

See correction

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9763; Amdt. 121-49]

PART 121—CERTIFICATION AND OPERATIONS: AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Clarification of Proving Tests Requirements

The purpose of this amendment of § 121.163 of the Federal Aviation Regulations is to clarify the requirement that proving tests be performed under the observation of the Administrator.

Section 121.163 now states that in addition to aircraft certification tests, an aircraft must have a set minimum number of proving test hours under the observation of the Administrator before an air carrier or commercial operator may operate the aircraft. The present wording of this section, read in light of the preamble to Amendment 121-42, published July 19, 1968, indicates that an FAA inspector must be on board the aircraft before the flight hours can be credited toward the proving test requirement. However, prior to Amendment 121-42, the FAA did not actually observe every flight. The usual proving test procedure is that an operator proposing to conduct a proving test submits a program detailing the tests and procedures to be demonstrated. The inspector then reviews the program for compliance with appropriate requirements and meets with the operator's personnel to discuss establishment of a proving test program.

The nature of the factors to be evaluated will govern the demonstrations comprising each program. In the case of an aircraft not before proven, the tests are primarily required to demonstrate aircraft reliability, while in the case of an aircraft having substantial air carrier service, but new to the operator concerned, the proving tests are essentially a demonstration of the operator's com-

petence to handle the aircraft. In either event, the tests are conducted in accordance with a program submitted by the air carrier and acceptable to the Administrator. Under this procedure an FAA inspector determines which tests require his presence on board the aircraft as an observer in order for them to be acceptable to the Administrator, as well as those tests which are acceptable without being observed by the FAA. Therefore, § 121.163 is being amended to delete the requirement that all proving flights must be observed by the Administrator, thereby making it possible for the FAA to administer the rule in a manner consistent with established administrative procedures. To accomplish this, the words "acceptable to the Administrator" have been substituted for the words "under the Administrator's observation" in all places where they appear in the rule.

Since this amendment is clarifying in nature and does not impose a burden on the public, I find that notice and public procedure thereon are unnecessary and that the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, § 121.163 of the Federal Aviation Regulations is amended, effective September 20, 1969, as follows:

1. By striking out the words "under the Administrator's observation" in paragraph (a) and inserting the words "acceptable to the Administrator" in place thereof.

2. By striking out the words "as determined by the Administrator" in paragraph (a).

3. By amending paragraph (b) (1) to read as follows:

(1) The aircraft has had at least 50 hours of tests acceptable to the Administrator, including a representative number of flights into enroute airports; or

* * * * *
(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1924, and of sec. 5(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on August 14, 1969.

J. H. SHAFER,
Administrator.

(As published in the Federal Register
/34 F.R. 13468/ on Aug. 21, 1969)

[Docket No. 9763; Amdt. ~~1424~~]

PART 121—CERTIFICATION AND OPERATIONS; AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Clarification of Proving Tests Requirements

In F.R. Doc. 69-9939, appearing at page 13468, in the issue for Thursday, August 21, 1969, the figure "1924" appearing in the third line of the authority citation should read "1424."