

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 21, 25, 91, 119, 121, 125 and 135**

[Docket No. 28154; Notice No. 97-1]

RIN 2120-AG26

Operating Requirements: Domestic, Flag, Supplemental, Commuter, and On-Demand Operations: Editorial and Other Changes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes changes that are mostly editorial or typographical in nature in parts 21, 25, 91, 119, 121, 125, and 135. Most of the proposed changes are necessary to correct errors, make terminology consistent, or clarify the intent of the regulations published on December 20, 1995 (60 FR 65832). A few changes are to clarify existing rules or to deal with other long-standing issues not involving major substantive change (e.g. codifying long-standing exemptions). A new Special Federal Aviation Regulation is proposed to address three problems that relate to compliance with requirements for communications facilities and aircraft dispatchers by operators in Alaska and other areas.

DATES: Comments must be received on or before March 5, 1997.

ADDRESSES: Comments on this notice should be mailed or delivered in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-20), Docket No. 28154, 800 Independence Avenue, SW., Washington, DC 20591. Comments may also be submitted to the Rules Docket by using the following Internet address: nprmcmts@faa.dot.gov. Comments must be marked Docket No. 28154. Comments may be examined in the Rules Docket, Room 915-G on weekdays between 8:30 a.m. and 5:00 p.m., except on Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Katherine Hakala, Flight Standards Service (AFS); Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone (202) 267-8166 or 267-3760.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this rulemaking by

submitting written data, views, or arguments.

Comments should carry the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received and a report summarizing any substantive public contact with FAA personnel on this rulemaking will be filed in the docket. The docket is available for public inspection both before and after the closing date for receiving comments.

Before taking any final action on this proposal, the Administrator will consider the comments made on or before the closing date for comments, and the proposal may be changed in light of the comments received.

The FAA will acknowledge receipt of a comment if the commenter includes a self-addressed, stamped postcard with the comment. The postcard should be marked "Comments to Docket No. 28154." When the comment is received by the FAA, the postcard will be dated, time stamped, and returned to the commenter.

Availability of the NPRM

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the Federal Register's electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's webpage at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by mail by submitting a request to the Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9677. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRM's should request from the FAA's Office of Rulemaking a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

Background

On December 20, 1995, new part 119, Certification: Air Carriers and Commercial Operators, was published in the Federal Register (60 FR 65832; December 20, 1995). Part 119 reorganizes, into one part, certification

and operations specifications requirements that formerly existed in SFAR 38-2 and in parts 121 and 135. The final rule for new part 119 also deleted or changed certain sections in part 121, Subparts A through D, and part 135, Subpart A, because the requirements in those subparts have been recodified in part 119. On January 26, 1996, another final rule was published (61 FR 2608) affecting parts 119, 121, and 135. That amendment made editorial and terminology changes in the remaining subparts of parts 121 and 135 to conform those parts to the language of part 119 and to make certain other changes. Additional documents making editorial changes and corrections were published on March 11, 1996 (61 FR 9612), and June 14, 1996 (61 FR 30432).

Part 119 was issued as part of a large rulemaking effort, known as the "commuter rule," to upgrade the requirements that apply to scheduled operations conducted in airplanes that have a passenger seat configuration of 10 to 30 passengers. These operations will in the future be conducted under the requirements of part 121, in accordance with the final rule published on December 20, 1995.

The changes proposed in this NPRM are important because, as a result of the implementation of part 119 and the beginning of the transition process for commuter operations affected by the final rule published on December 20, 1995, a number of questions of interpretation have been raised and errors in previous final rules have been identified. The changes in this document would make necessary corrections, would help to clarify the intent of part 119 and the commuter rule, and would make other minor changes that are not directly related to the commuter rule. In addition, a new Special Federal Aviation Regulation (SFAR) is needed to address three problems that relate to compliance with requirements for communications facilities and for aircraft dispatchers by operators in Alaska and other areas.

Proposed changes

A number of changes are necessary in parts 21, 25, 91, 119, 121, 125, and 135 to correct typographical errors, to make minor editorial changes that help clarify the intent of the rules, or to make editorial changes that make related rules consistent with each other. These types of changes are not individually explained. However, a number of changes are being proposed that require some explanation, which follows:

1. The definitions of "on-demand operation," "scheduled operation," and

“supplemental operation” would be revised to make it clear that public charter operations conducted under 14 CFR part 380 are not considered scheduled operations.

2. Section 119.5 would be amended to add new paragraph (k), which incorporates former § 135.31 into part 119. The distribution table published with the part 119 final rule stated that § 135.31 had been replaced by § 119.5, but the text was inadvertently omitted. As proposed, this section would prohibit advertising or otherwise offering to perform any operation unauthorized by the FAA, and it would apply to any person, including certificate holders operating under part 121, as well as those operating under part 135. The FAA believes this is an appropriate extension since no person should be allowed to offer to perform operations that it has not proven to the FAA that it can perform safely. The FAA does not want an operator to carry people or property for compensation or hire unless that operator is appropriately certificated and unless it operates under the appropriate regulations. The proposed rule would be a useful enforcement tool that could be employed before a compensation or hire operation occurs by an operator that is not appropriately certificated and not in compliance with rules applicable for most compensation or hire operations.

This proposed amendment also adds §§ 119.5(1). When former sections 135.5 and 121.3 were recodified into one part 119, it was the FAA's intention that all of the situations covered by those sections would be covered in new sections 119.5(g) and 119.33. In June 1996, the FAA reinstated (effective July 15, 1996) the provisions of former sections 135.5 and 121.3 by adding a new paragraph 1(d) to SFAR 38-2. See 61 FR 30432.

One situation that was not adequately covered in the current provisions of part 119—but which was covered by former sections 135.5 and 121.3 and is covered by the soon-to-expire SFAR 38-2 paragraph 1(d)—is the situation where an employee of a certificate holder, with or without the certificate holder's knowledge, violates the provisions of the certificate holder's operations specifications. For example, a certificate holder only has all-cargo operations specifications. A flight crewmember employee brings along a friend as a passenger on the commercial flight. No compensation is paid for the carriage of the passenger, whose presence is not necessary for the cargo-only flight. Because the flight crewmember did not act as a direct air carrier or commercial operator, the prohibitions in section

119.5(g) are inapplicable. However, under former sections 135.5 and 121.3 (and under paragraph 1(d) of SFAR 38-2), the flight crewmember could be charged for violating limitations in the certificate holder's operations specifications. In other words, if the certificate was only authorized to carry cargo, the carriage of passengers would be contrary to the limitations in the operations specifications. The FAA believes that safety requires that people who operate aircraft under parts 121 and 135 must comply with the provisions in a certificate holder's operations specifications.

3. Section 119.9 would be amended to add language that would allow displaying the air carrier or operating certificate number on an aircraft instead of the name of the certificate holder. By letter dated June 28, 1996 the National Air Transportation Association (NATA) petitioned the FAA in accordance with 14 CFR 11.25 to amend 14 CFR 119.9(b). NATA requested that the requirement of that section that the name of the certificate holder who is operating the aircraft must be “legibly displayed on the aircraft” be changed “to allow displaying the air carrier or operating certificate number on the aircraft in lieu of the name of the certificate holder.” In its petition NATA stated that it “represents a very diverse and large number of part 135 on-demand operators who are affected by the new requirement in part 119 to display the name of the certificate holder on all aircraft operated under part 135.” NATA pointed out that it had in its comments to the commuter rule NPRM (which included part 119) opposed this new requirement and requested an exclusion for part 135 on-demand aircraft. NATA's petition contained supporting arguments for the change it requested which were primarily based on protecting the security and privacy of certain on-demand operations.

A summary of the petition was published in the Federal Register on July 31, 1996; the comment period closed on September 30, 1996. Seventy-nine comments were received. Most of the comments received were from on-demand operations who agreed with NATA that the FAA should not require that the name of the operator be displayed on the aircraft for reasons of security, the expense of repainting the aircraft whenever it is leased or operated by another operator, and the confusion that may result from being identified as a scheduled carrier. Commenters pointed out that their clientele are business executives, entertainment personalities, and political figures who choose their

particular type of travel to maintain privacy and to ensure greater security than travel on scheduled airlines would afford. These operators point out that posting the name of the operator on the aircraft would make it easier for business competitors, media representatives, and those with criminal intentions to track their clients and thus violate both privacy and security. Comments also point out that the nature of the on-demand industry, where aircraft may change operators on a daily basis, make repainting the name of the operator on the aircraft an expensive and time-consuming requirement. Some operators note that contracts would have to be re-negotiated with owners who do not want the name of a leasor displayed on the aircraft. Finally, these operators comment that if a name is displayed on the side of an aircraft, international operations may be subjected to tariffs and fees charged to scheduled airlines as they may be confused as such. The National Business Aircraft Association (NBAA) comments that an aircraft may be listed on several air carrier certificates, lending confusion to the FAA and public alike if all are displayed on the aircraft. The NBAA supports the proposal, saying that it facilitates privacy and security. Likewise, Helicopter Association International supports the proposal and urges the FAA to amend § 119.9(b) before its effective date. The Airline Pilots Association comments that the proposed rule should have no effect on the requirement for aircraft owned and operated in scheduled air carrier service.

