

**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 17158; Amdt. No. 121-137]

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

**Flight Time Limitations: Flag Air Carriers**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the flight time limitations pertaining to pilots utilized by flag air carriers who serve with different flight crews in a calendar month. The FAA has determined that the current rule is not consistent with the rule as it existed prior to recodification. Since it was not intended that the recodification program make any substantive changes to the regulations, the current rule is being amended accordingly.

**DATE:** September 1, 1977.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** Section 121.487 of the Federal Aviation Regulations specifies flight time limitations applicable to pilots serving with flag air carriers. The purpose of § 121.487 is to provide a method for determining which flight time limitations govern a pilot who serves with multiple flight crews during the course of a calendar month.

The current rules in § 121.487 state that the flight time limitations governing pilots who serve with multiple flight crews during the course of a calendar month are those contained in either §§ 121.481, 121.483, or 121.485. Section 121.481 specifies daily, weekly, monthly, and yearly flight time limitations; § 121.483 specifies daily, monthly, yearly, and quarterly flight time limitations; and § 121.485 provides for quarterly and yearly flight time limitations.

It has come to our attention that the wording of paragraphs (b)-(e) of § 121.487 imposes all of the flight time limitations of either §§ 121.481, 121.483 or

121.485 on pilots who serve with multiple flight crews during the course of a calendar month. The FAA has determined, however, that it was intended that paragraphs (b)-(e) of § 121.487 should only apply the monthly and quarterly flight time limitations contained in §§ 121.481, 121.483, and 121.485, and should not apply the daily, weekly and yearly flight time limitations of those sections.

Special Civil Air Regulation No. 386F, adopted February 26, 1963, was the predecessor to current § 121.487 (b)-(e). This special regulation contained provisions which governed pilots serving with multiple flight crews during the course of a calendar month, and it applied only the monthly and quarterly flight time limitations.

When the FAA proposed to recodify Parts 40, 41, and 42 of the Civil Air Regulations (including all special regulations associated with those parts) into what is now Part 121 of the Federal Aviation Regulations (29 FR 12182, August 26, 1964), the agency stated that changes in substance were not within the scope of the recodification program. In addition, the revision note contained in § 121.487 of the FAA's notice of proposed rulemaking relating to the recodification indicated that S.R. 386F and § 41.323 were combined to create § 121.487 (29 FR 12214).

Since S.R. 386F applied only the monthly and quarterly flight time limitations to pilots serving with multiple flight crews, if § 121.487 (b)-(e) imposed other limitations it would constitute a substantive change and would be contrary to the stated purpose of the recodification program. Accordingly, the FAA is amending paragraphs (b)-(e) of § 121.487 to make them conform to the meaning of S.R. 386F and to the agency's intent in adopting Part 121 as part of the recodification program.

This clarifying amendment removes an unintended restriction and is necessary to be consistent with the stated policy of the FAA governing its regulatory recodification program. Accordingly, I find that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

**DRAFTING INFORMATION**

The principal authors of this document are Charles H. Huettner, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

**THE AMENDMENTS**

In consideration of the foregoing, Part

121 of the Federal Aviation Regulations is amended, effective September 1, 1977, by revising paragraphs (b)-(e) of § 121.487 to read as follows:

**§ 121.487 Flight time limitations: Pilots not regularly assigned.**

(b) The monthly flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot crews in any calendar month, or whose assignment in such a crew is interrupted more than once in that calendar month by assignment to a crew consisting of two or more pilots and an additional flight crewmember, are those set forth in § 121.481.

(c) Except for a pilot covered by paragraph (b) of this section, the monthly and quarterly flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot and additional flight crewmember crews in any calendar month, or whose assignment in such a crew is interrupted more than once in that calendar month by assignment to a crew consisting of three pilots and additional flight crewmember, are those set forth in § 121.483.

(d) The quarterly flight time limitations for a pilot to whom paragraphs (b) and (c) of this section do not apply and who is scheduled for duty aloft for a total of not more than 20 hours within any calendar month in two-pilot crews (with or without additional flight crewmembers) are those set forth in § 121.485.

(e) The monthly and quarterly flight time limitations for a pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in a given calendar month, and who is not subject to paragraph (b), (c), or (d), of this section, are those set forth in § 121.483.

(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)))

**NOTE**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on August 29, 1977.

LANGHORNE BOND,  
Administrator.

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