

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12240; Amdt. No. 121-102]

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

Use of Certificated Land Airports

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to require domestic and flag air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and that operate large aircraft (other than helicopters) to conduct their scheduled operations into regular airports certificated by the FAA pursuant to the requirements of Part 139 of this chapter.

This amendment is based on notice of proposed rule making No. 72-25, published in the FEDERAL REGISTER on September 20, 1972 (37 FR 19380). Except for certain clarifying changes, and except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in Notice 72-25.

As stated in Notice 72-25, new Part 139 which prescribes certification and operating rules for land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters), was issued on June 12, 1972 (37 FR 12278). The new Part 139 provides, insofar as is pertinent here, that, after May 20, 1973, no person may operate a land airport regularly serving any sched-

uled CAB-certificated air carriers operating large aircraft (other than helicopters) into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of the approved airport operations manual for that airport. In order to be consistent with the safety objectives of new Part 139, an amendment to Part 121 was proposed in Notice 72-25 making the use of certificated regular airports mandatory for domestic and flag air carriers when conducting scheduled operations in large airplanes in any State of the United States, the District of Columbia, or any territory or possession of the United States.

The public comments received generally concurred in the proposal. However, the commentators indicated they desired further clarification of the classes of persons that will be subject to the amendment. As stated in the regulation, domestic and flag air carriers certificated by the CAB will be subject to this amendment only when conducting scheduled operations in large airplanes in any State of the United States, the District of Columbia, or any territory or possession of the United States. Accordingly, an air carrier when conducting charter or special service operations will not be required to conduct those operations at certificated airports nor would an air carrier be required to designate and use a certificated airport as an alternate, refueling, or provisional airport.

This amendment changes the proposal set forth in Notice 72-25, by adding to

the beginning of § 121.590 the phrase "Unless otherwise authorized by the Administrator." This phrase has been added so that air carriers subject to § 121.590 may be granted appropriate relief by the Administrator in the event any exemptions are granted airport operators regarding certification under Part 139.

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

In consideration of the foregoing, and for the reasons given in Notice 72-25, Part 121 of the Federal Aviation Regulations is amended, effective May 21, 1973, by adding a new § 121.590 to Subpart T to read as follows:

§ 121.590 Use of certificated land airports: Domestic and flag air carriers certificated by the CAB.

Unless otherwise authorized by the Administrator, after May 20, 1973, no domestic or flag air carrier, and no pilot being used by them, may operate a large airplane into a regular land airport in scheduled operations in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. For the purposes of this section, a regular airport means one approved as a regular terminal or intermediate stop on an authorized route.

Issued in Washington, D.C., on March 22, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

(As published in the Federal Register 38 F.R. 8055 on March 28, 1973)