in its place.

§ 121.703 [Amended]

23. By amending § 121.703(d) by amending the last sentence to read "However, a report that is due on a Saturday, Sunday, or holiday must be delivered by no later than 9:00 a.m. on the second workday after that day."

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

24. By revising § 129.1 to read as follows:

§ 129.1 Applicability.

This part prescribes rules governing the operation within the United States of each foreign air carrier holding a permit issued by the Civil Aeronautics Board under section 402 of the Federal Aviation Act of 1958 (49 U.S.C. 1372) or other appropriate economic or exemption authority issued by the Civil Aeronautics Board.

(Secs. 313(a), 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49)

Note.—The FAA has determined that these amendments reduce the regulatory burden on the flying public by relaxing certain regulations that govern prerequisites for flight tests, approved parts reference for manufacturers, and special flight authorization for foreign civil aircraft by prescribing only the minimum regulations deemed necessary for safety. The FAA's evaluation of the changes to Parts 23, 25, 45, 61, 63, 65, 91, 107, 121, and 129 indicates that the benefits will exceed the costs, primarily because the complexity and volume of regulatory material have been reduced. Further, proposals contained in the notice which have potential for placing a regulatory burden on the public have been removed. Therefore: (1) It has been determined that this is not a major regulation under Executive Order 12291; and (2) I certify that, under the criteria of the Regulatory Flexibility Act, these amendments will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that these amendments are not significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The impact of this rulemaking is so minimal it does not require a final regulatory evaluation since most of the amendments are merely editorial corrections and clarifications and some have minimal relaxatory and beneficial economic impact.

Issued in Washington, D.C., on February 26, 1982.

J. Lynn Helms,

Administrator.

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