

Advance copy pending
Issuance of change to
FAR Part 137

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 1464; Amdt. No. 137-1]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Expansion of Grandfather Provisions

The purpose of this amendment is to make the knowledge and skill and continuance of existing authority ("grandfather") privileges provided in Part 137 for holders of certificates of waiver also available to operators and pilots who can substantiate that they have, within the 12 months immediately preceding the effective date of Part 137, conducted agricultural aircraft operations in compliance with the Federal Aviation Regulations, without a certificate of waiver.

The Helicopter Association of America pointed out in a letter to the Agency, that since most agricultural operations with helicopters can be conducted within the regulations, many operators and pilots engaged in these operations without certificates of waiver. Thus, as Part 137 is presently written, the lack of a waiver would make these operators and pilots ineligible for the "grandfather" privileges that this Part provides for waiver holders. As it was the intent of Part 137 to exempt persons who have engaged in agricultural aircraft operations in compliance with Federal Aviation Regulations, from the knowledge and skill requirements of § 137.19(e) and to grant them a continuance of their existing authority, the fact that some of these operators or pilots do not possess a waiver should not prevent them from qualifying for the "grandfather" privileges.

Since these amendments are minor in nature and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing, effective January 1, 1966, Part 137 of the Federal Aviation Regulations is amended

as follows:

1. Section 137.13 is amended to read as follows:

§ 137.13 Continuance of existing authority.

Any person conducting agricultural aircraft operations under a certificate of waiver issued by the Administrator that is in effect on December 31, 1965, or any person who can substantiate that he has conducted agricultural aircraft operations in compliance with Federal Aviation Regulations without a certificate of waiver within 12 months immediately preceding January 1, 1966, may continue to operate, if he applies for an agricultural aircraft operator certificate before January 1, 1966. Unless the operating authority is sooner suspended or revoked, this extension of authority terminates when he is given notice of final action on his application.

§ 137.19 [Amended]

2. The second sentence of § 137.19(e) is amended to read as follows: "However an applicant need not comply with this paragraph if, at the time he applies for an agricultural aircraft operator certificate, he holds a current certificate of waiver for conducting agricultural aircraft operations or the person who is to supervise agricultural aircraft operations for him holds such a certificate, or if he or that supervisor can substantiate that either of them has conducted agricultural aircraft operations in compliance with the Federal Aviation Regulations without a certificate of waiver within 12 months immediately preceding January 1, 1966; and if his record of operation either with or without the certificate of waiver has not disclosed any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals."

(Secs. 313(a), 307(c), 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1348, 1421, 1427))

Issued in Washington, D.C., on December 6, 1965.

WILLIAM F. MCKEE,
Administrator.

(As published in the Federal Register /30 F.R. 15143/ on December 8, 1965)