

121-148

**THURSDAY, OCTOBER 5, 1978
PART II**



**DEPARTMENT OF
TRANSPORTATION**

**Federal Aviation
Administration**

■

**OPERATIONS REVIEW
PROGRAM AMENDMENT
NO. 6**

**General Operating and Flight
Rules and Related Airworthiness
Standards and Crewmember
Training**

**Operations Review
Program Amendment
No. 6**

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17154; Amdt. Nos. 23-22; 25-44; 27-15; 29-16; 91-154; 121-148]

OPERATIONS REVIEW PROGRAM:
AMENDMENT NO. 6General Operating and Flight Rules
and Related Airworthiness Standards
and Crewmember Training

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve certain requirements applicable to aircraft, training programs, and airmen. These amendments are part of the operations review program.

DATES: Effective date December 4, 1978, except for section 121.417 which is September 29, 1978. Compliance dates for certain provisions are different than the effective date.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

HISTORY

These amendments are the sixth in a series of amendments to be issued as part of the operations review program. The following amendments of the series have previously been issued as part of the operations review program:

Title and FR Citation

- Clarifying and Editorial Changes (41 FR 47227; Oct. 28, 1976).
- Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977 amended by 42 FR 32531; June 27, 1977).
- Airspace, Air Traffic and General Operating Rules (to be issued at a later date).
- Development of Major Repair Data (43 FR 3084; Jan. 23, 1978).
- Miscellaneous Amendments (43 FR 22638; May 25, 1978).
- Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft (43 FR 22643; May 25, 1978 amended by 43 FR 28403; June 29, 1978).

These amendments are based on a notice of proposed rule making (notice 77-20) published in the FEDERAL REGISTER on September 1, 1977 (42 FR

44204). All interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below these amendments and reasons for their adoption are the same as those contained in notice 77-20.

DISCUSSION OF COMMENTS

The following discussions are keyed to like-numbered proposals in notice 77-20 and amendments to §§ 121.417, 121.437 and 121.439. Since these amendments to §§ 121.417, 121.437 and 121.439 are clarifying and relaxatory in nature and do not impose a burden on the public, I find that notice and public procedure are unnecessary and that the amendments may be made effective without notice.

Proposal 6-1. Proposed § 91.33(b)(12) would require that safety belts have metal to metal buckles or latching devices. Implementation of this amendment necessitates corollary amendments to the airworthiness provisions of §§ 23.1413, 25.1413, 27.1413 and 29.1413.

Most commenters favored the proposal with some of the commenters suggesting various effective dates for compliance, ranging from 1 to 5 years instead of the 2-year period proposed. These suggestions were based on consideration of equipment availability and the economic burden of purchasing the new type safety belts. Considering these comments, the FAA concluded that a 3-year period for compliance will suffice and the final rule is amended accordingly. One commenter asked whether the "metal to metal" requirement applied to both buckles and latching devices. After further review, the FAA believes that the requirement could be misinterpreted. Since a "buckle" is a "latching device", the word "buckle" is deleted in the rule.

One commenter noted that current § 91.33(b)(12) uses the plural form when referring to "occupants" and "belts". Since it was not FAA's intention to change the current rule in this regard, the plural form is retained.

Proposal 6-2. The proposed revision of § 25.1413 would reflect, in the airworthiness standards, amendments made to § 91.33. See the discussion for proposal 6-1.*Proposal 6-3.* The proposed revision of § 27.1413 would reflect, in the airworthiness standards, amendments

made to § 91.33. See the discussion for proposal 6-1.

Proposal 6-4. The proposed revision of § 29.1413 would reflect, in the airworthiness standards, amendments made to § 91.33. See the discussion for proposal 6-1.*Proposal 6-5.* The proposed revision to § 91.4 would have required a person who releases an aircraft for flight to another person to first determine who intends to serve as pilot in command and to then determine that the pilot in command has current certificates and ratings as required in the regulations.

