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Advance distribution pending issuance
of changes to FAR Parts 121 and 127

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 8620; Amdts. 121-6, 127-2]

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

PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Airworthiness Release or Aircraft Log Entry

The purpose of these amendments is to clarify the requirements concerning the certification required to be included in the airworthiness release or aircraft log entry following maintenance, preventive maintenance, or alterations on an aircraft. These requirements are set forth in § 121.709 of Part 121 (formerly Parts 40, 41, and 42 of the Civil Air Regulations) and § 127.319 of Part 127 of the Federal Aviation Regulations. While the following discussion refers only to § 121.709, it is also applicable to § 127.319 since both sections contain similar requirements.

As pertinent here, § 121.709(a) provides that a certificate holder (i.e., an air carrier or commercial operator) may not operate an aircraft after maintenance, preventive maintenance or alterations are performed on it unless there has been prepared an airworthiness release or appropriate entry in the aircraft log. Section 121.709(b) requires that the airworthiness release or log entry be prepared in accordance with the requirements of the certificate holder's manual and that it must include a certification that:

- (i) The work was performed in accordance with the requirements of the certificate holder's manual;
- (ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;
- (iii) No known condition exists that would make the airplane unairworthy; and
- (iv) So far as the work performed is concerned, the aircraft is in condition for safe operation.

In addition, § 121.709(b)(3) requires that the release or entry must be signed by an authorized certificated mechanic or repairman.

Some question has arisen as to whether this certification must be literally repeated for each airworthiness release or log entry or whether some other means of compliance with the requirement would satisfactorily carry out its purpose with no adverse effect on safety. The Agency recognizes that re-

stating the certification each time that an airworthiness release or log entry is made may be a burdensome procedure for some certificate holders. After some consideration of this matter, the Agency has concluded that it would not be inconsistent with the purpose of the certification requirement to permit a certificate holder who so desires to provide that the signature of the person signing the airworthiness release or log entry constitutes the required certification. Accordingly, these amendments make it unnecessary for a certificate holder to repeat the certification statement each time an airworthiness release or aircraft log entry is made. To provide assurance that the person signing the release or entry is aware that his signature constitutes the certification, the amendments also require that a certificate holder who chooses this method of making the certification must include a statement to this effect in its manual.

Since these amendments do not change the existing rules but merely provide an alternative means of compliance with them, and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective with less than 30 days' notice.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended effective May 9, 1965, as follows:

1. By amending § 121.709 of Part 121 by adding a new paragraph (d) to read as follows:

§ 121.709 Airworthiness release or aircraft log entry.

(d) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the certificate holder may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification.

2. By amending § 127.319 of Part 127 by adding a new paragraph (d) to read as follows:

§ 127.319 Airworthiness release or helicopter log entries.

(d) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the air carrier may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification.

(Secs. 319(a), 601, 604, 605, and 607, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424, 1425, and 1427)

Issued in Washington, D.C., on April 29, 1965.

N. E. HALABY,
Administrator.

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Part 121