

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Admin- istration, Department of Transporta- tion

SUBCHAPTER G—AIR CARRIER AND COM- MERCIAL OPERATOR CERTIFICATION AND OPERATIONS

[Docket Nos. 7271 and 7765; Amdt. 121-27]

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

Duration of Supplemental Air Carrier Operating Certificates

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to delete the present provision that a supplemental air carrier operating certificate is effective for one year. This amendment was proposed in Notice No. 66-41, that was issued as a notice of proposed rule making and published in the FEDERAL REGISTER on November 26, 1966 (31 F.R. 14956).

The FAA is adopting the amendment proposed in Notice No. 66-41 for the reasons stated therein. As stated in the notice, the Civil Aeronautics Board first required supplemental (then Irregular) air carriers to annually renew their operating certificates in 1950 because "experience has shown that operators who satisfactorily show their ability to perform air carrier operations safely at the time of original issuance of an operating certificate often fail to maintain the necessary facilities and personnel thereafter." During the past several years, the overall level of safety in supplemental air carrier operations has increased substantially, and these air carriers now must comply with operating rules that are essentially the same as those applicable to the scheduled air carriers. The minor differences between these rules reflect differences in the kinds of operations, not differences in the required levels of safety. The FAA believes that the annual expiration and renewal of supplemental air carrier operating certificates is no longer necessary, since the continuous inspection of supplemental air carrier operations enables the FAA to determine whether or not a supplemental air carrier is maintaining the required level of safety. The Civil Aeronautics

Board recently recognized the improved status of certain supplemental air carriers by issuing them certificates of public convenience and necessity of indefinite, rather than temporary, duration (Order of Mar. 11, 1966, CAB Docket 13795).

Almost all of the comments received in response to Notice No. 66-41 supported the proposal. One comment supporting the proposal also recommended the deletion of the annual renewal requirement for holders of commercial operator operating certificates. This recommendation is not reflected here, since it is beyond the scope of the notice and disposing of it in this rule-making action would deprive interested persons of the opportunity to make their views known. Another comment supporting the proposal points out that § 121.47(a) should also be amended to delete the reference to renewal of supplemental air carrier operating certificates. This comment is accepted, and § 121.45(a) is also amended to provide that only a commercial operator operating certificate contains a termination date.

The only comment opposing the proposal stated that some supplemental air carriers still need periodic review and renewal of their certificates, that this encourages their stricter adherence to high standards, and that this undoubtedly has contributed to their safety record. FAA inspections of supplemental air carrier operations are no less rigorous than inspections of scheduled air carrier operations. These inspections enable the FAA to determine that each supplemental air carrier is conducting its operations in compliance with the regulations and is maintaining the required level of safety in its overall operations. The FAA does not believe that deleting the annual expiration and renewal provision will adversely affect the high standards or safety record of supplemental air carriers. Nor will the deletion of this provision impair the FAA's ability to initiate appropriate action if a particular supplemental air carrier fails to comply with the applicable regulations or to maintain the required level of safety in its operations. The FAA has concluded that the record of safety and dependability of supplemental air carriers in recent years fully justifies the adoption of the proposed rule.

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

In consideration of the foregoing, effective May 21, 1967, Part 121 of the Federal Aviation Regulations is amended as follows:

1. Section 121.45(a) is amended by striking out the words "and the date it terminates" in subparagraph (3) thereof, and by adding the following new subparagraph (4) at the end thereof:

§ 121.45 Contents of certificate and operations specifications.

(a) * * *

(4) The date it terminates in a commercial operator operating certificate.

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2. Section 121.47(a) is amended to read as follows:

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

(a) Each applicant for the original issue of a supplemental air carrier operating certificate or for the original issue or renewal of a commercial operator operating certificate must submit his application in a form and manner prescribed by the Administrator to the FAA Air Carrier District Office in whose area the applicant proposes to establish or has established his principal operations base. Each applicant must submit his application at least 60 days before the date of intended operations (in the case of an original application) or before the date the certificate terminates (in the case of a renewal application).

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3. Section 121.53(a) is amended to read as follows:

§ 121.53 Duration of certificate.

(a) A supplemental air carrier operating certificate issued under this subpart is effective until termination of the certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board to the air carrier or until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it. A commercial operator operating certificate issued under this subpart is effective for 1 year unless the Administrator sooner suspends, revokes, or otherwise terminates it.

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(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on April 14, 1967.

WILLIAM F. MCKEE,
Administrator.

(As published in the Federal Register 32 F.R. 6271 on April 21, 1967)