A large majority of the comments received were unfavorable. Many commenters objected to the proposal on the basis that current rules make the pilot responsible for "being properly certificated and rated for the operation intended and the implementation of one regulation to assist in the enforcement of another is not only unnecessary but would impose an economic burden on the industry. One commenter said the added responsibility imposed upon the "releaser" would involve third parties in possible litigation and the additional inspections would not bring about an increase in safety commensurate with the effort required. Another commenter questioned whether, in light of the wording of § 61.3(h) which limits who can request a person to present his certificate for inspection, the Administrator can, in another rule, designate inspection responsibility to everyone who uses, causes to use, or authorizes the use of aircraft.

A few commenters called attention to the fact that it is just good business to assure that the person to whom they lease aircraft is properly certificated, but there is not sufficient justification to make the lessor responsible for determining all aspects of a pilot's currency.

After consideration of all of the comments received and after further review, the FAA believes that there exists insufficient justification to amend the regulations as proposed. Accordingly, the proposal to amend § 91.4 is withdrawn.

Proposal 6-6. Current § 91.14 requires the pilot in command to ensure that each person on board has been notified, before each takeoff and landing, to fasten that person's safety belt. The proposal would require the pilot in command of the aircraft to insure that each person on board is briefed on how to fasten and unfasten that person's safety belt.

A number of commenters incorrectly concluded that the proposed rule would require the pilot in command to personally conduct the briefing. The proposed rule would only require the

pilot in command to insure that the passengers are briefed.

One commenter stated that the pilot in command could brief the passengers in the event of an emergency. The FAA believes that, when an emergency develops, the pilot in command would not have the time to brief passengers on how to buckle and unbuckle their safety belts.

A few commenters stated that anybody familiar with automobile seat belts should know how to fasten and unfasten airplane safety belts and, therefore, the briefing is unnecessary. The FAA does not agree. Certain aircraft safety belts are different from those used in automobiles and it cannot be assumed that all passengers are familiar with automobile safety belts.

Since the pilot in command is currently responsible to ensure that persons are notified to fasten their safety belts, the FAA believes that little additional effort will be involved for the pilot in command to also ensure that persons on board are briefed on how to fasten and unfasten their safety belts. Accordingly, §91.14 is amended as proposed.

Proposal 6-7. Current §91.21 prohibits a person from operating a civil aircraft for flight instruction unless that aircraft has fully functioning dual controls. The proposed rule would allow the use of a single, functioning, throwover control wheel for instrument flight, instrument flight instruction and simulated instrument flight. The FAA received a large number of favorable responses to this proposal and it is adopted without change.

Proposal 6-8. This proposal would move the 30 minute VFR day fuel reserve requirement, now prescribed in §91.207 (which applies to large and turbojet-powered multiengine airplanes), to a new §91.22 so that this requirement would apply to all airplanes. Additionally, fuel requirements would be added for night VFR flight and rotorcraft operations.

Although a number of commenters supported the proposed amendment, a larger number disagreed. Some of those who disagreed stated that the proposed amendment was an attempt to legislate safety in an area which has been governed by common sense. Judging from the increasing number of fuel exhaustion accidents which occur each year, the FAA believes there must be a more precise means to determine an adequate fuel reserve for VFR flight.

A few commenters stated that the fuel requirements are already contained in §91.5 and that proposed §91.22 was, therefore, redundant. Section 91.5 requires the pilot to be informed regarding "fuel requirements". It does not, however, contain a re-

quirement for fuel reserves beyond the first point of intended landing.

Three commenters favored simplification of the regulation by making the fuel reserves the same for both day and night. One of the commenters favored 1 hour and two favored 30 minutes for both. The FAA believes that the distance between adequately lighted airports warrants the additional fuel reserves for night VFR operation.

One commenter recommended that §91.22 be made consistent with §91.23 by using the term "civil aircraft" instead of "airplane" in §91.22. The FAA agrees and the term "civil aircraft" is used in the title to §91.22.

One commenter suggested that the phrase "normal cruising speed" be used rather than "normal cruising fuel consumption" to make the nomenclature the same as in §91.23(c). The FAA agrees, and §91.22, as adopted, is revised accordingly.

