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THURSDAY, MAY 25, 1978
PART V



**DEPARTMENT OF
TRANSPORTATION**

**Federal Aviation
Administration**



**OPERATIONS REVIEW
PROGRAMS**

**Miscellaneous Amendments and
Extension of Comment Period**

**Order
Series
Register**

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16383; Amdt. Nos. 43-19, 61-66, 63-19, 65-23, 91-152, 105-7, 121-143, 123-8, 127-34, 137-7, 145-16, 147-4]

OPERATIONS REVIEW PROGRAM

Amendment No. 4: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve regulations concerning aircraft maintenance, airmen certification, general operating and flight rules, parachuting, certification and operation of air carriers and commercial operators, air travel clubs, agricultural aircraft operations, repair stations, and aviation maintenance technical schools. These amendments are part of the Operations Review Program.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

HISTORY

These amendments are the fourth in a series of amendments to be issued as a part of the Operations Review Program. The following series of amendments have previously been issued as part of the Operations Review Program:

Title and FR citation

Clarifying and editorial changes (41 FR 47227; October 28, 1976)
Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977 amended by 42 FR 32531; June 27, 1977)
Airspace, Air Traffic and General Operating Rules (to be issued at a later date)

These amendments are based on a notice of proposed rulemaking (Notice 76-28) published in the FEDERAL REGISTER on December 27, 1976 (41 FR 56280). All interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant com-

ments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and reasons for their adoption are the same as those contained in Notice 76-28.

Five proposals which were contained in Notice 76-28, pertaining to Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft, are not being dealt with here. They will be considered in conjunction with the proposals contained in Part 135 Regulatory Review Program, Notice No. 77-17: Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977).

Amendments to § 121.343(d), § 121.359(e), § 121.703(f), § 127.127(d), and § 127.313(f) were not included in Notice 76-28. Since these amendments are editorial changes which reflect the National Transportation Safety Board's revised regulations, they are included in this amendment.

DISCUSSIONS OF COMMENTS

The following discussion is keyed to the like-numbered proposals contained in Notice 76-28.

Proposal 4-1. One commenter suggested that the word "knowingly" be inserted between "may" and "make" in paragraph (a) of proposed § 43.12 to clarify the intent behind the meaning of the word "fraudulent." The FAA does not believe it is necessary to add the word "knowingly" since the proof of a fraudulent act is based on the person knowingly committing the act. Accordingly, the proposal is adopted without substantive change.

Proposal 4-2. No unfavorable comments were received on the proposal to revised paragraph (b)(2) of Appendix E to Part 43. Accordingly, the proposal is adopted without substantive change.

Proposal 4-3. One commenter recommended clarification of the first paragraph of Appendix F to Part 43 which refers to an additional 3 decibel (db) tolerance allowed to compensate for antenna coupling errors during receiver sensitivity measurements. The commenter states this has been interpreted by some to mean $\pm 1\frac{1}{2}$ db and by others to mean ± 3 db. After review, the FAA agrees and the proposed rule is changed by substituting the word "loss" for "tolerance."

After further review of paragraph (a), Appendix F to Part 43, the FAA believes the words "of the system" should be inserted between the words "frequency" and "is" to clarify that the antenna should be used during the transponder frequency check. Accordingly, proposed Appendix F to Part 43 is adopted as proposed except for the revisions discussed above.

Proposal 4-4. One commenter was against extending the effective date of

a temporary certificate from 90 days to 120 days and suggested that the FAA's certificate handling facilities should be improved to provide more rapid service. The FAA believes that an addition of 30 days is necessary to handle the numerous applications received and to avoid the need for applicants to obtain renewal of the temporary certificate. The proposed change to § 61.17(a) with respect to inserting the number "120" in place of "90" was also proposed for § 63.13 and § 65.13 (Proposals 4-5 and 4-11 respectively) and commented on as above. Accordingly, proposed §§ 61.17(a), 63.13, and 65.13 are adopted without substantive change.

Proposal 4-5. For a discussion of comments related to the proposal to amend § 63.13 and for the disposition of that proposal, see Proposal 4-4.

Proposal 4-6. A comment was received which discussed matters not proposed in Notice 76-28. This comment is beyond the scope of the notice and cannot be considered without further notice and public participation. For a discussion of comments related to proposed § 63.41(b) and for the withdrawal of that proposal, see Proposal 4-12.

Proposal 4-7. No unfavorable comments were received on the proposal to delete § 63.53 (b) and (c). Accordingly, the proposal is adopted without substantive change.

Proposal 4-8. No unfavorable comments were received on the proposal to amend § 63.57(a) and therefore it is adopted without substantive change. However, the FAA believes the words "any part of" and "except the section on plotting and computing" in § 63.57(b) should be deleted since they are rendered unnecessary by the amendment to § 63.53 (see Proposal 4-7). Accordingly, the words discussed above are deleted from § 63.57(b).

Proposal 4-9. No unfavorable comments were received on the proposal to revise § 63.59 (b) or (c) and the proposal is adopted without substantive change. For comments related to proposed § 63.59(a)(2) and deletion of the phrase "In the case of applicant's first failure" in proposed § 63.59(a)(2), see Proposal 4-12.

Proposal 4-10. Although there were no unfavorable comments to the proposed revision of Appendix A of Part 63, the FAA believes the proposal should be withdrawn since a substantial portion of the rule was inadvertently omitted. Accordingly, the proposal to revise Appendix A of Part 63 is withdrawn.

Proposal 4-11. For a discussion of comments relating to the proposal to amend § 65.13 and for the disposition of that proposal, see Proposal 4-4.

Proposal 4-12. Thirty-nine commenters objected to the proposed amendments to § 65.19. Many com-

menters objected to limiting the number of retests to one within 30 days as proposed in § 65.19(bn) in case of an applicant's first failure. These commenters stated that this restriction would place an unnecessary burden on applicants by increasing the time for certification without a commensurate increase in benefits or safety. Upon further review, the FAA agrees and the phrase "In the case of an applicant's first failure" in proposed § 65.19(b) is deleted.

The proposed change to § 65.19(b) with respect to the phrase "In the case of an applicant's first failure" is identical to the proposed change to §§ 63.41(b) and 63.59(a)(2) in Proposals 4-6 and 4-9 respectively. Accordingly, the proposed change to § 63.41(b) is withdrawn and the proposed change to § 63.59(a)(2) is amended to delete the above phrase.

Several commenters objected to proposed § 65.19(b) because it denied certified ground instructors the privilege of giving additional instruction to applicants in preparing them for retesting. The commenters stated that ground instructors were the only persons, other than flight instructors, who have been tested on their ability to teach various technical subjects. The FAA does not issue ground instructor ratings which are appropriate to teach air traffic control tower operator, aircraft dispatcher, parachute rigger, or mechanic applicants.

Since aviation safety and public interest demands that only persons who have demonstrated their technical knowledge and skill for a particular certificate should be qualified to provide instruction and certify competency for that certificate, the FAA believes the instructor must possess at least the same certificate and rating that the applicant is seeking to obtain. Accordingly, the proposal to amend § 65.19 is adopted as proposed with the revision discussed above.

Proposal 4-13. One commenter believed § 91.8 should be further expanded to include the prohibition against the interference with flight crewmembers before the aircraft is boarded. Since such a prohibition would be difficult to enforce and could give rise to jurisdictional problems, the FAA does not consider this prohibition a proper subject for rulemaking.

One commenter stated that proposed § 91.8(b) could apply to an aircraft owner who might ask the pilot to alter course or change destination. The commenter suggests clarifying the language. Another commenter expressed concern for the proposed wording of § 91.8(b) since it appears that a pilot examiner would be in violation by asking a private pilot applicant to divert from a course during a flight test. This was not the FAA's intent. The prohibition was directed

toward unreasonable requirements, such as hijacking or requiring a change under duress. However, after further review, the FAA believes § 91.8(b) is not necessary since these acts are provided for in § 91.8(a). Accordingly, the proposal is adopted with the revisions discussed.

Proposal 4-14. No unfavorable comments were received on the proposal to revise § 91.15(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-15. No unfavorable comments were received on the proposal to amend § 91.17. Accordingly, the proposal is adopted without substantive change.

Proposal 4-16. No unfavorable comments were received on the proposal to revise § 91.18(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-17. No unfavorable comments were received on the proposed revision to § 91.43(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4-18. One commenter disagreed with the proposed revision to § 91.52(d)(2) that would require the new expiration date for replacement (or recharge) of the emergency locator transmitter's battery to be entered in the aircraft maintenance record and suggested the use of a placard located inside the cabin as a better solution. The FAA believes that a maintenance record entry is a more reliable method of determining the replacement date than a placard. Accordingly, proposed § 91.52(d)(2) is adopted without substantive change.

Proposal 4-19. Several commenters contended that proposed § 91.73(d) would be too restrictive and does not allow sufficient discretionary authority to the pilot in command as to when the anticollision lights should or should not be lighted. They state that the use of a strobe light as an anticollision light would create an unsafe condition during certain aircraft operation such as taxiing, takeoff and landing, if the pilot did not have the option to turn it off except during adverse meteorological conditions.

