

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9548; Amendment No. 121-52]

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

Deviation From Qualifications Requirements for Chief Pilots

The purpose of this amendment to § 121.61(b) (2) of the Federal Aviation Regulations is to allow deviation from the requirement of 3 years pilot-in-command experience for a chief pilot where the Administrator finds that the applicant's aeronautical experience is equivalent to 3 years of experience as pilot in command of a large aircraft with an air carrier or commercial operator. This amendment is based on a notice of proposed rule making (Notice 69-18) published in the FEDERAL REGISTER on May 1, 1969 (34 F.R. 7175).

The FAA has granted exemptions to persons requesting approval to serve as chief pilot where it has been shown that these persons have sufficient aeronautical and managerial experience to fulfill the purpose of the regulation even though they did not have the pilot-in-command experience required in § 121.61 (b) (2). This amendment implements that policy in the form of a rule.

The Air Line Pilots Association (ALPA) commented that 3 years experience as pilot in command of a large aircraft with an air carrier or commercial operator is a minimal requirement. However, the ALPA recognized that the time factor is a small part of the total specification imposed to assure a high level of supervisory management competence. While the FAA recognizes that experience is an important factor, it also recognizes that experience may be obtained in ways other than those required under § 121.61. There are many operations with large aircraft in which potential chief pilots may gain aeronautical and managerial experience valuable to an air carrier, and exercise that experience with a concomitant level of safety. Because of the unprecedented demand for experienced pilots, the FAA

believes that otherwise qualified individuals should be allowed to serve as chief pilots.

The Air Transport Association concurred with the rule insofar as it is designed to relax present requirements, but reaffirmed its view that it is an improper exercise of authority for the FAA to set qualification requirements for management personnel. This view was also expressed by another commentator who stated that management qualifications should be the exclusive concern of management, not of the FAA.

These views were thoroughly considered when the rule was originally adopted into the Civil Air Regulations during the overall revision of Part 42 in 1962 and 1963, and the FAA has not changed its position since then, either as to the authority of the FAA to establish qualification requirements, or as to the need for such requirements.

The rule was supported by two commentators who expressed complete appreciation of the many possibilities for acquiring the skills necessary to permit one to safely perform the function of chief pilot.

One other comment received was not considered because it was outside the scope of the notice.

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

In consideration of the foregoing, § 121.61(b) (2) of the Federal Aviation Regulations is amended, effective October 17, 1969, to read as follows:

§ 121.61 Management personnel: qualifications.

* * * * *

(b) * * *
(2) Has had at least 3 years of experience as pilot in command of a large aircraft with an air carrier or commercial operator. However, the administrator may grant a deviation from the requirement of this subparagraph if he finds that the person has had equivalent aeronautical experience; and

* * * * *

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1424, sec. 8(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 11, 1969.

D. D. THOMAS,
Acting Administrator.

(As published in the Federal Register
34 F.R. 14463 on Sept. 17, 1969)