Proposal 6-9. The purpose of proposed §91.23 was to simplify flight planning by eliminating the reference to minimum obstruction clearance altitude (MOCA) and minimum enroute IFR altitude (MEA). A number of commenters said that the proposed revision was somewhat simpler than the current rule but that it was still cumbersome. They suggested that it would be much simpler if criteria were established which would require the pilot to determine only that a certain ceiling and visibility would exist 1 hour before and 1 hour after the estimated time of arrival at the airport of first intended landing. Most commenters supported a ceiling of 2,000 feet above the airport elevation and 3 miles visibility. However, a number of commenters recommended ceilings of 2,500 and 3,000 feet and one commenter suggested a visibility of 4 miles. After further review, the FAA believes that, in the interest of simplicity, this proposal should be modified to require only a ceiling of 2,000 feet above the airport elevation and 3 miles visibility for the period 1 hour before and 1 hour after the estimated time of arrival at the first airport of intended landing.

Another commenter stated that the proposed rule would do little or nothing for safety and would be almost impossible to enforce. The FAA does not agree. The FAA believes that the amendment was designed to provide a simpler and less restrictive means for determining fuel requirements and that the amendment is enforceable.

Additionally, §91.83(b) is amended to make the information required for a flight plan consistent with the ceiling and visibility requirements of §91.23 as adopted. See proposal 6-16.

One commenter suggested that the word "applicable", as used in §91.23(b)(2)(ii), should be explained. Since §91.23, as adopted, deletes the

reference "applicable visibility minimums", this no longer presents a problem. Section 91.23, as adopted, is revised accordingly.

Proposal 6-10. Current §91.25(a)(2) requires an operational check of the VOR within the preceding 10 hours of flight time and within 10 days before flight. Proposed §91.25(a)(2) and (d) would delete the 10-day requirement and predicate the VOR equipment check requirement on 10 hours of flight time. Numerous commenters pointed out that it would be inconsistent to refer to flight time in §91.25(a)(2) and to refer, in §91.25(d), to "tachometer time" and "aircraft time". A number of commenters suggested that only days be used as the guide and a period of 30 days to 90 days would be feasible considering the improved reliability of VOR equipment and the need to reduce the aircraft operator's recordkeeping burden. The FAA agrees. Accordingly, proposed §91.25(a)(2) is revised to require that the VOR equipment be checked at least every 30 days rather than after 10 hours of flight time. Since §91.25(a)(2), as adopted, no longer contains a reference to flight time, there is no longer a need to amend §91.25(d) to require tachometer time, or, in its absence, aircraft time to date. Accordingly, these references are deleted. The FAA believes, after further consideration, that there would be no useful purpose in retaining a permanent record of the VOR equipment check. Therefore, the word "permanent" is deleted in both places where it appears in §91.25(d) as adopted.

Proposal 6-11. Proposed §91.29 would require the pilot in command of a civil aircraft to enter in the aircraft log and maintenance record of the aircraft any mechanical discrepancy noted during flight. The majority of commenters opposed the proposed amendment. They stated that the log and maintenance records are permanent records which should not be cluttered with discrepancies noted by the pilot, the term discrepancy is not defined and, as worded, the proposed amendment stipulates that the discrepancy must be entered in both the aircraft log and maintenance record. They also stated that the proposed rule is unenforceable, the proposed amendment would require the pilot/owners to write a note to themselves and persons operating under part 121, 123, 127, and 135 have established procedures for reporting mechanical irregularities.

After further review and careful consideration of all the comments, the FAA believes that the current regulations are adequate and proposed §91.29 is withdrawn.

Proposal 6-12. This proposal would amend §91.33(b)(12) to require safety

belts to have metal to metal latching devices. See the discussion for proposal 6-1. One commenter called our attention to the fact that current § 91.33(b)(12) states " * * * approved seat belts for all occupants * * * " whereas the proposed amendment states " * * * for each occupant * * * ". Since it was not our intention to make this change, the proposal has been amended to use the wording of the current rule.