In light of these comments and upon further review, the FAA agrees that there are instances when the use of a high intensity anticollision light could induce vertigo and cause spatial disorientation. Accordingly, § 91.73(d) is revised to provide that the pilot in command may turn off the anticollision lights at any time in the interests of safety.

Proposal 4-20. One commenter does not believe the word "nearest" in proposed § 91.83(d) conveys the operational procedure presently used by the FAA, and suggested it be changed. In light of this comment, and after further review, the FAA believes that any

restrictive term is unnecessary and could possibly discourage the filing of flight plans. Accordingly, the words "the nearest" in proposed § 91.83(d) are deleted and the word "an" inserted.

Proposal 4-21. One commenter objected to the wording of proposed § 91.173 on the ground that it places an unwarranted burden on the owner or operator to determine such items as revision date, airworthiness directive (AD) number, and if an AD involves recurring action, the time and date when the next action is required. The commenter further stated that § 91.173 places responsibility on the owner or operator for the content of Part 43 maintenance record entries made by persons authorized by the FAA.

The FAA believes that the owner or operator should be responsible for the retention of the required maintenance records for the specified periods and furnish such records to the person authorized by the FAA to accomplish the work. The FAA believes that the owner or operator should also ensure that the appropriate information as prescribed in § 91.173 is entered in the maintenance records. The intent of the proposal is to require the retention of more specific information relating to ADs and their compliance. In addition, each person authorized to perform the maintenance is only responsible for the content of the required record entries. Accordingly, the proposed revisions to § 91.173 (a), (b), and (a)(2)(v) and the addition of new (b)(3) are adopted without substantive change.

Proposal 4-22. One commenter who supported the proposed § 91.189(b)(5) suggested that attachment points for the lifeline be permanently installed on the wings of the aircraft. The FAA believes current § 25.141(g) adequately covers lifeline attachment. Accordingly, proposed § 91.189(b)(5) is adopted without substantive change.

Proposal 4-23. The only public comment received on the proposal to amend paragraph 2(a)(7) of Appendix A to Part 91 recommended that radio altimeters be included in the proposed requirement but gave no further explanation. Since radio altimeters have markings at 20 feet or less intervals, the FAA believes that no reason exists at this time to include them in this amendment. Accordingly, the proposal is adopted without substantive change.

Proposal 4-24. No unfavorable comments were received on the proposal to revise § 105.15(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4-25. One commenter supported proposed § 105.33 (a) and (b) providing adequate exceptions exist for emergency situations, but did not state what type of exceptions he was referring to.

Another commenter contends that a light should not be displayed during free-fall because such a light decreases night vision and could possibly induce vertigo or spatial disorientation.

The FAA does not believe that such a light would significantly decrease night vision and induce vertigo or spatial disorientation. The FAA believes that a parachute jumper presents an object in the airspace from the instant the jumper exits the aircraft until the jumper reaches the surface. All that changes with the deployment of the chute is the speed the object is falling. A free-fall jump can extend through thousands of feet of airspace, presenting a hazard to air navigation. Accordingly, in the interest of safety, proposed § 105.33 (a) and (b) are adopted without substantive change.

Proposal 4-26. No unfavorable comments were received on the proposal to amend § 105.43. Accordingly, the proposal is adopted without substantive change.

Proposal 4-27. No unfavorable comments were received on the proposal to revise § 121.11. Accordingly, the proposal is adopted without substantive change.

Proposal 4-28. No unfavorable comments were received on the proposal to amend § 121.26. Accordingly, the proposal is adopted without substantive change.

Proposal 4-29. No comments were received on the proposal to revise § 121.29(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 121.29(b) is withdrawn.

Proposal 4-30. No unfavorable comments were received on the proposal to amend § 121.47(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-31. No comments were received on the proposal to revise § 121.53(e). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 121.53(e) is withdrawn.

Proposal 4-32. No unfavorable comments were received on the proposal to revise § 121.61(b)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 4-33. No unfavorable comments were received on the proposal to amend § 121.135(b) (6) and (7). Accordingly, the proposal is adopted without substantive change.

Proposal 4-34. No unfavorable comments were received on the proposal to amend § 121.191(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-35. The commenters to proposed § 121.309(b)(4) contend the proposal was unnecessarily redundant, served no useful purpose, and did not enhance safety. The commenters objected to this proposal from the stand-

point that it would impose: (1) An unwarranted recordkeeping burden on operators utilizing an equipment control program that is controlled by hours or cycles and not by a specific inspection due date; (2) a risk of not having the inspection dates marked on the containers when equipment items were transferred from one airplane to another; and (3) an additional task of changing inspection dates with possible resultant error.

In light of these comments and after further review, the FAA believes the proposal would possibly impose a burden not commensurate with its probable contribution to safety. Accordingly, proposed § 121.309(b)(4) is withdrawn.

Proposal 4-36. One commenter suggested the use of the phrase "no person" instead of "no passenger or crewmember" in proposed § 121.317(b). The FAA believes the phrase "no passenger or crewmember" is more definitive and the proposed wording is retained. Another commenter objected to the proposal on the grounds that there are instances when it is acceptable for cockpit crewmembers to continue to smoke and stated that this determination should be left up to the discretion of the cockpit crewmembers. The FAA disagrees. As a safety factor, flight crewmembers should be prohibited from smoking when the "no smoking" sign is lighted. Accordingly, proposed § 121.317 (a) and (b) is adopted without substantive change.

Proposal 4-37. No unfavorable comments were received on the proposal to amend § 121.401(c). Accordingly, the proposal is adopted without substantive change.

Proposal 4-38. No unfavorable comments were received on the proposal to revise § 121.440(b)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-39. Two comments were received on both proposed §§ 121.548 and 127.212 which discussed matters not proposed in Notice 76-28. These comments are beyond the scope of the notice and cannot be considered without further notice and public participation. Accordingly, proposed §§ 121.548 and 127.212 (Proposals 4-39 and 4-54 respectively) are adopted without substantive change.

Proposal 4-40. No unfavorable comments were received on the proposal to amend § 121.651(d)(2). Accordingly, the proposal is adopted without change.

Proposal 4-41. No unfavorable comments were received on the proposal to amend § 121.652(a). However, as stated in the preamble to Notice 76-28, the FAA believes the flight time, in order to be credited, must be acquired in the same "type" airplane. Accordingly, the proposal is adopted by in-

serting the word "type" to further clarify the intent of the rule.

Proposal 4-42. No unfavorable comments were received on the proposal to amend § 121.697(e)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-43. No unfavorable comments were received on the proposal to revise § 121.723 (a) and (b). However, in order to avoid the reissuance of certificates at the conclusion of each assignment, the wording is changed so that the certificate is retained until termination of employment with the carrier or operator. Accordingly, the proposal is adopted with the change discussed.

Proposal 4-44. No unfavorable comments were received on the proposal to add a new § 123.11(b)(3). Accordingly, the proposal is adopted without substantive change.

Proposal 4-45. No unfavorable comments were received on the proposal to add a new § 123.12. Accordingly, the proposal is adopted without substantive change.

Proposal 4-46. No unfavorable comments were received on the proposal to revise § 123.13. Accordingly, the proposal is adopted without substantive change.

Proposal 4-47. No unfavorable comments were received on the proposal to revise § 123.15(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-48. No comments were received on the proposal to revise § 123.19(c). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 123.19(c) is withdrawn.

Proposal 4-49. No unfavorable comments were received on the proposal to revise § 123.27. Accordingly, the proposal is adopted without substantive change.

Proposal 4-50. No unfavorable comments were received on the proposal to revise § 123.41(a)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 4-51. No unfavorable comments were received on the proposal to revise § 127.3. Accordingly, the proposal is adopted without substantive change.

Proposal 4-52. No comments were received on the proposal to revise § 127.21(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, the proposed § 127.21(b) is withdrawn.

Proposal 4-53. No unfavorable comments were received on the proposal to revise § 127.151(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-54. For a discussion of comments relating to proposed § 127.212 and for the disposition of that proposal, see Proposal 4-39.

Proposal 4-55. No unfavorable comments were received on the proposal to revise § 127.249(b). Accordingly, the proposal is adopted without substantive change.

Proposals 4-56 through 4-60. These proposals are included in the Part 135 Regulatory Review Notice 77-17: Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977). Comments received on the proposed amendments to Part 135 in Notice 76-28 will be considered in conjunction with other comments received in response to Notice 77-17.

Proposal 4-61. No unfavorable comments were received on the proposal to amend § 137.19(e). Accordingly, the proposal is adopted without substantive change.

Proposal 4-62. No unfavorable comments were received on the proposal to delete Part 149 "Parachute Lofts" and transfer those requirements to a new Subpart E in Part 145. However, after further review, the FAA believes the incorporation of Part 149 into Part 145 as proposed would create redundancy in the rules and cause confusion. Accordingly, the proposal to amend Part 145 is withdrawn.