While the FAA does not necessarily agree with all of NATA's justification, the FAA agrees that display of an air carrier or operating certificate number will meet the intent of this requirement, which is to provide a ready means of identifying a responsible certificate holder when an aircraft is parked and the FAA has reason to identify or contact the certificate holder. Therefore, the FAA proposes to amend § 119.9(b)(4) as requested by NATA.

It is proposed that the provision allowing the Assistant Administrator for Civil Aviation Security to grant deviations from the requirements of this section would be deleted. The FAA has reassessed the need for deviations from this section and does not believe deviations are necessary.

4. Section 119.21(a)(1) allows certificate holders conducting domestic operations from the Aleutian Islands to other points in the State of Alaska to request permission to comply with the dispatching requirements of subpart U

of part 121 applicable to flag operations. The FAA proposes to allow domestic operations conducted from the Pribilof Islands and the Shumagin Islands to request this authority as well. In the final rule for this NPRM, the FAA may include other Alaskan island locations in this provision, if requested to do so by commenters and if adding the names of those islands is consistent with safety considerations.

5. Section 119.35, as published in December 1995, contains the application procedures for persons applying for either an Air Carrier Operating Certificate or an Operating Certificate. Paragraph (c) through (h) of that section contain additional financial and contract reporting requirements for commercial operators conducting intrastate operations. The FAA has received a number of inquiries about § 119.35, reflecting confusion over whether paragraphs (c) through (h) contain additional requirements for air carriers. To make it clear that the additional financial and contract reporting requirements apply only to commercial operators, § 119.35 is being split into 2 sections: Section 119.35 would contain just the certificate application procedures that apply to all applicants, and new § 119.36 would contain the additional requirements for commercial operators. Section 121.713 would be corrected to incorporate new cross references to § 119.36.

Section 119.35 (c) through (h), as published in December 1995, contained requirements that formerly appeared in §§ 121.47 through 121.49. When these requirements were moved to part 119, they applied to all commercial operators, including those intending to operate only under part 135.

Section 135.64 was added to require contract retention and financial reporting by commercial operators conducting operations under part 135. The FAA believes that the extension of the financial reporting requirements to part 135 commercial operators may not be needed.

Proposed § 119.36 distinguishes between requirements for all commercial operators and those applicable only to commercial operators under part 121. In addition, the financial reporting requirements of § 135.64(b) would be deleted; however, the contract retention requirements in § 135.64(a) would be retained.

6. Several changes are being proposed for the management qualification requirements in §§ 119.67 and 119.71.

Section 119.67 (c) and (d) would be revised to amend the qualification requirements applicable to Directors of Maintenance and Chief Inspectors under

part 121. Section 119.71(e) would be revised to amend the qualification and experience requirements applicable to the Director of Maintenance under part 135. Both proposals establish requirements for a person becoming the Director of Maintenance or Chief Inspector for the first time. The FAA recognizes that one of the primary functions and responsibilities of persons holding these required positions is to provide management oversight and control for the maintenance program as well as the quality assurance function. The FAA believes these amendments will ensure that persons holding these required management positions have the measure of experience and the demonstrated capability of effectively managing these programs. Under sections 119.67(c)(1) and 119.71(e)(1), the Director of Maintenance must have held the airframe and powerplant ratings for 3 years. The FAA believes that this is a reasonable amount of experience for the position of Director of Maintenance and is consistent with current section 119.67(d)(1) as well as usual industry practice. In addition, the 1 year of maintenance experience in a supervisory capacity in maintaining the category and class of airplane used by the certificate holder, presently in the current rule, is now changed to a proposed requirement for 3 years of supervisory experience within the last 6 years in a position that exercised operational control over maintenance program functions. The FAA's use of the term "operational control" is consistent with the current requirement for Director of Operations and recognizes that the primary function of a Director is to manage the overall program, whether it be a maintenance program or aircraft operations. In addition, since certificate holders are required to collect and analyze data relative to the performance and effectiveness of the maintenance program and to correct deficiencies in that maintenance program when deemed necessary, the FAA must ensure that persons exercising control over the maintenance program have the level of qualification and experience that will allow those persons to carry out their duties and responsibilities with the degree of expertise consistent with the certificate holder's responsibility to operate with the highest possible degree of safety in the public interest. Under section 119.67(c)(4)(B), the FAA proposes to replace the word "repairing" with the word "maintaining", as the latter is consistent with the definition of maintenance as defined in section 1.1. In addition, the word "maintaining"

reflects the broader experience level more appropriate to the Director position.

For the Chief Inspector position, the proposed change in section 119.67(d)(2) to have 3 years of supervisory or managerial experience within the last 6 years is consistent with current section 119.67(c)(4). The justification for this proposed change is the same as the justification for the similar proposed change for Directors of Maintenance. For both positions, the FAA finds it reasonable and prudent to recognize the experience of those persons who have had previous experience as Director of Maintenance or Chief Inspector by proposing different experience requirements for persons who are new to the positions versus those who have had previous experience.

Section 119.67(e) would be revised to clarify that certificate holders may request a deviation from the experience requirements of the section, but not from the airman certificate requirements of the section. Therefore, a certificate holder would not be allowed to employ a person who does not hold the required airman certificate (e.g., ATP certificate, commercial pilot certificate, mechanic certificate).

Section 119.71 contains the management qualification requirements that formerly appeared in § 135.39. Section 119.71 (b) and (d) require that the Director of Operations and the Chief Pilot, respectively, must hold at least a commercial pilot certificate with an instrument rating. However, under former § 135.39 the instrument rating was required only if any pilot in command for that certificate holder was required to have an instrument rating. For operations such as a VFR only helicopter operation, the pilot in command is not required to hold an instrument rating. Therefore § 119.71 (b) and (d) would be revised to match the intent of former § 135.39.

Section 119.71(e) would be revised to clarify the qualification requirements to Directors of Maintenance under part 135 and to establish requirements for a person becoming the Director of Maintenance for the first time.

7. A new Special Federal Aviation Regulation would be added to part 121 to address two problems that relate to compliance with § 121.99 and a third problem that relates to compliance with § 121.395. The first involves certain communications problems that exist in Alaska and other areas that affect certificate holders who are required by § 121.99 to "show that a two-way air/ground communication system is available at all points that will ensure reliable and rapid communications

under normal operating conditions over the entire route (either direct or via approved point circuits) between each airplane and the appropriate dispatch office and between each airplane and the appropriate air traffic control unit." In certain areas the lack of infrastructure or appropriate technology currently prevents certificate holders from establishing such systems. For other certificate holders, the nature of their operations (e.g., flying at low altitudes or in mountainous terrain) prevents them from using current communication systems that may be reliable only at higher altitudes. The proposed SFAR would require such certificate holders to comply with the "over the entire route" language of § 121.99 to the maximum extent feasible. However, a certificate holder who shows to the Administrator that communications gaps exist due to such reasons as lack of infrastructure, ATC operating restrictions, the terrain, operating altitude, or feasibility of a certain kind of communications system, would be allowed to continue to operate over that route if the certificate holder establishes alternative procedures for prompt re-establishment of communication, for establishment that the airplane arrived at its destination, and for flight locating purposes. Relief would only be granted after the certificate holder shows that it will meet the requirements to the maximum extent possible. In granting such approval, the Administrator would consider the following:

- a. The operator has an established dispatch communication system.
- b. Gaps in communication are not over the entire route, but only over portions of the route.
- c. When communication gaps occur, they occur due to lack of infrastructure, geographical considerations, or assigned operating altitude.
- d. Procedures are established for the prompt re-establishment of communications.
- e. The operator has presented a plan or schedule for coming into compliance with the communications requirements in § 121.99.

The certificate holder would obtain the approval of the Administrator, coordinated through the FAA's Air Transportation Division (AFS-200), in its operations specifications. This type of alternative compliance approval would only be available for scheduled operations with airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less under part 121 of this chapter.

The second § 121.99 related problem involves certificate holders who conducted or who might in the future conduct scheduled intrastate operations in Alaska. Under the pre-commuter rule amendments these operations operated under the rules applicable to flag air carriers and thus, under the last sentence of § 121.99, were not prohibited from using a communications system operated by the United States. For certificate holders operating intrastate in Alaska, whether certificated before or after January 19, 1996, it is impractical at the present time to require that the required communications system be independent of any system operated by the United States. Therefore even though these certificate holders will otherwise be required to comply with the operating rules for domestic operations, under the proposed SFAR they would be allowed to use systems operated by the United States, when there is no practical alternative, for the effective period of the SFAR. The FAA further proposes to amend § 121.99 to require that, concurrent with the expiration of the SFAR, all flag operations in Alaska, not just those affected by the commuter rule change mentioned above, have communications systems that are independent of any system operated by the United States.