Proposal 6-13. This proposal would amend § 91.36(b) to require that the equipment be tested to the maximum operating altitude of the aircraft. Almost all of the comments received were favorable. One commenter asked what is meant by maximum operating altitude and stated that a definition is needed somewhere. The definition is contained in §§ 23.1527, 25.1527, 27.1527, and 29.1527 which describe maximum operating altitude limitations. These limitations are also contained in the aircraft flight manual. The proposed amendment is adopted without change.

Proposal 6-14. Proposed § 91.45(a)(3)(ii) would allow a takeoff on a wet runway with one engine inoperative based solely on engineering findings. Several commenters objected to this proposal, contending that the initial approval must be based upon a demonstration under actual conditions. Other commenters stated that one engine inoperative takeoffs from a wet runway should not be allowed on the basis of analytical data alone. In view of these comments and after further review, this proposal is withdrawn.

Proposal 6-15. Proposed § 91.54(a)(2) would require a typed or printed name and address and the signature of the person responsible for operational control of large aircraft. Two commenters concurred with the proposal as written.

One commenter stated it was not necessary for the Government to regulate the manner in which a form is completed. The commenter further stated that, if the form is not completed in a manner acceptable to the FAA, it should be refused. The FAA believes that it should regulate the manner in which the form is completed and that the person making out the form should know in advance what is acceptable to the FAA. Accordingly, proposed § 91.54(a)(2) is adopted without substantive change.

Proposal 6-16. Proposed § 91.83(b), as adopted, makes the information required for a flight plan consistent with the ceiling and visibility requirements of amended § 91.23. See the discussion for proposal 6-9.

Proposal 6-17. The proposed change to § 91.193 would require a hand fire extinguisher in the passenger com-

partment of each airplane accommodating less than 31 passengers.

The commenters who opposed the rule change stated that the fire extinguisher would add unnecessary weight to the aircraft, would discharge all over the cabin when used, and would create a hazard if it became loose during turbulence. One commenter said that small airplanes which carry up to six passengers usually operate at lower altitudes and can, therefore, be landed readily if an in-flight fire starts.

Another commenter had never heard of an in-flight fire except an engine fire, and that a fire extinguisher in the cabin would be of no help in such a situation. In view of the comments and after review, this proposal is withdrawn.

Proposal 6-18. Proposed § 91.201(b) would require a sideward restraint for under seat baggage. Commenters who opposed the proposed amendment cited the installation costs, extra weight, and out-of-service time for installation of such restraining devices. The FAA believes the costs and added weight would be minimal and justified considering the improved safety provided. After further review, the FAA believes that the operator should be given additional time to install these restraint devices. Accordingly, this amendment provides a compliance date of 1 year from the effective date of this amendment. Since the operator has been given 1 year to make these installations, there should be little or no disruption of flight operations. Commenters also contended that since, in an emergency, most of the forces are forward, there is little tendency for the baggage to move sideward, and, in emergency evacuation demonstrations conducted by the airlines, items of mass placed in the aisle were found to create no delay. The FAA believes that these commenters limited their observations to crash landings where the motion would be forward. Severe turbulence may also create a potential hazard to passengers when large articles become dislodged. The FAA cannot agree that, in emergency evacuation demonstrations, items of mass cause no delay. They cause delay when placed in the aisles during evacuation tests to simulate actual conditions caused by unrestrained under seat items moving into the aisles during a crash landing. Several commenters in favor of the proposal stated that they had observed under seat baggage that moved sideward blocking the aisles during heavy turbulence or emergencies.

Accordingly, § 91.201(b) is adopted as proposed with the delayed compliance date as noted.

Proposal 6-19. The proposed deletion of § 91.207 is related to the pro-

posal for a new § 91.22 (see the discussion for proposal 6-8) which would make the requirement for fuel reserves of 30 minutes for day VFR and 45 minutes for night VFR applicable to all airplanes operated under part 91. No commenters objected to the deletion of current § 91.207 if new § 91.22 is adopted. Since § 91.22 is adopted, § 91.207 is deleted.

Proposal 6-20. No opposing comments were received concerning proposed § 91.213(c). Accordingly, § 91.213(c) is adopted as proposed.