Proposal 4-63. No unfavorable comments were received on the proposal to revise § 145.17(b). After further review, the FAA believes the words "surrendered, suspended, or," should be reinserted between the words "sooner" and "revoked" in § 145.17(b) since they appear in current § 145.17(b). This oversight is corrected in the adopted rule since it was not a change intended by the proposal. Accordingly, the proposal to revise § 145.17(b) is adopted as proposed except for the revision discussed above.

Proposal 4-64. No unfavorable comments were received on the proposal to amend § 145.59(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-65. No unfavorable comments were received on the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1)(ii) the word "accreditation" is used in place of the word "certification" which appears in current § 147.31(c)(1). This oversight is corrected in the adopted rule since it was not the intent of the proposal to change the wording to accreditation; (2) the phrase "other than the crediting school" immediately following the word "accreditation" in proposed § 147.31(c)(1)(ii) was inadvertently omitted and has been included in the final rule. Accordingly, the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2) is adopted as proposed except for the revisions discussed above.

Proposal 4-66. Although there were no unfavorable comments to the proposed deletion and reservation of Part 149, the proposal is withdrawn for the reasons discussed in Proposal 4-62.

DRAFTING INFORMATION

The principal authors of this document are Thomas G. Walenta, Flight Standards Service, and Richard B. Elwell, Office of General Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 137, 145, and 147 of the Federal Aviation Regulations (14 CFR Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 137, 145, and 147) are amended as follows, effective June 26, 1978.

PART 43—MAINTENANCE, REBUILDING AND ALTERATION

1. By adding a new § 43.12 immediately following § 43.11, to read as follows:

§ 43.12 Maintenance records: Falsification, reproduction, or alteration.

(a) No person may make or cause to be made:

(1) Any fraudulent entry in any record or report that is required to be kept, made, or used to show compliance with any requirement under this part;

(2) Any reproduction, for fraudulent purpose, of any record or report under this part; or

(3) Any alteration, for fraudulent purpose, of any record or report under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking the applicable airman, operator, or production certificate, Technical Standard Order Authorization, FAA-Parts Manufacturer Approval, or Product and Process Specification issued by the Administrator and held by that person.

2. By revising paragraph (b)(2) of Appendix E to Part 43 to read as follows:

APPENDIX E—ALTIMETER SYSTEM TEST AND INSPECTION

(b) * * *

(2) Altimeters which are the air data computer type with associated computing systems, or which incorporate air data correction internally, may be tested in a manner and to specifications developed by the manufacturer which are acceptable to the Administrator.

3. By revising the introductory explanatory text and paragraphs (a) and (b) of Appendix F to Part 43 to read as follows:

APPENDIX F—ATC TRANSPONDER TESTS AND INSPECTIONS

The ATC transponder tests required by § 91.177 of this chapter may be conducted using a bench check or portable test equipment and must meet the requirements prescribed in paragraphs (a) through (d) of this appendix. If portable test equipment with appropriate coupling to the aircraft antenna system is used, operate the test equipment at a nominal rate of 235 interrogations per second to avoid possible ATCRBS interference. An additional 3db loss is allowed to compensate for antenna coupling errors during receiver sensitivity measurements conducted in accordance with paragraph (c)(1) when using portable test equipment.

(a) For reply radio frequently, interrogate the transponder and verify that the reply frequency of the system is 1090 ± 3 MHZ.

(b) Suppression: When the transponder is interrogated on mode 3/A at an interrogation rate between 230 and 1000 interrogations per second for class 1B and 2B transponders or between 230 and 1200 interrogations per second for class 1A and 2A transponders:

(1) Verify that the transponder does not respond to more than 1 percent of the interrogations when the amplitude of P₁ pulse is equal to the P₁ pulse.

(2) Verify that the transponder replies to at least 90 percent of the interrogations when the amplitude of the P₂ pulse is 9db less than the P₁ pulse.

If the test is conducted with a radiated test signal, the interrogation rate shall be 235 ± 5 interrogations per second unless a higher rate has been approved for the test equipment used at that location.

* * * * *

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

§ 61.17 [Amended]

4. By deleting the number "90" and inserting "120" in its place in § 61.17(a).

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

§ 63.13 [Amended]

5. By deleting the number "90" and inserting "120" in its place in § 63.13.

§ 63.53 [Amended]

6. By deleting § 63.53 (b) and (c) and redesignating § 63.53 (d) as (b).

§ 63.57 [Amended]

7. By amending § 63.57 as follows:
a. By deleting from paragraph (a) the phrase "must pass a practical test in operating flight navigation equipment, and";

b. By deleting from the last sentence in paragraph (b) the words "any part of" and "except the section on plotting and computing" and adding a period after the words "written test".

8. By revising §§ 63.59 (a)(2), (b) and (c) to read as follows:

§ 63.59 Retesting after failure.

(a) * * *

(2) Before the 30 days have expired if the applicant presents a signed statement from a certificated flight navigator, certificated ground instructor, or any other qualified person approved by the Administrator, certifying that that person has given the applicant additional instruction in each of the subjects failed and that person considers the applicant ready for retesting.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is acceptable, for the purposes of paragraph (a)(2) of this section, for the written test and for the flight test. A statement from a person approved by the Administrator is acceptable for the written test. A statement from a supervising or check navigator with the United States Armed Forces is acceptable for the written test and for the practical test.

(c) If the applicant failed the flight test, the additional instruction must have been administered in flight.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

§ 65.13 [Amended]

9. By deleting the number "90" and inserting "120" in its place in § 65.13.

10. By revising § 65.19 to read as follows:

§ 65.19 Retesting after failure.

An applicant for a written, oral, or practical test for a certificate and rating, or for an additional rating under this part, may apply for retesting—

(a) After 30 days after the date the applicant failed the test; or

(b) Before the 30 days have expired if the applicant presents a signed statement from an airman holding the certificate and rating sought by the applicant, certifying that the airman has given the applicant additional instruction in each of the subjects failed and that the airman considers the applicant ready for retesting.

PART 91—GENERAL OPERATING AND FLIGHT RULES

11. By revising § 91.8 to read as follows:

§ 91.8 Prohibition against interference with crewmembers.

No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

12. By revising § 91.15(a)(2) to read as follows:

§ 91.15 Parachutes and parachuting.

(a) * * *

(2) If any other type, it has been packed by a certificated and appropriately rated parachute rigger—

(i) Within the preceding 120 days, if its canopy, shrouds, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or materials that are substantial resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within the preceding 60 days, if any part of the parachute is composed of silk, pongee, or other natural fiber, or materials not specified in subdivision (i) of this subparagraph.

13. By amending § 91.17(a)(1) to read as follows:

§ 91.17 Towing: Gliders

(a) No person may operate a civil aircraft towing a glider unless:

(1) The pilot in command of the towing aircraft is qualified under § 61.69 of this chapter

14. By revising § 91.18(a) to read as follows:

§ 91.18 Towing: Other than under § 91.17.

(a) No pilot of a civil aircraft may tow anything with that aircraft (other than under § 91.17) except in accordance with the terms of a certificate of waiver issued by the Administrator.

15. By revising § 91.43(b) to read as follows:

§ 91.43 Special rules for foreign civil aircraft.

(b) VFR. No person may conduct VFR operations which require two-way radio communications under this part, unless at least one crewmember of that aircraft is able to conduct two-way radio communications in the English language and is on duty during that operation.

16. By revising the first sentence in the flush paragraph immediately following § 91.52(d)(2) to read as follows:

§ 91.52 Emergency locator transmitters.

(d) * * *

(2) * * *

The new expiration date for the replacement (or recharge) of the battery must be legibly marked on the outside of the transmitter and entered in the aircraft maintenance record. * * *

17. By amending § 91.73 as follows:

(a) By deleting the semicolon and the word "or" at the end of paragraph (b)(3) and inserting a period in its place;

(b) By deleting the period at the end of paragraph (c)(2) and inserting a semicolon and the word "or" in its place; and

(c) By adding a new paragraph (d) to read as follows:

§ 91.73 Aircraft lights.

(d) Operate an aircraft, required by § 91.33(c)(3) to be equipped with an anticollision light system, unless it has approved and lighted aviation red or aviation white anticollision lights. However, the anticollision lights need not be lighted when the pilot in command determines that, because of operating conditions, it would be in the interest of safety to turn the lights off.

18. By revising § 91.83 by deleting the flush paragraph immediately following paragraph (a)(11) and inserting a new paragraph (d) immediately following paragraph (c)(2) to read as follows:

§ 91.83 Flight plan; information required.

(d) Cancellation. When a flight plan has been activated, the pilot in command, upon cancelling or completing the flight under the flight plan, shall notify an FAA Flight Service Station or ATC facility.

19. By revising the lead in to § 91.173 (a) and (b) and by revising (a)(2)(v) and adding a new paragraph (b)(3) to read as follows:

§ 91.173 Maintenance records.

(a) Except for work performed in accordance with §§ 91.170 and 91.177, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:

(2) * * *

(v) The current status of applicable airworthiness directives (AD) including, for each, the method of compliance, the AD number, and revision date. If the AD involves recurring action, the time and date when the next action is required.