The third issue addressed by the proposed SFAR relates to the use of aircraft dispatchers by former commuter operations in Alaska who are required by the commuter rule to conduct those operations under the rules for domestic operations in part 121. Normally the FAA requires that each certificate holder subject to § 121.395 have aircraft dispatchers that work solely for that certificate holder. However, small operations located in remote areas find it hard to attract qualified, certificated aircraft dispatchers to work and live in those areas. Furthermore the workload often does not justify devoting a staff position to that function. Therefore the FAA proposes to allow certificate holders conducting scheduled operations in Alaska with airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less under part 121 of this chapter, to share aircraft dispatchers if they are authorized to do so by the Administrator. Before granting such an authorization, the Administrator would consider:

- i. The operators' joint plans for complying with the aircraft dispatcher training rules in subpart N of part 121 of this chapter and the aircraft dispatcher qualification and duty time

limitation rules in subpart P of part 121 of this chapter.

- ii. The number of flights that the aircraft dispatcher would be responsible for.

- iii. Whether the responsibilities of the dispatcher would be beyond the capability of a single dispatcher.

The SFAR would expire 4 years after it is issued because the FAA expects that adequate communications facilities will become available in all parts of Alaska and other areas within that time.

8. Section 121.99 would also be amended to allow for "other means of communication approved by the Administrator" as an alternative to the two-way radio communication system required by that section. This would allow certificate holders to use other types of technology, such as datalink or telephonic communication systems, to comply with this section.

9. In the commuter rule, § 121.133 was revised to allow a certificate holder to prepare its maintenance manual in any form acceptable to the Administrator. Previously, certificate holders were limited to printed form or microfilm. The FAA proposes to amend the manual requirements in §§ 121.137, 121.139, 125.71, 135.21, and 135.427 to include the "any form acceptable to the Administrator" language. In addition, these sections would be amended to clarify that, regardless of the form of the maintenance manual, it must be retrievable in the English language. Certificate holders who purchase equipment from foreign manufacturers or previous foreign owners must ensure that the maintenance instructions to be followed by their employees and reviewed by the FAA are in English.

10. Section 121.305(j), as published in December 1995, contained two new provisions requiring third attitude indicators in turbopropeller powered airplanes having a passenger seat configuration of 30 seats or fewer. However, the new rule language made it unclear what the continuing requirements are for turbopropeller powered airplanes with more than 30 seats. These airplanes have been required to have third attitude indicators since October 1994. Therefore § 121.305(j) would be revised to clarify the requirements for each size of airplane.

11. Two changes are necessary to address compliance with the emergency lighting and marking requirements in § 121.310 by operators of 10-19 seat aircraft that are affected by the commuter rule.

First, paragraph (b)(1) of § 121.310 requires that the identity and location of each passenger emergency exit must be

marked so that the exit is recognizable from a distance equal to the width of the cabin and that the location of the exit must be indicated by a sign visible to occupants approaching along the main passenger aisle. (A passenger is considered to be "approaching along the main aisle" when that passenger rises from the seat and steps into the aisle.) Paragraph (b)(1)(i) requires that one of the locating signs must be on the ceiling of the cabin. Most of the 10-19 seat airplanes used by operators subject to the commuter rule do not have locating signs on the ceiling, but have been allowed to use two-dimensional signs mounted flush to the cabin sidewalls. The FAA did not specifically address this issue in the preamble to the commuter rule, but has recently learned that compliance with the requirements of § 121.310(b)(1) by March 20, 1997, will be impossible, because complying signs have not been designed or manufactured for those airplanes. Therefore the FAA proposes to allow 2 years from the date of the final rule for this NPRM for the affected operators to install emergency exit locating signs that comply with § 121.310(b)(1). The additional 2 years for compliance would be granted to both in-service 10-19 seat airplanes and newly manufactured 10-19 seat airplanes. The simplest means of complying would be to replace the two-dimensional signs with beveled or three-dimensional signs that can be read easily at the cabin extremes; that type of sign would function to both identify and locate the corresponding exit.

Second, § 121.310(b)(2) identifies the certification requirements for passenger emergency exit marking and locating signs. The FAA intended that the airplanes used by commuter operators who are transitioning to part 121 would continue to meet the certification standards in the type certificate for each airplane. However, the requirements of § 121.310(b)(2) were based on the dates of the application for airplane type certification as they related to requirements for transport category airplanes; therefore it is necessary to add a new subparagraph that provides for the 10-19 seat nontransport category airplanes that will be operated under part 121. The proposal would add a subparagraph (b)(2)(iii) to address the 10-19 passenger seat nontransport category airplanes. Similar to subparagraph (b)(2)(i), it would mandate the sign luminescence be 160 microlamberts at the time of manufacture; it would also prohibit the use of a sign in service if the luminescence decreases to below 100 microlamberts. Proposed subparagraph

(b)(2)(iii) should provide adequate levels of luminescence; the signs would have the same brightness as signs in some transport category airplanes currently manufactured and currently operated under part 121, which have longer distances between exits than the 10-19 passenger seat airplanes.

The final rule for this NPRM will contain references to these changes to § 121.310 in a revised version of "Table 1—Summary of New Equipment and Performance Modifications for Affected Commuters" from the commuter rule and in a revised version of Appendix L to part 121.

12. Section 121.333(c) would be amended to correct an omission concerning the use of quick-donning oxygen masks at flight levels above 250 as a substitute for having one pilot at the controls wear and use an oxygen mask at all times. For pressurized turbine engine powered airplanes, § 121.333(c) has allowed the availability of a quick-donning mask to be a substitute for wearing and using a mask at all times at or below flight level 410. However, under § 135.89(b)(3) at least one pilot at the controls of a pressurized airplane is required at altitudes above flight level 350 to wear and use an oxygen mask at all times. For those 10-30 passenger aircraft that will be operating under part 121 as a result of the commuter rule amendments, flight level 350 rather than flight level 410 would continue to be the appropriate altitude at which at least one pilot at the controls would be required to wear an oxygen mask at all times. Since the commuter rule was not intended to relax this requirement, the FAA proposes to amend § 121.333(c) to incorporate the requirements of § 135.89(b)(3) for airplanes with less than 31 seats, excluding any required crewmember seat and a payload capacity of 7,500 pounds. Since affected operators are already complying with the part 135 requirement, this proposed change would not impose any additional burden.

13. Section 121.437 would be amended to eliminate a redundancy that was created by an earlier corrective amendment and by adding a new sentence that would have the effect of codifying an existing exemption that has been in effect since 1980.

By letter dated January 28, 1980, the Air Transport Association petitioned the FAA for an exemption from § 121.437(b) to allow its members and pilots to continue to be issued category and class ratings by presenting proof of compliance with the training requirements of subpart N of part 121 and the proficiency check requirements

of § 121.441 after July 1, 1980. A summary of the petition was published in the Federal Register on February 28, 1980, and no comments were received. Grant of Exemption No. 2965 was signed on April 23, 1980, allowing a pilot employed by a part 121 certificate holder as a flight crewmember to be issued additional category and class ratings to the pilot's certificate if the pilot has satisfactorily completed the appropriate training requirements of subpart N and the proficiency check requirements of § 121.441 by presenting proof of this to the Administrator. Exemption No. 2965 has been extended 9 times; the current exemption is No. 2965I which expires on July 31, 1997.

By letter dated August 15, 1983, the ATA petitioned the FAA to codify the relief provided in Exemption No. 2965 by amending § 121.437. A summary of the petition was published in the Federal Register on September 29, 1983, and one comment was received. The Air Line Pilots Association commented that if additional category and class ratings are obtained in this way, that the proficiency check should be administered by an FAA inspector or designated examiner.

The FAA partially agrees with ALPA that FAA inspectors or designees should either observe or conduct a portion of all required proficiency checks. In fact, as a matter of day to day operation, FAA approved work programs mandate that a certain percentage of those proficiency checks be observed by FAA inspectors during routine training program surveillance. Over the 16 years that the exemption has been in effect, the FAA has noted no derogation of safety. In this light and since the FAA does not have the resources to conduct each proficiency check required by the rule, the FAA proposes to codify Exemption 2965 into § 121.437.

Corrections to Tables

Table 2, *Comparable Sections in Parts 121 and 135*, originally published in the Federal Register on December 20, 1995 (60 FR 65850), and January 26, 1996 (61 FR 2618), is corrected and republished below.

Tables 3 and 4, the Derivation and Distribution Tables for Part 119, originally published in the Federal Register on December 20, 1995 (60 FR 65888-91), and January 26, 1996 (61 FR 2619), are corrected and republished below.