AMENDMENT TO § 121.417

Amendment No. 121-144 (43 FR 22643; May 25, 1978) amended the crewmember emergency training provisions of § 121.417 by requiring each crewmember to actually operate each item of equipment required for the deployment and use of emergency evacuation slides. However, as stated in notice No. 77-12 (42 FR 37417), while flight attendants would be required to operate the associated escape devices during initial and recurrent training, automatic and manual escape chutes need not be deployed each time that the associated exit is cycled.

However, since publication of amendment No. 121-144, it has come to the attention of the FAA that this amendment could be given an overly restrictive interpretation and that further clarification is necessary. Accordingly, this amendment revises § 121.417(c) to make it clear that the emergency drill requirements prescribed for crewmembers apply to both initial and recurrent training. Also, it more clearly specifies that each crewmember is not required to actually operate (removal, transfer, or inflation of the life raft, or slide/raft pack) the equipment specified in paragraphs (c)(6)(v), (c)(6)(vi), and (c)(6)(vii) during emergency drills. Additionally, this amendment clarifies the fact that the evacuation slide need be used only once during each training phase.

Finally, the phrase "or training device" has been inserted in §§ 121.417(c)(6)(v) and (vii) respectively to clarify the fact that the training specified may be conducted in a training device.

Since this amendment is relaxatory and clarifying in nature and does not impose a burden on the public, I find that notice and public procedure are unnecessary and this amendment may be made effective without notice.

AMENDMENT TO § 121.437

Amendment No. 121-144 (43 FR 22643; May 25, 1978) amended § 121.437(b) to require pilots to hold a category and class ratings appropriate for the type of aircraft being used. After the amendment to § 121.437(b)

PART 91—GENERAL OPERATING AND FLIGHT RULES

5. By amending § 91.14 by amending the heading; by redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a)(2) and (a)(3) respectively; by amending paragraph (b) by deleting "(a)(2)" and substituting "(a)(3)"; and by adding a new paragraph (a)(1) to read as follows:

§ 91.14 Use of safety belts.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off a U.S. registered civil aircraft (except a free balloon that incorporates a basket or gondola and an airship) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten that person's safety belt.

6. By amending § 91.21 (a) and (b)(3) to read as follows:

§ 91.21 Flight instruction: simulated instrument flight and certain flight tests.

(a) No person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning, dual controls. However, instrument flight instruction may be given in a single-engine airplane equipped with a single, functioning throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when:

(1) The instructor has determined that the flight can be conducted safely; and

(2) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(b) * * *

(3) Except in the case of lighter-than-air aircraft, that aircraft is equipped with fully functioning dual controls. However, simulated instrument flight may be conducted in a single-engine airplane, equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when—

(i) The safety pilot has determined that the flight can be conducted safely; and

(ii) The person manipulating the control has at least a private pilot certificate with appropriate category and class ratings.

7. By adding a new § 91.22 to read as follows:

ADOPTION OF THE AMENDMENTS

Accordingly, parts 23, 25, 27, 29, 91, and 121 of the Federal Aviation Regulations (14 CFR Parts 23, 25, 27, 29, 91, and 121 are amended as follows, effective December 4, 1978, except for § 121.417 which is effective September 29, 1978.

PART 23—AIRWORTHINESS STANDARDS; NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

1. By amending § 23.1413 by adding a new paragraph (c) to read as follows:

§ 23.1413 Safety belts and harnesses.

(c) Each safety belt must be equipped with a metal to metal latching device.

PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES

2. By amending § 25.1413 by adding a new paragraph (d) to read as follows:

§ 25.1413 Safety belts.

(d) Each safety belt must be equipped with a metal to metal latching device.

PART 27—AIRWORTHINESS STANDARDS; NORMAL CATEGORY ROTORCRAFT

3. By amending § 27.1413 by adding a new paragraph (c) to read as follows:

§ 27.1413 Safety belts.

(c) Each safety belt must be equipped with a metal to metal latching device.

PART 29—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT

4. By amending § 29.1413 by designating the current provision as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 29.1413 Safety belts: passenger warning device.