(b) The owner or operator shall retain the following records for the periods prescribed:

(3) A list of defects furnished to a registered owner or operator under § 43.9 of this chapter, shall be retained until the defects are repaired and the aircraft is approved for return to service.

20. By adding a new § 91.189(b)(5) to read as follows:

§ 91.189 Survival equipment for overwater operations.

(b) * * *
(5) After June 26, 1979, a lifeline stored in accordance with § 25.1411(g) of this chapter.

21. By amending paragraph 2(a)(7) of appendix A to part 91 by adding a sentence to read as follows:

APPENDIX A—CATEGORY II OPERATIONS: MANUAL, INSTRUMENTS, EQUIPMENT, AND MAINTENANCE

2. Required instruments and equipment
(a) Group I.

(7) * * * After June 26, 1979, two sensitive altimeters adjustable for barometric pressure, having markings at 20-foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the airplane.

PART 105—PARACHUTE JUMPING

22. By revising § 105.15(b) to read as follows:

§ 105.15 Jumps over or into congested areas or open air assembly of persons.

(b) An application for a certificate of authorization issued under this section is made in a form and in a manner prescribed by the Administrator and must be submitted to the FAA Flight Standards District Office having jurisdiction over the area in which the parachute jump is to be made, at least 4 days before the day of that jump.

23. By revising § 105.33 to read as follows:

§ 105.33 Parachute jumps between sunset and sunrise.

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft, between sunset and sunrise, unless that person is equipped with a means of producing a light visible for at least 3 statute miles.

(b) Each person making a parachute jump between sunset and sunrise shall display the light required by paragraph (A) of this section from the time that person exits the aircraft until that person reaches the surface.

24. By amending § 105.43(a)(2) to read as follows:

§ 105.43 Parachute equipment and packing requirements.

(a) * * *
(2) The auxiliary must have been packed by a certificated and appropriately rated parachute rigger:

(i) Within 120 days before the date of use, if its canopy, shroud, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or material that is substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within 60 days before the date of use, if it is composed in any amount of silk, pongee, or other natural fiber, or material not specified in paragraph (a)(2)(i) of this section.

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

25. By revising § 121.11 to read as follows:

§ 121.11 Rules applicable to operations in a foreign country.

Each certificate holder shall, while operating an airplane within a foreign country, comply with the air traffic rules of the country concerned and the local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of that country.

26. By adding a new § 121.26 immediately following § 121.25 to read as follows:

§ 121.26 Application for domestic or flag air carrier operator certificates.

Each application for a domestic or flag air carrier operating certificate

shall be made in the form and manner and contain information prescribed by the Administrator. Each applicant must submit his application at least 60 days before the date of intended operation.

27. By amending the second sentence of § 121.47(a) to read as follows:

§ 121.47 Application for supplemental air carrier and commercial operator certificates.

(a) * * * Each applicant must submit an application at least 60 days before the date of intended operation (in the case of an original application) or 60 days before the date the certificate terminates (in the case of a renewal application).

28. By revising § 121.61(b)(1) to read as follows:

§ 121.61 Management personnel: Qualifications.

(b) No person may serve as chief pilot unless that person—

(1) Holds a current airline transport pilot certificate with appropriate ratings for at least one of the types of aircraft used;

§ 121.135 [Amended]

29. By amending § 121.135(b) (6) and (7) by deleting the phrase, "their crew complement,".

30. By amending § 121.191(a) as follows:

§ 121.191 Transport category airplanes: Turbine engine powered: En route limitations: One engine inoperative.

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that is greater than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with paragraphs (a) (1) or (2) of this section, based on the ambient temperatures expected en route:

31. By revising § 121.317 to read as follows:

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with passenger information signs that meet the requirements of § 25.791 of this chapter. The signs must be constructed so that the crewmembers can turn

them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) No passenger or crewmember may smoke while the no smoking sign is lighted and each passenger shall fasten that passenger's seat belt and keep it fastened while the seat belt sign is lighted.

§ 121.343 [Amended]

32. By deleting the number "430" and inserting "830" in its place in § 121.343(d).

§ 121.359 [Amended]

33. By amending the first and second sentences of § 121.359(e) by inserting the number "830" immediately following the word "part" and deleting the phrase "present part 320 of this title."

34. By amending § 121.401(c) by adding at the end thereof a sentence to read as follows:

§ 121.401 Training program: General.

* * * * *

(c) * * * When the certification required by this paragraph is made by an entry in a computerized record-keeping system, the certifying instructor, supervisor, or check airman must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check airman is not required for computerized entries.

* * * * *

35. By revising § 121.440(b)(2) to read as follows:

§ 121.440 Line checks.

* * * * *

(b) * * *
(2) Consist of at least one flight over a typical part of the air carrier's route, or over a foreign or Federal airway, or over a direct route.

* * * * *

36. By revising § 121.548 to read as follows:

§ 121.548 Aviation safety inspector's credentials: Admission to pilot's compartment.

Whenever, in performing the duties of conducting an inspection, an inspector of the Federal Aviation Administration presents form FAA 110A, "Aviation Safety Inspector's Credential," to the Pilot in command of an aircraft operated by an air carrier or commercial operator, the inspector must be given free and uninterrupted access to the pilot's compartment of that aircraft.

§ 121.651 [Amended]

37. By deleting the words "range station or comparable facility" in § 121.651(d)(2) and substituting the words "navigation facility" in its place.

38. By amending § 121.652(a) by adding the following new sentence to read as follows:

§ 121.652 Landing weather minimums:

IFR: All certificate holders.

(a) * * * However, a Pilot in command employed by an air taxi operator certificated under § 135.2 of this chapter, may credit flight time acquired in operations conducted for that operator under part 91 in the same type airplane for up to 50 percent of the 100 hours of pilot in command experience required by this paragraph.

§ 121.697 [Amended]

39. By amending § 121.697(e)(2) by deleting the words "six months" and inserting in its place the words "three months."

§ 121.703 [Amended]

40. By deleting the number "430" and inserting "830" in its place in § 121.703(f).

41. By revising § 121.723 to read as follows:

§ 121.723 Application and issue.

(a) Application for a crewmember certificate is made on form FAA-2116 "Application for Crewmember Certificate," and submitted to the nearest Air Carrier District Office. The certificate is issued on form FAA-2116.1 "Crewmember Certificate."

(b) The holder of a certificate issued under this subpart, or the air carrier or commercial operator by whom the holder is employed, shall surrender the certificate for cancellation at the nearest Air Carrier District Office, or submit it for cancellation to the Airman Certification Branch, AC-260, P.O. Box 25082, Oklahoma City, Okla. 73125, at the termination of the holder's employment with that carrier or operator.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

42. By adding a new § 123.11(b)(3) to read as follows:

§ 123.11 Application for air travel club operating certificate.

* * * * *

(b) * * *
(3) The financial information listed in § 123.12.

43. By adding a new § 123.12 immediately following § 123.11 to read as follows:

§ 123.12 Financial information required for original issue or renewal.

Each applicant for the original issue or renewal of an air travel club operating certificate must submit the information required by § 121.49 (a), (c), (d), (h), and (i) of this chapter with its application.

44. By revising § 123.13 to read as follows:

§ 123.13 Management personnel required.

(a) Each applicant for a certificate under this part must show that it has enough qualified management personnel, including personnel in the following or equivalent positions, to provide the highest degree of safety in its operations and to assure that its operations are conducted in accordance with the requirements of this part:

- (1) Director of Operations.
- (2) Director of Maintenance.
- (3) Chief Pilot.
- (4) Chief Inspector.

(b) Upon application by the air travel club, the Administrator may approve fewer or different positions than those listed in paragraph (a) of this section for a particular operation if the applicant shows that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to:

- (1) The kind of operation involved.
- (2) The number and type of aircraft used; or
- (3) The area of operations.

(c) Each applicant shall:
(1) Set forth in the general policy section of its manual, the duties, responsibilities, and authority of the personnel required by this section;

(2) List in the manual the names and addresses of persons assigned to those positions;

(3) Designate one person as responsible for the scheduling of inspections required by the air travel club manual and for the updating of the approved weight and balance system on all aircraft operated by the air travel club; and

(4) Notify the FAA Flight Standards District Office charged with the overall inspection of the air travel club of any change made in the assignment of persons to the listed positions within 10 days of such change.

45. By revising § 123.15 to read as follows:

§ 123.15 Management personnel: Qualifications.

No person may serve in any position required by § 123.13 unless that person meets the appropriate requirements of § 121.61 of this chapter.

46. By redesignating § 123.27 (a) through (m) as (b) through (n) respectively and adding a new paragraph (a) to read as follows:

§ 123.27 Applicable regulations of Part 121.

(a) Sections 121.49(a), 121.49(c), 121.49(d), 121.49(h), 121.49(i), and 121.61 of Subpart C.

47. By revising § 123.41(a)(1) to read as follows:

§ 123.41 Training program.

