

## Title 14—AERONAUTICS AND SPACE

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

[Docket No. 7633; Amdt. Nos. 91-41, 135-6]

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

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

#### Operable Condition of Required In- struments and Equipment and In- creased Maximum Certificated Weight for Certain Airplanes in Alaska

The purpose of these amendments to Parts 91 and 135 of the Federal Aviation Regulations is to expressly provide that the instruments and equipment required by §§ 91.33(a) and 135.143(b) for particular aircraft operations must be in operable condition. In addition, this amendment contains a change in the language of § 91.38 that will permit the same increase in the maximum certificated weight for certain small airplanes in Alaska as previously allowed under SR-399D and SFAR-12.

The amendments to §§ 91.33(a) and 135.143(b) were proposed in Notice of Proposed Rule Making No. 66-35 published in the FEDERAL REGISTER on September 29, 1966 (31 F.R. 12736). Interested persons were afforded an opportunity to comment on the proposal and all comments have been considered. A majority of the comments received in response to the notice were in accord with the objective of the rule. Therefore, for the reasons set forth in the notice, the rule is adopted herein without change.

As to the authorization for increased maximum certificated weight for certain airplanes in Alaska, the FAA has found that the insertion of the word "takeoff" in § 91.38 prevents the use of an increased weight for landing as was permitted under SFAR-12 and its predecessor SR-399D. There was no intent to make a substantive change in the pro-

visions of SFAR-12 when it was incorporated into Part 91. Therefore, § 91.38 is amended to conform to SFAR-12 by deleting the word "takeoff" where it appears in that section. Since this amendment involves only the correction of a rule and does not impose any additional burden upon interested persons, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 91 and 135 are amended as follows, effective July 13, 1967:

1. Section 91.33(a) of Part 91 is amended to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(a) *General.* Except as provided in paragraphs (c) (3) and (e) of this section, no person may operate a powered civil aircraft with a standard category U.S. airworthiness certificate in any operation described in paragraphs (b) through (f) of this section unless that aircraft contains the instruments and equipment specified in those paragraphs (or FAA-approved equivalents) for that type of operation, and those instruments and items of equipment are in operable condition.

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§ 91.38 [Amended]

2. Section 91.38 is amended by deleting the word "takeoff" wherever it appears in the title and text of that section.

3. Section 135.143(b) of Part 135 is amended to read as follows:

§ 135.143 General requirements.

\* \* \* \* \*

(b) No person may operate an aircraft in operations to which this part applies, unless the required instruments and equipment in it have been approved and are in operable condition.

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

Issued in Washington, D.C., on June 6, 1967.

WILLIAM F. MCKEE,  
Administrator.

(As published in the Federal Register /32 F.R. 8405/ on June 13, 1967)