(b) Each safety belt must be equipped with a metal to metal latching device.

became effective, the FAA was informed by the Air Transportation Association (ATA) that this amendment would be extremely costly and very difficult for the airlines to comply within the specified time, as it would require the airlines to provide aircraft flight checks for more than 5,000 pilots to obtain the required category and class ratings. Consequently, the effective date of § 121.437(b) was extended to July 1, 1980, by amendment No. 121-146 (43 FR 28403; June 29, 1978).

In addition, ATA stated the training provided to pilots, other than pilots in command, under the provisions of part 121 and the proficiency checks requirements of § 121.441 are equivalent to the standards required for a commercial pilot to obtain an airplane category and class rating.

Accordingly, § 121.437(b) is amended to allow pilots who are currently employed by a certificate holder and have satisfactorily completed the approved training program under subpart O, including the proficiency flight check required by § 121.441, of this part, to be issued the appropriate category and class rating by presenting proof of compliance with those requirements to an Air Carrier or Flight Standards District Office. The FAA believes that this amendment would provide an equivalent level of safety.

To delay this amendment would pose an undue burden to the certificate holders and pilots affected by the amendment. For this reason, the FAA has determined notice and public procedure hereon are impractical and contrary to the public interest.

AMENDMENT TO § 121.439

Amendment No. 121-144 (43 FR 22643; May 25, 1978) amended § 121.439(c)(2) to require pilots to be currently qualified in another airplane of the same group prior to that pilot receiving recency of experience training in a visual simulator.

After further review, the FAA believes that this requirement is too restrictive in that it would not allow certificate holders that operate only one type of airplane in the same group to allow their pilots to use a visual simulator to reestablish recency of experience requirements, as it would be impossible for their pilots to be dual qualified, or currently qualified in another airplane of the same group. This amendment deletes § 121.439(c)(2) and allows use of the visual simulator to reestablish recency of experience requirements. As these changes are relaxatory and clarifying in nature and do not impose a burden on the public, notice and public procedure are unnecessary and these changes are adopted as noted.

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§ 91.22 Fuel requirements for flight under VFR.

(a) No person may begin a flight in an airplane under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed--

- (1) During the day, to fly after that for at least 30 minutes; or
(2) At night, to fly after that for at least 45 minutes.

(b) No person may begin a flight in a rotorcraft under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 20 minutes.

8. By revising § 91.23 to read as follows:

§ 91.23 Fuel requirements for flight in IFR conditions.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts, and weather conditions) to--

- (1) Complete the flight to the first airport of intended landing;
(2) Fly from that airport to the alternate airport; and
(3) Fly after that for 45 minutes at normal cruising speed.

(b) Paragraph (a)(2) of this section does not apply if--

(1) Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing; and

(2) For at least 1 hour before and 1 hour after the estimated time of arrival at the airport, the weather reports or forecasts or any combination of them, indicate--

- (i) The ceiling will be at least 2,000 feet above the airport elevation; and
(ii) Visibility will be at least 3 miles.

9. By revising § 91.25 (a)(2) and (d) to read as follows:

§ 91.25 VOR equipment check for IFR operations.

(a) ...
(2) Has been operationally checked within the preceding 30 days and was found to be within the limits of the permissible indicated bearing error set forth in paragraph (b) or (c) of this section.

(d) Each person making the VOR operational check as specified in paragraph (b) or (c) of this section shall enter the date, place, bearing error, and sign the aircraft log or other record. In addition, if a test signal radiated by a repair station, as specified

in paragraph (b)(1) of this section, is used, an entry must be made in the aircraft log or other record by the repair station certificate holder or the certificate holder's representative certifying to the bearing transmitted by the repair station for the check and the date of transmission.

10. By revising § 91.33(b)(12) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: instrument and equipment requirements.

(b) ...
(12) Except as to airships, an approved safety belt for all occupants who have reached their second birthday. After December 4, 1980, each safety belt must be equipped with an approved metal to metal latching device. The rated strength of each safety belt shall not be less than that corresponding with the ultimate load factors specified in the current applicable aircraft airworthiness requirements considering the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of each safety belt shall be replaced as required by the Administrator.