TABLE 2.—COMPARABLE SECTIONS IN PARTS 121 AND 135

[This table shows the comparable sections in parts 121 and 135 by issue. Affected commuters, however, must comply with all sections in part 121 that are applicable to their operations, not just the ones listed in this table or discussed in this preamble.]

Subject	135 Section	121 Section
Part 121, Subparts E and F—Approval of Routes: Domestic, Flag, and Supplemental Operations.	135.213	121.97, 121.99, 121.101, 121.107.
Part 121, Subpart G—Manual Requirements:		
Contents and personnel	135.21, .23	121.133, .135, 121.137
Airplane flight manual .....	.....	121.141
Part 121, Subpart I—Airplane Performance Operating Limitations	135.365–387	121.175–197.
Part 121, Subpart J—Special Airworthiness Requirements:		
Internal doors .....	.....	121.217.
Cargo carried in the passenger compartment	135.87	121.285.
Landing gear aural warning device	135 APP A, Sec. 30	121.289.
Emergency evacuation and ditching demonstration .....	.....	121.291.
New special airworthiness requirements (retrofit) and requirements applicable to future manufactured airplanes:		
Ditching emergency exits .....	.....	121.293(a) (new).
Takeoff warning system .....	.....	121.293(b) (new).
Part 121, Subpart K—Instrument and Equipment Requirements	135.149	121.305(j).
Third attitude indicator .....	.....	121.308.
Lavatory fire protection	135.177(b)	121.309(b).
Emergency equipment inspection	135.155	121.309(c).
Hand-held fire extinguishers	135.177(a)(1)	121.309(d).
First aid kits and medical kits	135.177(a)(2)	121.309(e).
Crash ax	135.178(c)–(h)	121.310(c)–(h).
Emergency evacuation lighting and marking requirements	135.117	121.311(e).
Seatbacks	135.171	121.311(f).
Seatbelt and shoulder harnesses on the flight deck	135.169(a)	121.312(b).
Interior materials and passenger seat cushion flammability .....	.....	121.313(c).
Miscellaneous equipment .....	.....	121.313(f)–(g), 121.587.
Cockpit doors and door keys .....	.....	121.314, .221.
Cargo and baggage compartments .....	.....	121.316.
Fuel tank access covers	135.127	121.317.
Passenger information	135.159	121.323.
Instruments and equipment for operations at night	135.157	121.327–335.
Oxygen requirements .....	.....	121.333(d).
Portable oxygen for flight attendants .....	.....	121.337.
Protective breathing equipment (PBE)	135.167	121.339.
Emergency equipment for extended overwater operations .....	.....	121.340.
Flotation devices	135.158	121.342.
Pitot heat indication system	135.161	121.345–351.
Radio equipment	135.177, .178	121.353.
Emergency equipment for operations over uninhabited terrain	135.180	121.356.
TCAS	135.152	121.343.
Flight data recorders	135.173, .175	121.357.
Airborne weather radar	135.151	121.359.
Cockpit voice recorders .....	.....	121.358.
Low-altitude windshear systems	135.153	121.360.
Ground proximity warning system (GPWS)		
Part 121, Subpart L—Maintenance, Preventive Maintenance, and Alterations:		
Applicability	135.411(a)(2)	121.361.
Responsibility for Airworthiness	135.413	121.363.
Maintenance, preventive maintenance, and alteration organization	135.423, .425	121.365, .367.
Manual requirements	135.427	121.369.
Required inspection personnel	135.429	121.371.
Continuing analysis and surveillance	135.431	121.373.
Maintenance and preventative maintenance training programs	135.433	121.375.
Maintenance and preventative maintenance personnel duty time limitations.		121.377.
Certificate requirements	135.435	121.378.
Authority to perform and approve maintenance, preventative maintenance, and alterations.	135.437	121.379.
Maintenance recording requirements	135.439	121.380.
Transfer of maintenance records	135.441	121.380a.
Part 121, Subpart M—Airman and Crewmember Requirements:		
Flight attendant complement	135.107	121.391.
Flight attendants being seated during movement on the surface	135.128(a)	121.391(d).
Flight attendants or other qualified personnel at the gate .....	.....	121.391(e), 121.417, 121.393 (new).
Part 121, Subparts N and O—Training Program and Crewmember Requirements.	135.291–135.353	121.400–121.459.

TABLE 2.—COMPARABLE SECTIONS IN PARTS 121 AND 135—Continued

[This table shows the comparable sections in parts 121 and 135 by issue. Affected commuters, however, must comply with all sections in part 121 that are applicable to their operations, not just the ones listed in this table or discussed in this preamble.]

Subject	135 Section	121 Section
Part 121, Subpart P—Aircraft Dispatcher Qualifications and Duty Time Limitations: Domestic and Flag Air Carriers.	.....	121.461–121.465.
Part 121, Subparts Q, R, and S—Flight Time Limitations and Rest Requirements: Domestic, Flag, and Supplemental Operations.	135.261–135.273	121.470–121.525.
Part 121, Subpart T—Flight Operations:		
Operational control	135.77, .79	121.533, .535, 121.537.
Admission to the flight deck	135.75	121.547.
Emergency procedures	135.19, .69	121.551, .553, 121.557, .559 121.565 (new).
Passenger information	135.117, .127	121.571(a), 121.573, 121.585.
Oxygen for medical use by passengers	135.91	121.574.
Alcoholic beverages	135.121	121.575.
Retention of items of mass	135.87, .122	121.576, .577.
Cabin ozone concentration .....	.....	121.578(b).
Minimum altitudes for use of autopilot	135.93	121.579.
Forward observer's seat	135.75	121.581.
Authority to refuse transportation	135.23(q)	121.586.
Carry-on baggage	135.87	121.589.
Airports	135.229	121.590.
Part 121, Subpart U—Dispatching and Flight Release Rules:		
Flight release authority .....	.....	121.597.
Dispatch or flight release under VFR .....	.....	121.611.
Operations in icing conditions	135.227	121.629.
Fuel reserves	135.209, .223	121.639, .641, 121.643, .645.
Part 121, Subpart V—Records and Reports:		
Maintenance log: Airplane	135.65(c)	121.701(a).
Mechanical reliability reports	135.415	121.703.
Mechanical interruption summary report	135.417	121.705(b).
Alteration and repair reports	135.439(a)(2)	121.707.
Airworthiness release or airplane log entry	135.443	121.709.
Other recordkeeping requirements .....	.....	121.711, .713, 121.715.

TABLE 3.—DERIVATION TABLE FOR PART 119

New Section	Based on
Subpart A:	
119.1(a)	New language.
119.1(b)	SFAR 38–2, Section 1(a).
119.1(c)	New language.
119.1(d)	New language.
119.1(e)	New language.
119.2	New language.
119.3	SFAR 38–2, Section 6 and new language.
119.5(a)	SFAR 38–2, Section 2(a).
119.5(b)	SFAR 38–2, Section 2(b).
119.5(c)	New language.
119.5(d)	SFAR 38–2, Section 1(a)(3).
119.5(e)	SFAR 38–2, Section 1(a)(3).
119.5(f)	SFAR 38–2, Section 1(b).
119.5(g)	SFAR 38–2, Section 1(c), 121.4, 135.7.
119.5(h)	SFAR 38–2, Flush paragraph following Section 1(a)(3) and new language.
119.5(i)	121.27(a)(1), 121.51(a)(1), 135.13(a)(3).
119.5(j)	135.33.
119.5(k)	135.31.
119.7(a)	SFAR 38–2, Section 3.
119.7(b)	121.23, 121.43.
119.9(a)	135.29.
119.9(b)	New language.
Subpart B:	
119.21(a)	SFAR 38–2, Section 4(a), 121.3, 121.5.
119.21(b)	SFAR 38–2, Section 4(b).
119.21(c)	New language.
119.23(a)	SFAR 38–2, Section 5(a).
119.23(b)	SFAR 38–2, Section 5(b).
119.25(a)	SFAR 38–2, Section 4(c), 5 (c), and (d) and new language.
119.25(b)	SFAR 38–2, Section 4(c), 5 (c), and (d) and new language.
Subpart C:	
119.31	SFAR 38–2, Section 1(c), 2 (a) and (b), 121.3, and 135.5.