(a) Each certificate holder shall have a training program that:

(1) Provides the training required by §§ 121.415 through 121.427 (except § 121.422) of this chapter as applicable to commercial operators; and

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

48. By revising § 127.3 to read as follows:

§ 127.3 Operating rules.

Each air carrier shall:

(a) Comply with Part 91 of this chapter unless otherwise specified in this part; and

(b) Conduct charter flights or other special service operations, under the rules prescribed in § 121.5 of this chapter in place of the rules of this part.

§ 127.127 [Amended]

49. By deleting the phrase "430 of this title" in the first and second sentences of § 127.127(d) and inserting the phrase "830 of Title 49" in its place.

50. By revising § 127.151(a) to read as follows:

§ 127.151 Establishment.

(a) Each air carrier shall establish an approved training program that insures that each crewmember is adequately trained to perform that crewmember's assigned duties. Before serving in scheduled operations, each crewmember must satisfactorily complete the initial training phases.

51. By revising § 127.212 to read as follows:

§ 127.212 Aviation safety inspector's credentials: Admission to pilot's compartment.

Whenever, in performing the duties of conducting an inspection, an inspector of the Federal Aviation Administration presents Form FAA 110A, "Aviation Safety Inspector's Credential", to the pilot in command of a he-

licopter operated by an air carrier, the inspector must be given free and uninterrupted access to the pilot's compartment of that helicopter.

52. By revising § 127.249(b) to read as follows:

§ 127.249 Operation in icing conditions.

(b) No person may take off a helicopter that has frost, snow or ice adhering to its windshield, rotors, stabilizing or control surfaces, or other movable parts of the helicopter or to an altimeter, airspeed, rate of climb, or flight attitude instrument system.

§ 127.313 [Amended]

53. By deleting the number "430" and inserting "830" in its place in § 127.313(f).

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

§ 137.19 [Amended]

54. By deleting the second sentence of § 137.19(e).

PART 145—REPAIR STATIONS

55. By revising § 145.17(b) to read as follows:

§ 145.17 Duration of certificate.

(b) A foreign repair station certificate or rating expires at the end of 12 months after the date on which it was issued, unless it is sooner surrendered, suspended, or revoked. However, if the station continues to comply with § 145.71 and applies for renewal before expiration of such certificate or rating, its certificate or rating may be renewed for 24 months.

§ 145.59 [Amended]

56. By adding to the last sentence of § 145.59(a) the words "with respect to the work performed."

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

57. By redesignating § 147.31(c) (2) as (3), adding a new § 147.31(c)(2) and by revising § 147.31(c)(1) to read as follows:

§ 147.31 Attendance and enrollment, tests, and credit for prior instruction or experience.

(c) * * *

(1) A school may credit a student with instruction satisfactorily completed at—

(i) An accredited university, college, junior college;

(ii) An accredited vocational, technical, trade or high school;

(iii) A military technical school;

(iv) An aviation maintenance technician school, before or after its certification, other than the crediting school.

(2) A school may determine the amount of credit to be allowed—

(i) By an entrance test equal to one given to the students who complete a comparable required curriculum subject at the crediting school;

(ii) By an evaluation of an authenticated transcript from the student's former school; or

(iii) In the case of an applicant from a military school, only on the basis of an entrance test.

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 19, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-14593 Filed 5-24-78; 8:45 am]

[4910-13]

[Docket No. 17034; Amdt. No. 121-144]

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

**Operations Review Program
Amendment No. 5**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve the requirements applicable to airmen and crewmembers, training programs, flight operations, dispatching and flight release, and records and reports of air carriers and commercial operators of large aircraft. These amendments are part of the Operations Review Program.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

HISTORY

These amendments are the fifth in a series of amendments to be issued as a part of the Operations Review Program. The following series of amendments have previously been issued as part of the Operations Review Program:

Title and FR Citation

Clarifying and Editorial Changes (41 FR 47227; October 28, 1976).
Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977, amended by 42 FR 32531; June 27, 1977).
Airspace, Air Traffic and General Operating Rules (to be issued at a later date).
Miscellaneous Amendments (see this issue of FEDERAL REGISTER).

These amendments are based on a notice of proposed rule making (Notice 77-12) published in the FEDERAL REGISTER on July 21, 1977 (42 FR 37417). All interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and reasons for their adoption are the same as those contained in Notice 77-12.

DISCUSSION OF COMMENTS

Several comments were received which discussed matters not proposed in the notice. These comments are beyond the scope of the notice and cannot be considered without further notice and public participation. Some of the comments dealt with proposals that will be included in other notices at a later date.

The following discussion is keyed to like numbered proposals contained in Notice 77-12 and amendments to §§ 121.3 and 121.601. As these amendments to §§ 121.3 and 121.601 are clarifying and relaxatory in nature and do not impose a burden on the public, I find that the notice and public procedure are unnecessary and that the amendments may be made effective without notice.

AMENDMENT TO § 121.3

Pub. L. 95-163 amended the Federal Aviation Act of 1958 to establish a new

class of air carriers called "all-cargo air carriers". The Civil Aeronautics Board promulgated a new Part 291 applicable to all-cargo air carriers issued certificates under the Federal Aviation Act. These actions required the FAA to amend Part 121 of the FAR (43 FR 1789, January 12, 1978), to provide for the certification and regulation of these carriers in the interest of safety. A new paragraph (h) was added to § 121.3 to provide that operations conducted by holders of these certificates must comply with the rules in Part 121 that govern supplemental air carriers. However, when this amendment was issued, the reference to paragraph (h) in paragraphs (a), (c) and (e) of § 121.3 was inadvertently omitted. Thus, paragraphs (a), (c) and (e) of § 121.3 are amended accordingly.

Proposal 5-1. No unfavorable comments were received on proposed § 121.383(a). Accordingly, the proposal is adopted without change.

Proposal 5-2. One commenter requested that the word "and" at the end of proposed § 121.409(b)(2) not be revised to "or," as this would indicate that either (b) (1) and (2) were applicable or as an alternative (b)(3) and (b)(4), in which case the 4-hour minimum would be eliminated. The FAA does not agree. The word "or" at the end of § 121.409(b)(2) applies to (b)(2) and (b)(3) only, allowing the certificate holder to use either approved training program. This proposed amendment does not affect the 4-hour training requirement.

One commenter suggested that proposed § 121.409(b)(3)(ii) be revised by deleting the words "abnormal and emergency procedures" and inserting the words "includes representative maneuvers which may be expected in line operation and procedures." The FAA does not agree. The proposed revision to § 121.409(b)(3)(ii) states that maneuvers and procedures that may be expected in line operations, including abnormal and emergency, are to be given during the training program. Therefore, training in abnormal and emergency procedures and maneuvers that may be expected in normal line operations is required.

The same commenter suggested that the word "times" be deleted in proposed § 121.409(b)(3)(iii) as this would severely limit the effectiveness of a scenario representing the operations for long haul carriers by overemphasizing the enroute phase. The FAA agrees, and the word "times" is deleted. The FAA believes that the training syllabus must represent a typical flight segment of the operator that a flight crewmember may realistically expect to fly. In simulating a long flight segment, the simulator flight should emphasize the most active portions of the flight such as the descent and approach phase. Accordingly, pro-

posed § 121.409(b)(3)(iii) is adopted with the change discussed.

Proposal 5-3. Three commenters questioned the meaning of the phrase "abnormal cabin deck angle, high winds, and structural deformation," in proposed § 121.417(b)(2)(iv). The FAA agrees that it would be very difficult to define the varying conditions presented by the above terms. Specific reference to the additional forces caused by abnormal cabin deck angle, high winds, and structural deformation are deleted as difficult to define and simulate. However, the word "conditions" in place of "circumstances" is retained and training should simulate as nearly as possible conditions such as the additional forces that could be encountered when opening exits in the emergency mode and under adverse conditions such as abnormal cabin, deck angle, high winds and structural deformation. In light of the comments and after further FAA review, proposed § 121.417(b)(2)(iv) has been revised by deleting the phrases "abnormal cabin, deck angle, high winds, and structural deformation," and "the additional forces that will be encountered."

One commenter objects to proposed § 121.417(b)(2)(v) stating that they did not consider items such as galley lifts and cart tie downs as emergency equipment. Another commenter requested proposed § 121.417(b)(2)(v) be revised by adding the words "but not limited to" after the word "as." In light of the comments and after further review, the FAA agrees with the first commenter that these items are not emergency equipment. Accordingly, proposed § 121.417(b)(2)(v) is withdrawn.

One commenter objected to proposed § 121.417(b)(3)(ii) stating that smoke control does not necessarily imply removal, and that circuit breakers are designed for automatic protection and are not necessarily for manual use. Another commenter believed that electrical equipment and related circuit breaker training should be accomplished during training on systems operations as opposed to emergency training. The FAA does not agree. The FAA believes that training on electrical equipment and related circuit breakers should be given not only during initial systems operation training, but during recurrent training as well. Most training programs contain procedures applicable to both smoke control and removal as they are correlated emergency problems. In many cases, electrical smoke and fire procedures call for manually tripping circuit breakers to isolate and control the problem. Therefore, the FAA believes that each crewmember should be familiar with the operation and use of the electrical equipment including related circuit breakers located in

their area of responsibility. Accordingly, proposed § 121.417(b)(3)(ii) is adopted without substantive change.

