

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12115; Amdt. No. 121-106]

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

Inspection of Emergency Equipment

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to require inspection periods for certain emergency equipment carried aboard aircraft operated under that part.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a Notice of Proposed Rule Making (Notice 72-20) issued on July 26, 1972, and published in the FEDERAL REGISTER on August 2, 1972 (37 FR 15436). Due consideration has been given to all comments presented in response to the Notice. Except for minor editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice 72-20.

The FAA received seven public comments in response to Notice 72-20. All of the comments generally favored the adoption of the proposed amendments. However, some commentators recommended certain changes that are discussed hereinafter. Several commentators made suggestions that were not within the scope of the notice, and, accordingly, those comments are not discussed, but will be retained by the FAA for consideration with regard to future rule-making proceedings.

The Air Transport Association (ATA) in its comment objected to the phrase "must be inspected regularly" in proposed § 121.309(b)(2) in that it could be interpreted as meaning that "hard times" must be established for detailed inspection of items such as life vests and life rafts. However, the intent of the proposed rule is to provide for regular inspection of each item of safety equipment at specific time intervals as provided by the inspection periods set out in each certificate holder's operations specifications. As stated in Notice 72-20, the FAA deems it appropriate to extend the requirement for regular inspection of the additional emergency equipment to assure its condition for continued serviceability and immediate readiness to perform its intended use. Accordingly, the wording of the proposal objected to by the ATA is retained in this amendment.

In addition, the ATA pointed out that,

although the proposed wording of § 121.309(b)(2) would require that all items of equipment specified in §§ 121.309, 121.310, 121.339, and 121.340 be readily accessible to both the crew and passengers, some of the required items may be located in the crew compartment which is not accessible to passengers. Upon further consideration in the light of this comment, § 121.309(b)(2), as adopted, has been changed to provide that only that emergency equipment located in the passenger compartment must be readily accessible to passengers. In addition, the rule, as adopted, specifically provides that each item of emergency equipment must be clearly identified to facilitate access to that equipment.

The ATA also objected to the requirement of proposed § 121.309(b)(4), which provided that when the items of equipment required by §§ 121.310, 121.339, and 121.340 are carried in a compartment or container, that compartment or container must be marked as to contents and date of last inspection. It noted that one compartment may contain more than one item of emergency equipment, and that life rafts may be frequently transferred from airplane to airplane making the labeling of containers as to date of last inspection impractical. The FAA believes that each compartment containing emergency equipment must be marked as to its contents to facilitate access to that equipment. However, the FAA considers the ATA comment with respect to the date of last inspection to have merit, and the rule, as adopted, has been changed to allow the placing of the date of last inspection on the item of emergency equipment itself instead of on the compartment or container.

Finally, §§ 121.25(b)(6), 121.45(b)(6), 121.135(b)(17), 121.363(a)(2), and 121.369(b) have been amended to make it clear that maintenance provisions contained therein apply to emergency equipment, and the word "emergency" has been added to the title of §§ 121.353 and 121.339 to clarify the nature of the equipment described in those sections.

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

In consideration of the foregoing, and for the reasons stated in Notice 72-20, Part 121 of the Federal Aviation Regulations is amended, effective September 19, 1973, as follows:

1. By amending paragraph (b)(6) of § 121.25, paragraph (b)(6) of § 121.45, and paragraph (b)(17) of § 121.135 by striking out the word "and" after the word "propellers", and adding the words "and emergency equipment" after the word "appliances."

2. By amending paragraphs (a) and

(b) of § 121.309 to read as follows:

§ 121.309 Emergency equipment.

(a) General: No person may operate an airplane unless it is equipped with the emergency equipment listed in this section and in § 121.310.

(b) Each item of emergency and flotation equipment listed in this section and in §§ 121.310, 121.339, and 121.340—

(1) Must be inspected regularly in accordance with inspection periods established in the operations specifications to ensure its condition for continued serviceability and immediate readiness to perform its intended emergency purposes;

(2) Must be readily accessible to the crew and, with regard to equipment located in the passenger compartment, to passengers;

(3) Must be clearly identified and clearly marked to indicate its method of operation;

(4) When carried in a compartment or container, must be carried in a compartment or container marked as to contents and the compartment or container, or the item itself, must be marked as to date of last inspection.

3. By amending § 121.339 by changing the title to read as follows:

§ 121.339 Emergency equipment for extended over-water operations.

4. By amending § 121.353 by changing the title to read as follows:

§ 121.353 Emergency equipment for operations over uninhabited terrain areas: flag and supplemental air carriers and commercial operators.

5. By amending paragraph (a)(2) of § 121.363 to read as follows:

§ 121.363 Responsibility for airworthiness.

(a) \* \* \*

(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, in accordance with its manual and the regulations of this chapter.

6. By amending the lead-in portion of paragraph (b) of § 121.369 by inserting the words "emergency equipment," after the word "appliances."

Issued in Washington, D.C., on August 9, 1973.

ALEXANDER P. BUTTERFIELD,  
Administrator.

(As published in the Federal Register 38 F.R. 22377 on August 20, 1973)