TABLE 3.—DERIVATION TABLE FOR PART 119—Continued

New Section	Based on
119.33(a)	SFAR 38–2, Section 1(c), 2 (a) and (b), 3, 121.3, 135.5, 135.13(a).
119.33(b)	SFAR 38–2, Section 1(c), 2 (a) and (b), 3, 121.3, 135.5, 135.13(a).
119.33(c)	SFAR 38–2, Section 1(c), 2 (a) and (b), 3, 121.3, 135.5, 135.13(a).
119.35(a)	121.26, 121.47(a), 135.11(a).
119.35(b)	121.26, 121.47(a), 135.11(a).
119.36(a)	121.47(a).
119.36(b)	121.47(b).
119.36(c)	121.47(c).
119.36(d)	121.47(d).
119.36(e)	121.48.
119.36(f)	121.49.
119.37(a)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(b)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(c)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(d)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(e)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.39(a)	121.27(a)(2), 121.51(a)(3), 135.11(b)(1).
119.39(b)	121.27(a)(2), 121.51, 135.13 (a)(2) and (b).
119.41(a)	121.77(a), 135.15(a).
119.41(b)	New language.
119.41(c)	121.77(b), 135.15(b).
119.41(d)	121.77(c), 135.15(b).
119.43(a)	121.75(b), 135.63(a)(2).
119.43(b)	121.75(b), 135.63(a)(2).
119.43(c)	121.75(a), 135.81.
119.47(a)	135.27(a).
119.47(b)	121.83, 135.27(b).
119.49(a)	121.5, 121.25(b), 121.45(b), 135.11(b), and new language.
119.49(b)	121.45(b), 135.11(b)(1) and new language.
119.49(c)	135.11(b)(1) and new language.
119.51(a)	121.79(a), 135.17(a).
119.51(b)	121.79(b), 135.17(d).
119.51(c)	121.79(c), 135.17(b), and new language.
119.51(d)	121.79(d), 135.17 (c) and (d).
119.51(e)	121.79(b), 135.17 (c) and (d).
119.53(a)	121.6(a).
119.53(b)	New language.
119.53(c)	121.6(b).
119.53(d)	121.6(c).
119.53(e)	New language.
119.53(f)	New language.
119.55(a)	121.57 (a) and (b).
119.55(b)	121.57 (a) and (b).
119.55(c)	121.57 (a) and (b).
119.55(d)	121.57 (a) and (b).
119.55(e)	121.57 (a) and (b).
119.57(a)	121.57(c).
119.57(b)	New language.
119.58(a)	135.19(b).
119.58(b)	135.19(a).
119.58(c)	135.19(c).
119.59(a)	121.81(a), 135.73, and new language.
119.59(b)	121.73, 121.81(a), 135.63(a), 135.73, and new language.
119.59(c)	121.81(a).
119.59(d)	New language.
119.59(e)	New language.
119.59(f)	New language.
119.61(a)	121.29(a), 121.53 (a), (c), and (d), 135.9(a).
119.61(b)	121.29(a), 121.53(c), and new language.
119.61(c)	135.35.
119.63(a)	New language.
119.63(b)	New language.
119.65(a)	121.59(a).
119.65(b)	121.59(b).
119.65(c)	121.59(b).
119.65(d)	121.61 and new language.
119.65(e)	121.59(c).
119.67(a)	121.61(a) and new language.
119.67(b)	121.61(b) and new language.
119.67(c)	121.61(c), 135.39(c) and new language.
119.67(d)	121.61(d) and new language.
119.67(e)	121.61(b), 135.39(d).

TABLE 3.—DERIVATION TABLE FOR PART 119—Continued

New Section	Based on
119.69(a)	135.37(a).
119.69(b)	121.59(b), 135.37(b).
119.69(c)	121.59(b).
119.69(d)	135.39 and new language.
119.69(e)	121.59, 135.37(c).
119.71(a)	135.39(a)(1) and new language.
119.71(b)	135.39(a)(2) and new language.
119.71(c)	135.39(b)(1) and new language.
119.71(d)	135.39(b)(2) and new language.
119.71(e)	135.39(c) and new language.
119.71(f)	135.39(d) and new language.

TABLE 4.—DISTRIBUTION TABLE FOR PART 121, PART 135, AND SFAR 38–2 SECTIONS BEING REPLACED BY PART 119

<i>Part 121:</i>	<i>Replaced by:</i>
121.3	119.21(a); 119.31; 119.33.
121.4	119.5(g).
121.5	119.21(a).
121.6(a)	119.53(a).
121.6(b)	119.53(c).
121.6(c)	119.53(d).
121.7	119.21.
121.9	Deleted.
121.13	119.25.
121.21	119.1.
121.23	119.7(b).
121.25(a)	119.37 (a), (b), (c), (d), (f), and (g).
121.25(b)	119.49(a).
121.26	119.35 (a) and (b).
121.27(a)(1)	119.5(i).
121.27(a)(2)	119.39 (a) and (b)
121.29(a)	119.61 (a) and (b).
121.41	119.1.
121.43	119.7(b).
121.45(a)	119.37 (a), (b), (c), (d), (e), (f), and (g).
121.45(b)	119.49 (a) and (b).
121.47(a)	119.35(a), (b); 119.36(a).
121.47(b)	119.36(b).
121.47(c)	119.36(c).
121.47(d)	119.36(d).
121.48	119.36(e).
121.49	119.36(f).
121.51	119.39(b).
121.51(a)(1)	119.5(i).
121.51(a)(3)	119.39(a).
121.53(a)	119.61(a).
121.53(c)	119.61 (a) and (b).
121.53(d)	119.61(a).
121.55	Deleted.
121.57(a)	119.55 (a), (b), (c), (d), and (e).
121.57(b)	119.55 (a), (b), (c), (d), and (e).
121.57(c)	119.57(a).
121.59	119.69(e).
121.59(a)	119.65(a).
121.59(b)	119.65 (b) and (c); 119.69 (b) and (c).
121.59(c)	119.65(e).
121.61	119.65(d).
121.61(a)	119.67(a).
121.61(b)	119.67 (b) and (e).
121.61(c)	119.67(c).
121.61(d)	119.67(d).
121.71	119.1.
121.73	119.59(b).
121.75(a)	119.43(c).
121.75(b)	119.43 (a) and (b).
121.77(a)	119.41(a).
121.77(b)	119.41(c).
121.77(c)	119.41(d).
121.79(a)	119.51(a).
121.79(b)	119.51 (b) and (e).
121.79(c)	119.51(c).

TABLE 4.—DISTRIBUTION TABLE FOR PART 121, PART 135, AND SFAR 38–2 SECTIONS BEING REPLACED BY PART 119—Continued

121.79(d)	119.51(d).
121.81(a)	119.59 (a), (b), and (c).
121.83	119.47(b).
<i>Part 135:</i>	<i>Replaced by:</i>
135.5	119.31; 119.33 (a), (b), and (c).
135.7	119.5(g).
135.9(a)	119.61(a).
135.11(a)	119.35 (a) and (b).
135.11(b)	119.49(a).
135.11(b)(1)	119.37 (a), (b), (c), (d), (e), (f), and (g); 119.39(a); 119.49 (b) and (c).
135.13(a)	119.33 (a), (b), and (c).
135.13(a)(2)	119.39(b).
135.13(a)(3)	119.5(i).
135.13(b)	119.39(b).
135.15(a)	119.41(a).
135.15(b)	119.41(b).
135.15(d)	119.41(d).
135.17(a)	119.51(a).
135.17(b)	119.51(c).
135.17(c)	119.51 (d) and (e).
135.17(d)	119.51 (b), (d), and (e).
135.19	119.58.
135.27(a)	119.47(a).
135.27(b)	119.47(b).
135.29	119.9(a).
135.31	119.5(k).
135.33	119.5(j).
135.35	119.61(c).
135.37(a)	119.69(a).
135.37(b)	119.69(b).
135.37(c)	119.69(e).
135.39	119.69(d).
135.39(a)(1)	119.71(a).
135.39(a)(2)	119.71(b).
135.39(b)(1)	119.71(c).
135.39(b)(2)	119.71(d).
135.39(c)	119.67(c); 119.71(e).
135.39(d)	119.67(e); 119.71(f).
121.63(a)	119.59(b).
121.63(a)(2)	119.43 (a) and (b).
121.73	119.59 (a) and (b).
121.81	119.43(c).
<i>SFAR 38–2:</i>	<i>Replaced by:</i>
Section 1(a)	119.1(b).
Section 1(a)(3)	119.5 (d) and (e); 119.5(h).
Section 1(b)	119.5(f).
Section 1(c)	119.5(g); 119.31; 119.33 (a), (b), and (c).
Section 2(a)	119.5(a); 119.31; 119.33 (a), (b), and (c).
Section 2(b)	119.5(b); 119.31; 119.33 (a), (b), and (c).
Section 2(c)	129.1.
Section 3	119.7(a); 119.33 (a), (b), and (c).
Section 4(a)	119.21(a).
Section 4(b)	119.21(b).
Section 4(c)	119.25 (a) and (b).
Section 4(d)	119.25 (a) and (b).
Section 5(a)	119.23(a).
Section 5(b)	119.23 (b).
Section 5(c)	119.25 (a) and (b).
Section 5(d)	119.25 (a) and (b).
Section 6	119.3.

Federalism Implications

The proposed regulations do not have substantial direct effects on the states, on the relationship between national government and the states, or on the distribution of power and responsibilities among various levels of government. Thus, in accordance with

Executive Order 12612, it is determined that such a regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), there are no new requirements

for information collection associated with this proposed rule.