§ 91.36 [Amended]

11. By inserting the words "for altitudes from sea level to the maximum operating altitude of the aircraft" immediately before the semicolon and the word "or" at the end of § 91.36(b).

12. By revising § 91.54(a)(2) to read as follows:

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

(a) ...
(2) The name and address (printed or typed) and the signature of the person responsible for operational control of the aircraft under the lease or contract of conditional sale, and certification that each person understands that person's responsibilities for compliance with applicable Federal Aviation Regulations.

13. By amending § 91.83(b) to read as follows:

§ 91.83 Flight plan; information required.

(b) Exceptions to applicability of paragraph (a)(9) of this section. Paragraph (a)(9) of this section does not apply if part 97 of this subchapter pre-

scribes a standard instrument approach procedure for the first airport of intended landing and, for at least one hour before and one hour after the estimated time of arrival, the weather reports or forecasts or any combination of them, indicate--

- (1) The ceiling will be at least 2,000 feet above the airport elevation; and
(2) Visibility will be at least 3 miles.

14. By revising § 91.201(b) to read as follows:

§ 91.201 Carry-on-baggage.

(b) Under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter, or the requirements of the regulations under which the airplane was type certificated. After December 4, 1979 restraining devices must also limit sideward motion of under-seat baggage and be designed to withstand crash impacts severe enough to induce sideward forces specified in § 25.561(b)(3) of this chapter.

§ 91.207 [Deleted]

15. By deleting § 91.207.
16. By amending § 91.213(c) to read as follows:

§ 91.213 Second in command requirements.

(c) No person may designate a pilot to serve as second in command nor may any pilot serve as second in command of an airplane required under this section to have two pilots, unless that pilot meets the qualifications for second in command prescribed in § 61.55 of this chapter.

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

17. By amending § 121.417 effective September 29, 1978 as follows:

1. By amending paragraph (c)(1) by deleting the words "and use of" and substituting the words "of the".

2. By amending paragraph (c)(4) by adding at the end the words "including the use of a slide."

3. By amending paragraphs (c)(6)(vii) by deleting the word "aircraft" and substituting the word "airplane".

4. By amending paragraphs (c)(6)(v) and (c)(6)(vii) by adding the phrase

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"(or training device)" after the word "airplane".

5. By revising paragraph (c) to read as follows:

§ 121.417 Crewmember emergency training.

(c) Each crewmember must perform at least the following emergency drills and (except with respect to the equipment specified in paragraphs (c)(6)(v), (c)(6)(vi), and (c)(6)(vii) of this paragraph) actually operate the following emergency equipment during initial training and once each 24 calendar months during recurrent training on each type aircraft in which they are to serve. Each crewmember is only required to participate in one emergency evacuation using a slide during initial training and each 24 calendar months during recurrent training. (Alternate periods required by § 121.433(c) may be accomplished by

approved pictorial presentation or demonstration).

18. By revising § 121.437(b) to read as follows:

§ 121.437 Pilot qualification: certificates required.

(b) After July 1, 1980, no certificate holder may use nor may any pilot act as a pilot in a capacity other than those specified in paragraph (a) of this section unless the pilot holds at least a commercial pilot certificate with appropriate category and class ratings for the aircraft concerned, and an instrument rating. Notwithstanding the requirements of §§ 61.63 (b) and (c), until July 1, 1980, a pilot who is currently employed by a certificate holder and meets applicable training requirements of subpart O, and the

proficiency check requirements of § 121.441 of this part, may be issued the appropriate category and class ratings by presenting proof of compliance with those requirements to an Air Carrier or Flight Standards District Office.

§ 121.439 [Amended]

- 19. By amending § 121.439 as follows:
1. By deleting paragraph (c)(2).
2. By renumbering paragraph (c)(3) as (c)(2).
3. By inserting "(c)(2)" in place of "(c)(3)" in paragraph (d).

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 28, 1978.

LANGHORNE BOND, Administrator.

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