One commenter requested that the words "and discussion" be inserted after the word "Review" in proposed § 121.417(b)(4). The FAA agrees since this change would encourage the exchange of ideas as to how the accident or incident occurred, and would reduce the use of film as the only training means. Accordingly, proposed § 121.417(b)(4) is adopted with this change.

Two commenters objected to the 24 calendar months in proposed § 121.417(c) and felt that recurrent training should be annually for all crewmembers. The FAA agrees but points out that this proposal provides for each crewmember to perform certain drills or actually operate emergency equipment every 2 years, and that the recurrent training requirements of § 121.433 are not affected.

Three commenters stated that if each crewmember would be required to deploy a slide during recurrent training, this would impose a severe financial and manpower drain on the airlines, and suggested that the words "actually operate" be replaced with one of the following phrases, "must witness a demonstration" or "participate in the operation of." The FAA agrees and the words "participate in the operation of" are substituted for the words "actually operate" for crewmembers deploying and using emergency evacuation slides during recurrent training. However, during initial training, as provided in the rule, each crewmember is required to actually operate each item of equipment required for the deployment and use of emergency evacuation slides. This amendment would still allow the use of approved pictorial presentation, or demonstrations, during alternate training periods required by § 121.433.

Two commenters objected to proposed § 121.417(c)(1) as they were opposed to training flight attendants on exits they are unlikely to or cannot use, as in the case of the B-747 cockpit escape hatch and its associated escape devices. The FAA believes that crewmembers should receive training on the exits located in their area of responsibility. This would include the use of the exits on the upper deck of the B-747, if passengers are allowed in that area during takeoff and landing.

In light of these comments, and further FAA review, proposed § 121.417(c) has been revised by combining the requirements of § 121.417 (c) and (d), and by adding the following phrase at the end of § 121.417(c) "Alternate recurrent training periods required by § 121.433 may be accomplished by approved pictorial presentation or demonstration." The phrase "and actual forces involved and the" has been deleted from § 121.417(c)(1).

One commenter objected to proposed § 121.417(d) in that the emergency drills required by this section would be required for every recurrent training period. The commenter also suggested that this paragraph be rearranged with a heading titled "Ditching, if applicable", a list of those items applicable to ditching, and provisions for the increased use of audio visual training. The FAA agrees and has amended § 121.417(c) by combining the requirements of proposed §§ 121.417(c) and 121.417(d). This would, in fact, relax the recurrent training requirements of proposed § 121.417(d) by making these drills (if applicable) a requirement during initial training and once each 24 calendar months. The FAA believes that an approved audio visual training program properly conducted can produce very beneficial emergency crew training, but believes that for crewmembers to remain completely proficient in their related emergency duties, actual performance of the emergency drills would be required during the 24-calendar-months recurrent training period.

One commenter requested that the words "if applicable" be deleted from proposed § 121.417(c)(1). The FAA does not agree but believes that emergency ditching drills should be given only to crewmembers who are scheduled to fly over areas requiring such emergency equipment. Current § 121.417(d) was inadvertently omitted in Notice 77-12 and remains, in effect, unchanged.

Proposal 5-4. One commenter objected to the words "type rating" in the proposed flush paragraph at the end of § 121.425(a)(2) stating the purpose of the flight check was to determine the applicant's ability to perform his required duties, and that a type rating requirement is needlessly restrictive. The commenter also stated that "and" after type rating should be "or." The FAA concurs that a type rating requirement is somewhat restrictive, therefore "type" is deleted and replaced by "category and class" which is less restrictive, and "and" is replaced with "or."

Another commenter recommended that the proposed flush paragraph at the end of § 121.425(a)(2) be revised by inserting "on the same aircraft" before "may complete." The FAA does not concur with the comment since current § 121.437 would make this change redundant. Accordingly, the proposal is adopted with the changes noted above.

Proposal 5-5. No unfavorable comments were received on proposed § 121.427(d)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 5-6. No unfavorable comments were received on proposed § 121.427(d)(2)(ii). Accordingly, the

proposal is adopted without substantive change.

Proposal 5-7. No unfavorable comments were received on proposed § 121.433a. Accordingly, the proposal is adopted without substantive change.

Proposal 5-8. Two commenters objected to proposed § 121.434(e) stating that requiring all flight attendants to be fully qualified would impose an economic burden on the air carrier. Another commenter proposed that up to fifty percent of the required flight attendants on a flight should be allowed to receive operating experience. Since airline flights frequently depart with flight attendant seats unoccupied, the FAA believes that these seats could be used by flight attendants who are not a part of the required crew complement, in meeting the operating experience requirements of this part. Accordingly, the proposal is adopted without substantive change.

Proposal 5-9. One commenter requested that proposed § 121.437(b) be deleted as inflationary, costly, and redundant, and further stated it would not increase safety.

The FAA believes that the proposal would not be inflationary, costly, or redundant as most second in command pilots currently hold the appropriate category and class rating, and that a pilot should not act as second in command on a turbojet or large aircraft with only a rotorcraft, glider, or lighter than air category rating.

This proposal would also be in keeping with the second in command requirements of § 61.55(a)(1) which requires appropriate category and class ratings. Accordingly, proposed § 121.437 is adopted without substantive change.

Proposal 5-10. One commenter objected to proposed § 121.439 stating the recency of experience requirements must be satisfied in the aircraft until an approved system of visual simulated landings are in use. The FAA believes that visual simulators that include the takeoff and landing maneuvers will be approved for operational use in the near future. Each simulator will be individually evaluated by the FAA before being approved for use under this part. The 24 calendar months in § 121.439(b) has been deleted as the 24 calendar months would be in conflict with § 121.441. Accordingly, the proposal is adopted with the change noted above.

Proposal 5-11. No unfavorable comments were received on proposed § 121.441. Accordingly, the proposal is adopted without substantive change.

Proposal 5-12. One commenter requested that proposed § 121.543 be revised to read "seat belt and shoulder harnesses fastened." The FAA does not believe that flight crewmembers should be required to wear shoulder harnesses during the en route phase of

flight, and that § 121.311(e) provides for adequate use of the shoulder harnesses. Accordingly, proposed § 121.543 is adopted without substantive change.

Proposal 5-13. One commenter requested proposed § 121.545 be revised to read "No pilot in command may knowingly allow," as they believe that the pilot in command should not be responsible for determining the currency of other assigned flight crewmembers. The FAA does not agree since adding the word "knowingly" could weaken this proposal, as it would not necessarily hold the pilot in command responsible for allowing an unqualified person to manipulate the controls. Accordingly, the proposal is adopted without change.

Proposal 5-14. Two commenters objected to proposed § 121.571(a)(1)(iii), stating that the use of the seat belt can be sufficiently depicted on the passenger briefing card and a demonstration and oral briefing should not be required. The FAA does not agree, and believes that passengers should be orally briefed on how to operate the seat belts. Investigation of past accidents indicates that passengers may have died in their seats as a result of not knowing how to operate their seat belts. Numerous air lines are currently providing both demonstrations and briefings to passengers on how to operate seat belts. In keeping with § 121.311 the word "seat" has been replaced with the word "safety". Accordingly, proposed § 121.571(a)(1)(iii) is adopted without substantive change.

One commenter objected to proposed § 121.571(a)(1)(iv) stating that the flotation means can be depicted on the briefing card. Another commenter requested that proposed § 121.571(a)(1)(iv) be deleted, and that language similar to § 121.573(d) be used. The FAA does not agree. As stated above, the FAA believes that an oral briefing of passengers enhances safety, and would provide passengers with information on required life saving equipment readily available to the passengers since almost all flights involve the possibility of overwater operations. Accordingly, proposed § 121.571(a)(1)(iv) is adopted without substantive change.

Proposal 5-15. One commenter requested that proposed § 121.573(a) be revised by adding after the words, "life preservers" and the following, "other flotation means such as seat cushions and life rafts, slide/rafts (including their removal form packages/compartments) * * * include secondary methods of inflation of life preservers." The FAA believes that such an addition is unnecessary as § 121.571(a)(1)(iv) requires briefing on these items. Accordingly, proposed § 121.573(a) is adopted without substantive change.

Proposal 5-16. One commenter requested that proposed § 121.576 be re-

vised by adding the words "and in-flight service" after the word "galley". The commenter believed this change was required to further clarify what is intended to be stowed, and that this change would include such items as plug-in tray tables and portable fold-up shelves for use in galleys. The FAA does not agree as these items are considered galley equipment. Accordingly, proposed § 121.576 is adopted without substantive change.