Conclusion

The FAA has determined that this proposed regulation would impose no additional burden on any person. Accordingly, it has been determined that the action: (1) Is not a significant

rule under Executive Order 12866; and (2) is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). No cost impact is expected to result and a full regulatory evaluation is not required. In addition, the FAA certifies that the proposed rule would not have a significant cost impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

14 CFR Part 21

Aircraft, Aviation safety, Exports, Imports, Reporting and recordkeeping requirements.

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Gusts.

14 CFR Part 91

Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Noise control, Political candidates, Reporting and recordkeeping requirements.

14 CFR Part 119

Administrative practice and procedures, Air carriers, Air taxis, Aircraft, Aviation safety, Charter flights, Commuter operations, Reporting and recordkeeping requirements.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights, Reporting and recordkeeping requirements.

14 CFR Part 125

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 135

Aircraft, Airplanes, Airworthiness, Air transportation.

The Proposed Amendments

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Title 14 CFR parts 21, 25, 91, 119, 121, 125, and 135 as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

1. The authority citation for part 21 continues to read as follows:

Authority: 42 U.S.C. 7572; 49 U.S.C. 106(g), 40105, 40113, 44701–44702, 44707, 44709, 44711, 44713, 44715, 45303.

§ 21.431 [Amended]

2. Section 21.431 is amended in paragraph (b) by removing the parenthetical “(except air taxi operators)”.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

3. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, and 44704.

§ 25.1303 [Amended]

4. Section 25.1303(b)(4) is amended by removing the reference to “§ 121.305(j)” and adding in place thereof a reference to “§ 121.305(k).”

PART 91—GENERAL OPERATING AND FLIGHT RULES

5. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506–46507, 47122, 47508, 47528–47531.

6. Section 91.23 is amended by revising paragraph (b)(i)(ii) to read as follows:

§ 91.23 Truth-in-leasing clause requirement in leases and conditional sales contracts.

* * * * *

(b) * * *

(1) * * *

(ii) the party furnishing the aircraft is a foreign air carrier or a person operating under part 121, 125, and 141 of this chapter, or a person operating under part 135 of this chapter having authority to engage in on-demand operations with large aircraft.

7. Section 91.323 is amended by revising paragraph (a)(1) to read as follows:

§ 91.323 Increased maximum certificated weights for certain airplanes operated in Alaska.

(a) * * *

(1) A certificate holder conducting operations under part 121 or part 135 of this chapter; or

* * * * *

PART 119—CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS

8. The authority citation for part 119 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

9. Section 119.3 is amended by revising paragraph (1) introductory text of the definition for “on-demand operation,” by revising the definition for “scheduled operation,” and by revising paragraph (2) of the definition of “supplemental operation” to read as follows:

§ 119.3 Definitions.

* * * * *

On-demand operation * * *

(1) Passenger-carrying operations conducted as a public charter under part 380 of this title or any operations in which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer’s representative that are any of the following types of operations:

* * * * *

Scheduled operation means any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificate holder or its representative offers in advance the departure location, departure time, and arrival location. It does not include any passenger-carrying operation that is conducted as a public charter operation under part 380 of this title.

* * * * *

Supplemental operation * * *

(2) Types of operation:

(i) Operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer’s representative;

(ii) All-cargo operations; or

(iii) Passenger-carrying public charter operations conducted under part 380 of this title.

* * * * *

10. Section 119.5 is amended by adding paragraph (k) and (l) to read as follows:

§ 112.5 Certifications, authorizations, and prohibitions.

* * * * *

(k) No person may advertise or otherwise offer to perform an operation subject to this part unless that person is authorized by the Federal Aviation Administration to conduct that operation.

(l) No person may operate an aircraft under this part, part 121 of this chapter, or part 135 or this chapter in violation of an air carrier operating certificate, operating certificate, or appropriate operations specifications issued under this part.

11. Section 119.9(b) is revised to read as follows:

§ 119.9 Use of business names.

* * * * *

(b) No person may operate an aircraft under part 121 or part 135 of this chapter unless that name of the certificate holder who is operating the aircraft, or the air carrier or operating certificate number of the certificate holder who is operating the aircraft, is legibly displayed on the aircraft and is clearly visible and readable from the outside of the aircraft to a person standing on the ground at any time except during flight time. The means of displaying the name on the aircraft and its readability must be acceptable to the Administrator.

12. Section 119.21 is amended by revising the heading and paragraph (a)(1) to read as follows:

§ 119.21 Commercial operators engaged in intrastate common carriage and direct air carriers.

(a) * * *

(1) Domestic operations in accordance with the applicable requirements of part 121 of this chapter, and shall be issued operations specifications for those operations in accordance with those requirements. However, based on a showing of safety in air commerce, the Administrator may permit persons who conduct domestic operations between any point located within any of the following Alaskan islands and any point in the State of Alaska to comply with the requirements applicable to flag operations contained in subpart U of part 121 of this chapter;

- (i) The Aleutian Islands.
- (ii) The Pribilof Islands.
- (iii) The Shumagin Islands.

* * * * *

13. Section 119.35 is revised to read as follows:

§ 119.35 Certificate application: All operators.

(a) A person applying to the Administrator for an Air Carrier Certificate or Operating Certificate under this part (applicant) must submit an application—

- (1) In a form and manner prescribed by the Administrator; and
- (2) Containing any information the Administrator requires the applicant to submit.

(b) Each applicant must submit the application to the Administrator at least 90 days before the date of intended operation.

14. Section 119.36 is added to read as follows:

§ 119.36 Additional certificate application requirements for commercial operators.

(a) Each applicant for the original issue of an operating certificate for the

purpose of conducting intrastate common carriage operations under part 121 or part 135 of this chapter must submit an application in a form and manner prescribed by the Administrator to the Flight Standards District Office in whose area the applicant proposes to establish or has established his or her principal base of operations.

(b) Each application submitted under paragraph (a) of this section must contain a signed statement showing the following:

(1) For corporate applicants:
(i) The name and address of each stockholder who owns 5 percent or more of the total voting stock of the corporation, and if that stockholder is not the sole beneficial owner of the stock, the name and address of each beneficial owner. And individual is considered to own the stock owned, directly or indirectly, by or for his or her spouse, children, grandchildren, or parents.

(ii) The name and address of each director and each officer and each person employed or who will be employed in a management position described in §§ 119.65 and 119.69, as applicable.

(iii) The name and address of each person directly or indirectly controlling or controlled by the applicant and each person under direct or indirect control with the applicant.

(2) For non-corporate applicants:
(i) The name and address of each person having a financial interest therein and the nature and extent of that interest.

(ii) The name and address of each person employed or who will be employed in a management position described in §§ 119.65 and 119.69, as applicable.

(c) In addition, each applicant for the original issue of an operating certificate under paragraph (a) of this section must submit with the application a signed statement showing—

(1) The nature and scope of its intended operation, including the name and address of each person, if any, with whom the applicant has a contract to provide services as a commercial operator and the scope, nature, date, and duration of each of those contracts; and

(2) For applicants intending to conduct operations under part 121 of this chapter, the financial information listed in paragraph (e) of this section.

(d) Each applicant for, or holder of, a certificate issued under paragraph (a) of this section, shall notify the Administrator within 10 days after—

(1) A change in any of the persons, or the names and addresses of any of the

persons, submitted to the Administrator under paragraph (b)(1) or (b)(2) of this section; or

(2) For applicants intending to conduct operations under part 121 of this chapter, a change in the financial information submitted to the Administrator under paragraph (e) of this section that occurs while the application for the issue is pending before the FAA and that would make the applicant's financial situation substantially less favorable than originally reported.

(e) Each applicant for the original issue of an operating certificate under paragraph (a) of this section who intends to conduct operations under part 121 of this chapter must submit the following financial information:

(1) A balance sheet that shows assets, liabilities, and net worth, as of a date not more than 60 days before the date of application.

(2) An itemization of liabilities more than 60 days past due on the balance sheet date, if any, showing each creditor's name and address, a description of the liability, and the amount and due date of the liability.

(3) An itemization of claims in litigation, if any, against the applicant as of the date of application showing each claimant's name and address and a description and the amount of the claim.

(4) A detailed projection of the proposed operation covering 6 complete months after the month in which the certificate is expected to be issued including—

(i) Estimated amount and source of both operating and nonoperating revenue, including identification of its existing and anticipated income producing contracts and estimated revenue per mile or hour of operation by aircraft type;

(ii) Estimated amount of operating and nonoperating expenses by expense objective classification; and

(iii) Estimated net profit or loss for the period.

(5) An estimate of the cash that will be needed for the proposed operations during the first 6 months after the month in which the certificate is expected to be issued, including—

(i) Acquisition of property and equipment (explain);

(ii) Retirement of debt (explain);

(iii) Additional working capital (explain);

(iv) Operating losses other than depreciation and amortization (explain); and

(v) Other (explain).

