

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10383; Amdt. 135-17]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Miscellaneous Amendments

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is: (1) To amend § 135.85(c) to reflect a change in Weather Bureau terminology for reporting airframe icing; (2) to delete instrument demonstrations and navigation-by-pilotage demonstrations from the initial and recurrent pilot testing requirements in § 135.138; and (3) to correct and clarify certain provisions of that part.

1. The Weather Bureau has changed the classification of the intensity of icing conditions for airframe icing reporting purposes. In § 135.85(c) the term "heavy" has been changed to "severe" to reflect the change in terminology by the U.S. Weather Bureau.

2. As adopted by Amendment 135-12, paragraph (b)(2) of § 135.138(b) requires instrument demonstrations during the initial and recurrent flight checks required by paragraph (b). Paragraph (b)(2) of § 135.138 is deleted because the instrument demonstrations are covered by the 6-month instrument check required by § 135.131.

As adopted by Amendment 135-12, paragraph (b)(3) of § 135.138 requires demonstrations of skill in navigation by pilotage in each class of single-engine airplane other than turbojet and each type of aircraft, if multiengine, helicopter, or turbojet. Since the initial and recurrent testing requirements in paragraph (a)(4) of § 135.138 cover navigation appropriate to the certificate holder's operation, a demonstration of skill in navigation by pilotage is not necessary in each class or type of aircraft. Therefore, in order to eliminate the duplicate requirements, § 135.138(b)(3) is deleted by this amendment.

3. As adopted by Amendment 135-12, §§ 135.138 and 135.139 prescribe initial and recurrent pilot and flight attendant/crewmember testing requirements. The 12-month recurrent testing period was stated in paragraph (a) of § 135.138, but was omitted from paragraph (b) of § 135.138 and from § 135.139. Sections 135.138(b) and 135.139 are amended to

state the 12-month period for the pilot flight check and flight attendant test as proposed in Notice 69-4.

As adopted by Amendment 135-12, § 135.131(h) states that the letter of competency issued to a pilot who passes the instrument check contains, among other things, the types of instrument approach procedures authorized for that pilot when using an autopilot. However, the autopilot check required by § 135.131(g) does not require a demonstration of every type of instrument approach procedure that the pilot is authorized to use in connection with the use of an autopilot. Therefore, § 135.131(h) is amended to conform with the autopilot check by deleting the statement that the letter of competency contains a list of each authorized instrument approach procedure.

Sections 135.99(a)(2), 135.133, and 135.145(b)(2)(iv) are amended to correct the references to other sections.

4. Section 135.136(d) requires 16 hours of rest for a flight crewmember who, because of circumstances beyond the control of the certificate holder or the flight crewmember, has been on duty for more than 8 hours during any 24 hours. However, some operators have questioned the application of this rest period requirement to two-pilot crews who are scheduled for duty during flight time for more than 8 hours, as permitted by § 135.136(a)(2). As written, § 135.136(d) places an unnecessary restriction upon those pilots who may be scheduled for 10 hours of duty during flight time under § 135.136(a)(2). Therefore, § 135.136(d) is amended to clarify the 16-hour rest requirement.

Paragraph 135.138(b) is revised for clarification to specify the sections and paragraphs of Part 61 that contain the maneuvers for the flight check, and to require instrument maneuver demonstrations only for those pilots who do not have instrument ratings.

Section 135.43(a) is amended to make it clear that the date of completion of each training phase required by Part 135 is to be recorded in the individual record of each pilot.

In Amendment No. 135-12 most of the sections of Part 135 which apply to "holder of an ATCO certificate" or "persons holding an ATCO certificate" were changed for consistency to apply to the "certificate holder." This amendment makes the same word change to other sections not affected by Amendment No. 135-12.

Since this amendment makes minor corrections, clarifies existing regulations, and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and

that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 135 of the Federal Aviation Regulations is amended, effective June 19, 1970, as follows:

1. By adding the following new subdivision to § 135.43(a)(4):

§ 135.43 Recordkeeping requirements.

(a) * * *

(4) * * *

(x) The date of the completion of the initial phase and each recurrent phase of the training required by this part.

2. By amending §§ 135.31(a), 135.45, 135.47, 135.51, 135.77(b), and 135.77(c) by striking out the words "holder of an ATCO certificate", "holder of the ATCO certificate", or "person holding an ATCO certificate" wherever they appear and inserting the words "certificate holder" in place thereof.

3. By amending § 135.85(c) by striking out the word "heavy" and inserting the word "severe" in place thereof.

4. By amending § 135.99(a)(2) by striking out the section reference "§ 91.117(f)" and inserting "§ 91.116(f)" in place thereof.

5. By amending § 135.131(h) to read as follows:

§ 135.131 Pilot in command; instrument check requirements.

(h) The Administrator or authorized check pilot issues a letter of competency to each pilot who passes the instrument check. The letter of competency contains a list of the types of instrument approach procedures authorized and, if the pilot passes the autopilot check, an authorization to use an autopilot system in place of a second in command.

6. By amending § 135.133 to read as follows:

§ 135.133 Crewmember training, tests, and checks; grace provisions.

If a crewmember who is required to take a test, a flight check, or recurrent training completes the test, check, or training in the calendar month before or after the calendar month in which it is required, he is considered to have completed it in the calendar month in which it is required.

7. By revising § 135.136(d) by striking out the words "has been on duty during flight time for more than 8 hours during any 24 consecutive hours" and inserting the words "has exceeded the flight time limitations in paragraph (a) of this section," in place thereof.

(As published in the Federal Register 35 F.R. 10108 on June 19, 1970)

8. By revising § 135.138(b) to read as follows:

§ 135.138 Initial and recurrent pilot testing requirements.

(b) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, in any aircraft unless, since the beginning of the 12th calendar month before that service, he has passed a flight check given to him by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or that type of aircraft, if helicopter, multi-engine, or turbojet, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft, including at least the maneuvers that are set forth in § 61.117(b)(2), except (iii)(f); § 61.117(b)(3), except (i), (ii), (iii), (v), and (vi); § 61.117(c); § 61.121(b)(1) and (2); § 61.121(c)(2) and (3) of this chapter, and related advisory circulars for pilot certification in the class of aircraft the pilot is to operate. However, a pilot who holds an instrument rating need not demonstrate the instrument flight maneuvers in § 61.117(c).

9. By revising the introductory paragraph of § 135.139 to read as follows:

§ 135.139 Initial and recurrent flight attendant crewmember testing requirements.

No certificate holder may use the services of a flight attendant crewmember, nor may any person serve as a flight attendant crewmember, unless, since the beginning of the 12th calendar month before that service, the certificate holder has determined by appropriate initial and recurrent testing that the person is knowledgeable and competent in the following areas as appropriate to assigned duties and responsibilities:

10. By amending § 135.145(b)(2)(iv) by striking out the section reference "91.117(f)" and inserting "91.116(f)" in place thereof.

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

Issued in Washington, D.C., on June 12, 1970.

J. H. SHAFFER,
Administrator.