Proposal 5-17. One commenter objected to the proposal to amend § 121.581(b) in that it would allow an FAA inspector to displace an assigned crewmember on certain aircraft, thereby interfering with the normal crew operation procedures. The FAA does not agree. The FAA, in carrying out its inspection responsibilities, must be able to select the position on the flight deck of an aircraft where the activities of the crewmembers may best be observed. While such an inspector might displace an assigned crewmember, the inspector would not displace a required crewmember, or adversely affect safety. The current rule requires the forward observer's seat to be made available for use by the inspector, whereas the proposal would allow flexibility in the selection of the observer's seat during en route inspections. Accordingly, proposed § 121.581 is adopted without substantive change.

AMENDMENT TO § 121.601

This amendment was not a part of the Operations Review, but was discussed in Amendment 121-134 adopted on May 19, 1977 (42 FR 27542, May 31, 1977). The amendment to § 121.601 is in response to an Air Transport Association (ATA) petition dated November 1, 1977, and an amendment to that petition dated December 8, 1977.

ATA's petition stated that if § 121.601(b) was interpreted literally, the dispatcher would be required to provide the pilot in command with all available weather reports and forecasts and that this would deluge the pilot in command with unnecessary information. ATA also stated that the preamble to FAR Amendment 121-134 indicated the FAA's intent of the rule by stating "that only the information which may affect safety of flight must be furnished to the pilot in command."

The FAA agrees with the petitioner. The intent of this amendment was to require only that weather information which is pertinent to flight operations be furnished to flight crews by the dispatcher. The phrase intended to accomplish that purpose but which was inadvertently omitted in the amendment to § 121.601(b) was "that may affect the safety of flight". Accordingly, § 121.601(b) is amended by inserting the phrase "that may affect the safety of flight" after the phrase "of weather phenomena."

Proposal 5-18. No unfavorable comments were received on the proposed deleting and reserving § 121.633. Accordingly, the proposal is adopted without substantive change.

Proposal 5-19. No unfavorable comments were received on proposed § 121.635. Accordingly, the proposal is adopted without substantive change.

Proposal 5-20. No unfavorable comments were received on proposed § 121.645. Accordingly, the proposal is adopted without substantive change.

Proposal 5-21. No unfavorable comments were received on proposed § 121.657. Accordingly, the proposal is adopted without substantive change.

Proposal 5-22. No unfavorable comments were received on proposed § 121.683(c). Accordingly, the proposal is adopted without substantive change.

DRAFTING INFORMATION

The principal authors in this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective June 26, 1978.

§ 121.3 [Amended]

By amending § 121.3 as follows:

1. In paragraph (a) by inserting "and (h)" between "(b)" and "of".
2. In paragraph (c) by inserting "and (h)" between "(d)" and "of".
3. In paragraph (e) by deleting "(a) or (c)" and inserting "(a), (c), or (h)".
- 5-1. By revising the introductory clause of § 121.383(a) to read as follows:

§ 121.383 Airman: limitations on use of service.

(a) No certificate holder may use any person as an airman nor may any person serve as an airman unless that person—

5-2. By amending § 121.409 by: (a) Deleting the word "and" at the end of paragraph (b)(2) and substituting the word "or"; (b) redesignating paragraph (b)(3) as (b)(4); and (c) adding a new paragraph (b)(3) to read as follows:

§ 121.409 Training courses using airplane simulators and other training devices.

(b) * * *

(3) Provides line-oriented training that—

- (i) Utilizes a complete flight crew;
- (ii) Includes at least the maneuvers and procedures (abnormal and emergency) that may be expected in line operations;

(iii) Is representative of the flight segment appropriate to the operations being conducted by the certificate holder; and

5-3. By amending § 121.417 by: (a) At the end of paragraph (b)(2)(ii) by deleting the "and"; (b) at the end of paragraph (b)(2)(iii) by deleting the "." and adding "; and"; (c) amending paragraph (b)(3)(ii); (d) adding new paragraphs (b)(2)(iv), and (b)(4); and (e) revising paragraph (c), to read as follows:

§ 121.417 Crewmember emergency training.

- (b) * * *
- (2) * * *

(iv) Emergency exits in the emergency mode with the evacuation slide/raft pack attached (if applicable), with training emphasis on the operation of the exits under adverse conditions.

- (3) * * *

(ii) Fire in flight or on the surface, and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas including all galleys, service centers, lifts, lavatories and movie screens;

(4) Review and discussion of previous aircraft accidents and incidents pertaining to actual emergency situations.

(c) Each crewmember must perform at least the following emergency drills and actually operate the following emergency equipment during initial training and once each 24 calendar months during recurrent training on each type aircraft in which they are to serve, except that during recurrent training each crewmember may participate in the deployment and use of emergency evacuation slides. Alternate recurrent training periods required by § 121.433(c) may be accomplished by approved pictorial presentation or demonstration:

(1) Each type of emergency exit in the normal and emergency modes, including the actions and forces required in the deployment and use of emergency evacuation slides.

(2) Each type of fire extinguisher.

(3) Each type of emergency oxygen system.

(4) Emergency evacuation.

(5) Donning, use, and inflation of individual flotation means, if applicable.

(6) Ditching, if applicable, including but not limited to, as appropriate:

(i) Cockpit preparation and procedures.

(ii) Crew coordination.

(iii) Passenger briefing and cabin preparation.

(iv) Donning and inflation of life preservers.

(v) Removal from the airplane and inflation of each type of life raft.

(vi) Transfer of each type of slide/raft pack from one door to another.

(vii) Deployment, inflation and detachment from the aircraft of each type of slide/raft pack.

(viii) Use of life-lines.

(ix) Boarding of passengers and crew into a raft or a slide/raft pack.

5-4. By amending § 121.425(a)(2) by adding a flush paragraph at the end of it to read as follows:

§ 121.425 Flight engineers: initial and transition flight training.

- (a) * * *
- (2) * * *
- (iii) * * *

Flight engineers possessing a commercial pilot certificate with an instrument, category and class rating, or pilots already qualified as second in command and reverting to flight engineer, may complete the entire flight check in an approved airplane simulator.

5-5. By revising the introductory text of § 121.427(d)(1) to read as follows:

§ 121.427 Recurrent training.

- (d) * * *

(1) For pilots, flight training in maneuvers and procedures set forth in Appendix F to this Part, or in a flight training program approved by the Administrator, except as follows—

5-6. By revising § 121.427(d)(2)(ii) to read as follows:

§ 121.427 Recurrent training.

- (d) * * *
- (2) * * *

(ii) The flight check, other than the preflight inspection, may be conducted in an airplane simulator or other training device. The preflight inspection may be conducted in an airplane, or by using an approved pictorial means that realistically portrays the location and detail or preflight inspection items and provides for the portrayal of abnormal conditions. Satisfactory completion of an approved line-oriented simulator training program may be substituted for the flight check.

5-7. By amending § 121.433a(a) and adding a new paragraph (c) to read as follows:

§ 121.433a Training requirements: handling and carriage of dangerous articles and magnetized materials.

(a) No certificate holder may use any person to perform and no person may perform, any assigned duties and responsibilities for the handling or carriage of dangerous articles and magnetized materials governed by Title 49 CFR, unless within the preceding 12 calendar months that person has satisfactorily completed training in a program established and approved under this subpart which includes instructions regarding the proper packaging, marking, labeling, and documentation of dangerous articles and magnetized materials, as required by Title 49 CFR and instructions regarding their compatibility, loading, storage, and handling characteristics. A person who satisfactorily completes training in the calendar month before, or the calendar month after, the month in which it becomes due, is considered to have taken that training during the month it became due.

(c) A certificate holder operating in a foreign country where the loading and unloading of aircraft must be performed by personnel of the foreign country, may use personnel not meeting the requirements of paragraphs (a) and (b) of this section if they are supervised by a person qualified under paragraphs (a) and (b) of this section to supervise the loading, offloading and handling of hazardous materials.

5-8. By revising § 121.434(e) to read as follows:

§ 121.434 Operating experience.

(e) A flight attendant must, for at least 5 hours, perform the assigned duties of a flight attendant under the supervision of a flight attendant supervisor qualified under this part who personally observes the performance of these duties. However, operating experience is not required for a flight attendant who has previously acquired such experience on any large passenger carrying airplane of the same group, if the certificate holder shows that the flight attendant has received sufficient ground training for the airplane in which the flight attendant is to serve. Flight attendants receiving operating experience may not be assigned as a required crewmember.

5-9. By revising § 121.437(b) to read as follows:

§ 121.437 Pilot qualification: certificates required.

(b) No certificate holder may use nor may any pilot act as a pilot in a capacity other than those specified in paragraph (a) of this section unless the pilot holds at least a commercial pilot certificate with appropriate category and class ratings for the aircraft concerned, and an instrument rating.

5-10. By revising § 121.439 to read as follows:

§ 121.439 Pilot qualification: recent experience.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember, unless within the preceding 90 days, that person has made at least three takeoffs and landings in the type airplane in which that person is to serve. The takeoffs and landings required by this paragraph may be performed in a visual simulator approved under § 121.407 to include takeoff and landing maneuvers.

(b) A required pilot flight crewmember who has not met the requirements of paragraph (a) of this section, may reestablish recency of experience by making at least three takeoffs and landings under the supervision of a check airman, in accordance with the following:

(1) At least one takeoff must be made with a simulated failure of the most critical powerplant.