(6) An estimate of the cash that will be available during the first 6 months

after the month in which the certificate is expected to be issued, from—

- (i) Sale of property or flight equipment (explain);
- (ii) New debt (explain);
- (iii) New equity (explain);
- (iv) Working capital reduction (explain);
- (v) Operations (profits) (explain);
- (vi) Depreciation and amortization (explain); and
- (vii) Other (explain).

(7) A schedule of insurance coverage in effect on the balance sheet date showing insurance companies; policy numbers; types, amounts, and period of coverage; and special conditions, exclusions, and limitations.

(8) Any other financial information that the Administrator requires to enable him or her to determine that the applicant has sufficient financial resources to conduct his or her operations with the degree of safety required in the public interest.

(f) Each financial statement containing financial information required by paragraph (e) of this section must be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis, and must contain the name and address of the applicant's public accounting firm, if any. Information submitted must be signed by an officer, owner, or partner of the applicant or certificate holder.

15. Section 119.67 is amended by revising paragraphs (c), (d), and (e) to read as follows:

§ 119.67 Management personnel: Qualifications for operations conducted under part 121 of this chapter.

* * * * *

(c) To serve as Director of Maintenance under § 119.65(a) a person must—

- (1) Hold a mechanic certificate with airframe and powerplant ratings; and have held these ratings for at least 3 years;
- (2) Have at least 3 years supervisory or managerial experience within the last 6 years in a position that exercised operational control over maintenance program functions within maintenance operations conducted under part 121 or 135 of this chapter.
- (3) Have at least 1 year of experience in a position in which normal duties included returning airplanes to service;
- (4) In the case of a person becoming a Director of Maintenance—

(i) For the first time ever, have at least 3 years experience within the past 6 years in one or a combination of the following—

(A) Maintaining large airplanes with 10 or more passenger seats under part 121 or 135 of this chapter, including at the time of appointment as Director of Maintenance, experience in maintaining the same category and class of airplane as the certificate holder uses; or

(B) Maintaining large airplanes in an airframe repair station, certificated under part 145 of this chapter, that is rated to maintain airplanes in the same category and class of airplane as the certificate holder uses.

(ii) With previous experience as a Director of maintenance, have at least 3 years experience in one or a combination of the qualification standards under paragraph (c)(4)(i) (A) or (B) of this section.

(d) To serve as Chief Inspector under § 119.65(a) a person must—

(1) Hold a mechanic certificate with both airframe and powerplant ratings, and have held these ratings for at least 3 years;

(2) Have at least 3 years supervisory or managerial experience within the last 6 years in a position that exercised operational control over the inspection, quality control, or quality assurance functions within maintenance operations conducted under part 121 or 135 of this chapter.

(3) Have at least 1 year of experience in a position in which the normal duties included returning airplanes to service;

(4) In the case of a person becoming a Chief Inspector—

(i) For the first time ever, have at least 3 years experience within the past 6 years in one or a combination of the following—

(A) Maintaining large airplanes with 10 or more passenger seats under part 121 or 135 of this chapter, including at the time of appointment as Chief Inspector, experience in inspection, quality control, or quality assurance functions for the same category and class of airplane as the certificate holder uses; or

(B) Maintaining large airplanes in an airframe repair station certificated under part 145 of this chapter that is rated to maintain airplanes in the same category and class of airplane as the certificate holder uses.

(ii) With previous experience as a Chief Inspector, have at least 3 years experience in one or a combination of the qualification standards under paragraph (d)(4)(i) (A) or (B) of this section.

(e) A certificate holder may request a deviation to employ a person who does not meet the appropriate airman experience, managerial experience, or supervisory experience requirements of this section if the Manager of the Air

Transportation Division or the Manager of the Aircraft Maintenance Division of the FAA Flight Standards Service finds that the person has comparable experience, and can effectively perform the functions associated with the position in accordance with the Federal Aviation Regulations and the procedures outlined in the certificate holder's manual. Grants of deviation under this paragraph may be granted after consideration of the size and scope of the operation and the qualifications of the intended personnel. The Administrator may, at any time, terminate any grant of deviation authority issued under this paragraph.

16. Section 119.71 is amended by revising the introductory text of paragraph (b), the introductory text of paragraph (d), paragraph (e), and the first sentence of paragraph (f) to read as follows:

§ 119.71 Management personnel: Qualifications for operations conducted under part 135 of this chapter.

* * * * *

(b) To serve as Director of Operations under § 119.69(a) for a certificate holder that only conducts operations for which the pilot in command is required to hold a commercial pilot certificate, a person must hold at least a commercial pilot certificate. If an instrument rating is required for any pilot in command for that certificate holder, the Director of Operations must also hold an instrument rating. In addition, the Director of Operations must either—

* * * * *

(d) To serve as Chief Pilot under § 119.69(a) for a certificate holder that only conducts operations for which the pilot in command is required to hold a commercial pilot certificate, a person must hold at least a commercial pilot certificate. If an instrument rating is required for any pilot in command for that certificate holder, the Chief Pilot must also hold an instrument rating. The Chief Pilot must be qualified to serve as pilot in command in at least one aircraft used in the certificate holder's operation. In addition, the Chief Pilot must:

* * * * *

(e) To serve as Director of Maintenance under § 119.69(a) a person must—

(1) Hold a mechanic certificate with airframe and powerplant ratings, and have held these ratings for at least 3 years;

(2) Have at least 3 years supervisory or managerial experience within the last 6 years in a position that exercised operational control over maintenance program functions within maintenance

operations conducted under part 121 or 135 of this chapter;

(3) Have at least 1 year of experience in a position in which normal duties included returning airplanes to service;

(4) In the case of a person becoming a Director of Maintenance—

(i) For the first time ever, have at least 3 years experience within the past 6 years in one or a combination of the following—

(A) Maintaining airplanes under part 121 or 135 of this chapter, including at the time of appointment as Director of Maintenance, experience maintaining the same category and class of airplane as the certificate holder uses; or

(B) Maintaining airplanes in an airframe repair station, certificated under part 145 of this chapter, that is rated to maintain airplanes in the same category and class of airplane as the certificate holder uses.

(ii) With previous experience as a Director of Maintenance, have at least 3 years experience in one or a combination of the qualification standards under paragraph (c)(4)(i) (A) or (B) of this section.

(f) A certificate holder may request a deviation to employ a person who does not meet the appropriate airmen experience requirements, managerial experience requirements, or supervisory experience requirements of this section if the Manager of the Air Transportation Division or the Manager of the Aircraft Maintenance Division of the FAA Flight Standards Service finds that the person has comparable experience, and can effectively perform the functions associated with the position in accordance with 14 CFR Chapter I and the procedures outlined in the certificate holder's manual. * * *

PART 121—OPERATING REQUIREMENTS; DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

17. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

18. SFAR ____ is added to read as follows:

SFAR ____—Alternative Communications and Dispatching Procedures

1. *Applicability.* This Special Federal Aviation Regulation applies to each holder of an air carrier or operating certificate (hereafter, certificate holder) that meets one of the following eligibility requirements:

a. The certificate holder conducts scheduled operations with airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and

a payload capacity of 7,500 pounds or less under part 121 of this chapter.

b. The certificate holder conducts domestic operations in Alaska under part 121 of this chapter.

2. Alternative requirements.

a. If an operator described in paragraph 1.a. of this SFAR is conducting a flight with an airplane described in 1.a. and if communications cannot be maintained over the entire route (which would be contrary to the requirements of § 121.99 of this chapter), such an operator may continue to operate over such a route subject to approval by the Administrator. In granting such approval the Administrator considers the following:

i. The operator has an established dispatch communication system.

ii. Gaps in communication are not over the entire route, but only over portions of the route.

iii. When communication gaps occur, they occur due to one or more of the following:

- A. Lack of infrastructure.
- B. Geographical considerations.
- C. Assigned operating altitude.

iv. Procedures are established for the prompt re-establishment of communications.

v. The operator has presented a plan or schedule for coming into compliance with the requirement in § 121.99 of this chapter.

b. A certificate holder who conducts domestic operations in Alaska may, notwithstanding the requirements of § 121.99 of this chapter, use a communications system operated by the United States for those operations.

c. An operator described in paragraph 1.a. of this SFAR who conduct operations in Alaska may share the aircraft dispatcher required by § 121.395 with another operator described in paragraph 1.a. of this SFAR who conducts operations in Alaska if authorized to do so by the Administrator. Before granting such an authorization, the Administrator considers:

i. The operators' joint plans for complying with the aircraft dispatcher training rules in subpart N of part 121 of this chapter and the aircraft dispatcher qualification and duty time limitation rules in subpart P of part 121 of this chapter.

ii. The number of flights for which the aircraft dispatcher would be responsible.

iii. Whether the responsibilities of the dispatcher would be beyond the capability of a single dispatcher.

