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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transportation

[Docket No. 11875, Amdt. 121-98]

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

Applicability of Operating Rules: Unauthorized Operators

This amendment to Part 121 of the Federal Aviation Regulations will make those rules of Part 121 which currently apply to persons certificated under Part 121 apply as well to persons who engage in a Part 121 operation without obtaining the appropriate certificate required by that part.

This amendment is based on a notice of proposed rule making (Notice 72-1) published in the FEDERAL REGISTER on January 26, 1972 (37 F.R. 1175).

The majority of the comments did not oppose the proposal; however, the National Business Aircraft Association, Inc. (NBAA), and its affiliated members recommended that the FAA delay any action at this time with regard to Notice 72-1. The basis for the NBAA recommendation was that the FAA still had outstanding Notice 71-32, which contained a discussion of FAA policies regarding operations requiring a commercial operator certificate. The NBAA contends that the current definition in the Federal Aviation Regulations of a commercial operator is not clear and that the adoption of this amendment would further confuse the issue.

The FAA does not agree with the recommendation of the NBAA. Final regulatory action has since been taken

by the FAA regarding Notice 71-32 and it is no longer outstanding. In addition, we consider Agency policy regarding operations that require a commercial operator certificate to have been effectively clarified through the issuance of Notice 71-32 and the adoption of amendments based thereon. However, as pointed out in the preamble to Notice 71-32, if an operator has any question as to whether a particular type of operation requires a Part 121 commercial operator certificate, he should immediately request a ruling from the nearest FAA District Office. Such a request will enable the operator to avoid inadvertently operating an aircraft contrary to the Part 121 certification and operating rules.

Interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended by adding a new § 121.4 immediately after § 121.3 in Subpart A of Part 121, effective November 4, 1972, to read as follows:

§ 121.4 Applicability of rules to unau- thorized operators.

The rules in this part which refer to a person certificated under § 121.3 apply also to any person who engages in an operation governed by this part without the appropriate certificate and operations specifications required by § 121.3.

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

Issued in Washington, D.C., on Sep-
tember 27, 1972.

J. H. SHAFFER,
Administrator.

(As published in the Federal Register 37 F.R. 20936/ on October 5, 1972)

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