(2) At least one landing must be made from an ILS approach to the lowest ILS minimums authorized for the certificate holder.

(3) At least one landing must be made to a complete stop.

(c) A required pilot flight crewmember who performs the maneuvers prescribed in paragraph (b) of this section in a visual simulator must—

(1) Have previously logged 100 hours of flight time in the same type airplane in which he is to serve;

(2) Be currently qualified in another airplane of the same group; and

(3) Be observed on the first two landings made in operations under this part by an approved check airman who acts as pilot in command and occupies a pilot seat. The landings must be made in weather minimums that are not less than those contained in the certificate holder's operations specifications for Category I Operations, and must be made within 45 days following completion of simulator training.

(d) A check airman who observes the takeoffs and landings prescribed in paragraphs (b) and (c)(3) of this section, shall certify that the person being observed is proficient and qualified to perform flight duty in operations under this part, and may require

any additional maneuvers that are determined necessary to make this certifying statement.

5-11. By revising § 121.441 (a)(2) and (d)(3) to read as follows:

§ 121.441 Proficiency checks.

(a) * * *

(2) For all other pilots—

(i) Within the preceding 24 calendar months either a proficiency check or the line-oriented simulator training course under § 121.409; and

(ii) Within the preceding 12 calendar months, either a proficiency check or any simulator training course under § 121.409.

(d) * * *

(3) The pilot being checked is currently qualified for operations under this part in the particular type airplane and flight crewmember position or has, within the preceding six calendar months, satisfactorily completed an approved training program for the particular type airplane.

5-12. By revising § 121.543 to read as follows:

§ 121.543 Flight crewmembers at controls.

(a) Except as provided in paragraph (b) of this section, each required flight crewmember on flight deck duty must remain at the assigned duty station with seat belt fastened while the aircraft is taking off or landing, and while it is en route.

(b) A required flight crewmember may leave the assigned duty station—

(1) If the crewmember's absence is necessary for the performance of duties in connection with the operation of the aircraft;

(2) If the crewmember's absence is in connection with physiological needs; or

(3) If the crewmember is taking a rest period, and relief is provided—

(i) In the case of the assigned pilot in command, by a pilot qualified to act as pilot in command who holds an airline transport certificate and an appropriate type rating; and

(ii) In the case of the assigned second in command, by a pilot qualified to act as second in command of that aircraft during en route operations. However, the relief pilot need not meet the recent experience requirements of § 121.439(b).

5-13. By revising the introductory paragraph of § 121.545 to read as follows:

§ 121.545 Manipulation of controls.

No pilot in command may allow any person to manipulate the controls of an aircraft during flight nor may any

person manipulate the controls during flight unless that person is—

5-14. By revising § 121.571(a)(1)(iii), and adding new § 121.571(a)(1)(iv) to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) * * *

(1) * * *

(iii) The use of safety belts including instructions on how to fasten and unfasten the safety belt.

(iv) The location and use of any required emergency flotation means.

5-15. By revising § 121.573(a) to read as follows:

§ 121.573 Briefing passengers: extended overwater operations.

(a) In addition to the oral briefing required by § 121.571(a), each certificate holder operating an airplane in extended overwater operations shall ensure that all passengers are orally briefed by the appropriate crewmember on the location and operation of life preservers, liferafts, and other flotation means, including a demonstration of the method of donning and inflating a life preserver.

5-16. By revising § 121.576 to read as follows:

§ 121.576 Retention of items of mass in passenger and crew compartments.

The certificate holder must provide and use means to prevent each item of galley equipment and each serving cart, when not in use, and each item of crew baggage, which is carried in a passenger or crew compartment from becoming a hazard by shifting under the appropriate load factors corresponding to the emergency landing conditions under which the airplane was type certificated.

§ 121.581 [Amended]

5-17. By amending § 121.581 as follows:

a. By deleting from the heading the words "air carriers".

b. By amending paragraph (a) by deleting the words "air carrier" in the first sentence, and inserting "certificate holder" and by deleting the words "air transportation" and inserting "air commerce."

c. By amending paragraph (b) by deleting the words "must be made available to the Administrator" and substituting the words "or the observer's seat selected by the Administrator must be made available when complying with paragraph (a) of this section".

§ 121.601 [Amended]

By amending § 121.601(b) by inserting the phrase "that may affect the safety of flight" after the phrase "of weather phenomena".

§ 121.633 [Reserved]

5-18. By deleting and reserving § 121.633.

5-19. By revising § 121.635 to read as follows:

§ 121.635 Dispatch to and from refueling or provisional airports: domestic and flag air carriers.

No person may dispatch an airplane to or from a refueling or provisional airport except in accordance with the requirements of this part applicable to dispatch from regular airports and unless that airport meets the requirements of this part applicable to regular airports.

5-20. By amending § 121.645 by—

- a. Redesignating paragraphs (b), (c), and (d) as (c), (d), and (e) respectively;
- b. Revising paragraph (a); and
- c. Adding a new paragraph (b) to read as follows:

§ 121.645 Fuel supply: turbine-engine powered airplanes, other than turbo-propeller: flag and supplemental air carriers and commercial operators.

(a) Any flag air carrier operation

within the 48 contiguous United States and the District of Columbia may use the fuel requirements of § 121.639.

(b) For any flag air carrier, supplemental air carrier, or commercial operator operation outside the 48 contiguous United States and the District of Columbia, unless authorized by the Administrator in the operations specifications, no person may release for flight or take off a turbine-engine powered airplane (other than a turbo-propeller powered airplane) unless, considering wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) After that, to fly for a period of 10 percent of the total time required to fly from the airport of departure to, and land at, the airport to which it was released;

(3) After that, to fly to and land at the most distant alternate airport specified in the flight release, if an alternate is required; and

(4) After that, to fly for 30 minutes at holding speed at 1,500 feet above the alternate airport (or the destination airport if no alternate is required) under standard temperature conditions.

* * * * *

§ 121.657 [Amended]

5-21. a. By amending § 121.657(c) by deleting the second and third sentences from this paragraph.

b. By amending § 121.657(d) by deleting the words "domestic and supplemental air carriers and commercial operators" from the heading.

5-22. By adding a new paragraph (c) to § 121.683 to read as follows:

§ 121.683 Crewmember and dispatcher record.

* * * * *

(c) Computer record systems approved by the Administrator may be used in complying with the requirements of paragraph (a) of this section.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement Under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 15, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-14592 Filed 5-24-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121 and 123]

[Docket No. 17669; Notice 78-3A]

DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT; AIR TRAVEL CLUBS USING LARGE AIRPLANES**Flight Crewmember Flight and Duty Time Limitations and Rest Requirements; Extension of Comment Period****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice extending comment period.

SUMMARY: This notice extends the period for submission of initial comments relating to Notice No. 78-3 by 45 days. In addition, interested persons will have another 30 days in which to reply to any comment contained in the public docket. Since the proposals contained in Notice No. 78-3 present important questions relating to safety, economic impact and regulatory reform, the agency believes it is in the public interest to encourage commenters to undertake a thorough review of these proposals.

DATES: Initial comments must be received on or before July 14, 1978. Reply comments must be received on or before August 15, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 17669, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

The Federal Aviation Administration (FAA) proposed in Notice No. 78-3, published in the **FEDERAL REGISTER** on February 27, 1978 (43 FR 8070), to amend certain provisions of Parts 121 and 123 of the Federal Aviation Regulations (FARs) to revise the flight and duty time limitations and rest requirements for flight crewmembers used by domestic, flag, and supplemental air carriers, commercial operators and air travel clubs using large aircraft.

By letter dated April 21, 1978, the National Air Carrier Association, Inc. (NACA) requested a 60 day extension of the date (May 30, 1978) provided in Notice No. 78-3 for the submission of comments. NACA stated that the supplemental air carriers it represents are extremely concerned over the changes proposed by these rules and are preparing a detailed analysis of the impact this would have upon their operations. Accordingly, more time was requested to complete the analysis than that allowed by the notice.

The proposals contained in Notice No. 78-3 present important questions relating to safety, economic impact and regulatory reform and require considerable analysis on the part of those submitting comments. In light of these reasons, the agency believes it is in the public interest to encourage interested persons to undertake a thorough review of these proposals and that good cause exists for extend-

ing the initial comment period by 45 days. Accordingly, initial comments must be received by July 14, 1978.

For the same reasons, the FAA believes it would be in the public interest if an additional 30 days was allowed for the submission of reply comments. By subjecting initial comments to further public analysis, the agency will be in a better position to formulate final rules which are realistic, clear and easy to administer and enforce.

Accordingly, reply comments must be received by August 15, 1978. Although the agency will consider any reply comment submitted on or before August 15, 1978, only those comments which specifically respond to other comments will be considered after July 14, 1978.

DRAFTING INFORMATION

The principal authors of this document are W. J. Biron, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) and sec. 11.29(c) of the Federal Aviation Regulations (14 CFR sec. 11.29(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 23, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-14759 Filed 5-24-78; 8:45 am]

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