3. *Expiration.* This Special Federal Aviation Regulation terminates on [date 4 years after issuance] unless sooner terminated.

19. Section 121.2 is amended by adding paragraphs (d)(1)(iv) and (e)(1)(iv) to read as follows:

§ 121.2 Compliance schedule for operators that transition to part 121; certain new entrant operators.

* * * * *

- (d) * * *
- (1) * * *

(iv) [date 2 years after final rule is issued]: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

(e) * * *

(1) * * *

(iv) Manufactured on or after [date 2 years after issue of final rule]: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

20. Section 121.99 is revised to read as follows:

§ 121.99 Communication facilities.

(a) Each certificate holder conducting domestic or flag operations must show that a two-way radio communication system or other means of communication approved by the Administrator is available at points that will ensure reliable and rapid communications, under normal operating conditions over the entire route (either direct or via approved point-to-point circuits) between each airplane and the appropriate dispatch office, and between each airplane and the appropriate air traffic control unit, except as specified in § 121.351(c).

(b) For the following types of operations, the communications systems between each airplane and the dispatch office must be independent of any system operated by the United States:

- (1) All domestic operations;
- (2) Flag operations in the 48 contiguous States and the District of Columbia; and

(3) After [date 4 years after issuance], flag operations outside the 48 contiguous States and the District of Columbia.

21. Section 121.137(c) is revised to read as follows:

§ 121.137 Distribution and availability.

* * * * *

(c) For the purpose of complying with paragraph (a) of this section, a certificate holder may furnish the persons listed therein the maintenance part of the manual in printed form or other form, acceptable to the Administrator, that is retrievable in the English language.

22. In § 121.139, the heading and paragraph (a) are revised to read as follows:

§ 121.139 Requirement for manual aboard aircraft: Supplemental operations.

(a) Except as provided in paragraph (b) of this section, each certificate holder conducting supplemental operations shall carry appropriate parts of the manual on each airplane when away from the principal base of operations. The appropriate parts must be available for use by ground or flight personnel. If the certificate holder carries aboard an aircraft all or any portion of the maintenance part of its manual in other than printed form, it

must carry a compatible reading device that produces a legible image of the maintenance information and instructions or a system that is able to retrieve the maintenance information and instructions in the English language.

* * * * *
23. Section 121.305 is amended by removing the words "paragraph (j) of this section" in paragraph (f) and adding, in their place, the words "paragraph (k) of this section;" and by revising paragraph (j) to read as follows:

§ 121.305 Flight and navigational equipment.

* * * * *
(j) On the airplanes described in this paragraph, in addition to two gyroscopic bank and pitch indicators (artificial horizons) for use at the pilot stations, a third such instrument is installed in accordance with paragraph (k) of this section:

- (1) On each turbojet powered airplane.
- (2) On each turbopropeller powered airplane having a passenger-seat configuration of more than 30 seats, excluding each crewmember seat, or a payload capacity of more than 7,500 pounds.
- (3) On each turbopropeller powered airplane having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less that is manufactured on or after March 20, 1997.
- (4) After December 20, 2010, on each turbopropeller powered airplane having a passenger seat configuration of 10-30 seats and a payload capacity of 7,500 pounds or less that was manufactured before March 20, 1997.

* * * * *
24. Section 121.310 is amended by adding the words "Except as provided in paragraph (b)(2)(iii) of this section," to the beginning of paragraph (b)(2)(i); by revising the words "For an airplane" to read "For a transport category airplane" in paragraph (b)(2)(ii); and by adding a new paragraph (b)(2)(iii) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *
(b) * * *
(2) * * *
(iii) For a nontransport category turbopropeller powered airplane type certificated after December 31, 1964, each passenger emergency exit marking and each locating sign must be manufactured to meet the requirements of § 23.811(b) of this chapter. On these

airplanes, no sign may continue to be used if its luminance (brightness) decreases to below 100 microlamberts.

* * * * *
25. Section 121.333 is amended by revising paragraph (c)(2) to read as follows:

§ 121.333 Supplemental oxygen for emergency descent and for first aid; turbine engine powered airplanes with pressurized cabins.

* * * * *
(c) * * *
(2) When operating at flight altitudes above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, in accordance with the following:

- (i) The one pilot need not wear and use an oxygen mask at or below the following flight levels if each flight crewmember on flight deck duty has a quick-donning type of oxygen mask that the certificate holder has shown can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within five seconds:
 - (A) For airplanes having a passenger seat configuration of more than 30 seats, excluding any required crewmember seat, or a payload capacity of more than 7,500 pounds, at or below flight level 410.
 - (B) For airplanes having a passenger seat configuration of less than 31 seats, excluding any required crewmember seat, and a payload capacity of 7,500 pounds or less, at or below flight level 350.
- (ii) Whenever a quick-donning type of oxygen mask is to be used under this section, the certificate holder shall also show that the mask can be put on without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. The oxygen mask after being put on must not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system.

* * * * *
26. Section 121.437 is amended by removing paragraph (b), by redesignating current paragraph (c) as paragraph (b) and by adding a new sentence to redesignated paragraph (b) to read as follows:

§ 121.437 Pilot qualification: Certificates required.

(a) * * *
(b) * * * Notwithstanding the requirements of § 61.63 (b) and (c) of this chapter, a pilot who is currently

employed by a certificate holder and meets applicable training requirements of subpart N of this part, and the proficiency check requirements of § 121.444, may be issued the appropriate category and class ratings by presenting proof of compliance with those requirements to a Flight Standards District Office.

§ 121.590 [Amended]

27. Section 121.590 is amended in paragraph (a) by removing the words "operate an aircraft into a land airport" and adding, in their place, the words "operate an airplane designed for at least 31 passenger seats into a land airport."

28. Section 121.713 is amended by revising paragraph (b)(2) to read as follows:

§ 121.713 Retention of contracts and amendments: Commercial operators who conduct intrastate operations for compensation or hire.

* * * * *
(b) * * *
(2) The information required by § 119.36(e)(2), (e)(7), and (e)(8) of this chapter.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

29. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44710-44711, 44713, 44716-44717, 44722.

30. Section 125.71(f) is revised to read as follows:

§ 125.71 Preparation.

* * * * *
(f) For the purpose of complying with paragraph (d) of this section, a certificate holder may furnish the persons listed therein with the maintenance part of its manual in printed form or other form, acceptable to the Administrator, that is retrievable in the English language. If the certificate holder furnishes the maintenance part of the manual in other than printed form, it must ensure there is a compatible reading device available to those persons that provides a legible image of the maintenance information and instructions or a system that is able to retrieve the maintenance information and instructions in the English language.

* * * * *

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

31. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

32. Section 135.2 is amended in paragraphs (d)(1)(i), (d)(2)(i), and (e)(1)(ii) by removing the words “December 22, 1997” and adding, in their place, the words “December 20, 1997;” and by adding paragraphs (d)(1)(iv) and (e)(1)(iv) to read as follows:

§ 135.2 Compliance schedule for operators that transition to part 121 of this chapter; certain new entrant operators.

* * * * *

(d) * * *

(1) * * *

(iv) [Date 2 years after final rule is issued]: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

(e) * * *

(1) * * *

(iv) Manufactured on or after [Date 2 years after issue of final rule]: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

33. Section 135.21(f) is revised to read as follows:

§ 135.21 Manual requirements.

* * * * *

(f) For the purpose of complying with paragraph (d) of this section, a certificate holder may furnish the persons listed therein with the maintenance part of its manual in printed form or other form, acceptable to the Administrator, that is retrievable in the English language. If the certificate holder furnishes the maintenance part of the manual in other than printed form, it must ensure there is a compatible reading device available to those persons that provide a legible image of the maintenance information and instructions, or a system that is able to retrieve the maintenance information and instructions in the English language.

* * * * *

§ 135.25 [Amended]

34. Section 135.25 is amended in paragraph (b) by removing the words “air taxi or commercial operations” and adding, in their place, the words “operations under this part.”

§ 135.64 [Amended]

35. Section 135.64 is amended by removing paragraph (b) and removing the paragraph designation “(a)” from the remaining paragraph.

36. Section 135.153 is amended by revising paragraph (a) and removing and reserving paragraph (b) to read as follows:

§ 135.153 Ground proximity warning system.

(a) No person may operate a turbine-powered airplane having a passenger seat configuration of 10 seats or more, excluding any pilot seat, unless it is equipped with an approved ground proximity warning system.

(b) [Reserved]

* * * * *

37. Section 135.427 is amended by adding a new paragraph (d) to read as follows:

§ 135.427 Manual requirements.

* * * * *

(d) For the purposes of this part, the certificate holder must prepare that part of its manual containing maintenance information and instructions, in whole or in part, in printed form or other form, acceptable to the Administrator, that is retrievable in the English language.

Issued in Washington, D.C., on January 22, 1997.

Thomas C. Accardi,

Director, Flight Standards Service.

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