

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 8718; Amdt. No. 121-17]

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

Emergency Flotation Equipment

The purpose of this amendment is to require that each large airplane used in certain overwater operations under Part 121 be equipped with either a life preserver or some other flotation means (such as buoyant seat cushions) for each occupant.

This amendment was originally proposed as a notice of proposed rule making issued as Notice No. 65-12 and published in the FEDERAL REGISTER on June 19, 1965 (30 F.R. 7963).

Most of the written comments that were received favored the proposed amendment. One comment objected to the proposed regulation stating that a severe economic burden would be imposed on Part 121 operators if this regulation were adopted, as proposed. This objection was based upon the assumption that the regulation would require those operators who had voluntarily equipped their aircraft with floatable seat cushions to replace them with flotation means that meet the requirements of TSO-C72. This comment also stated that the words "any overwater operation" were inadequate, and could lead to misinterpretation.

With respect to the former comment, it is not the intent of this regulation to impose any additional burden on those Part 121 operators that have voluntarily installed adequate flotation means in

their airplanes. Many of these flotation means were installed before the issuance of a relevant TSO and were not otherwise approved. However, even though such flotation means were not approved when installed, if the Agency determines that these flotation means are adequate, they will be approved. Further, once a flotation means is approved, whether under a TSO or otherwise, that approval is not affected by a later TSO, unless the regulation requiring the approval is specifically amended to refer to the later TSO.

With respect to the latter comment, the Agency wishes to make it clear that this regulation applies to all airplanes operating under Part 121 that take off, hold, approach, or land over a body of water such as a lake, coastal water, or river. The regulation also applies to those airplanes operating en route over such a body of water. Since most of the airplanes operating under Part 121 fly over water they will be required to have this emergency flotation equipment aboard. However, the Agency agrees that the regulation should not be arbitrarily applied to a body of water that is of such a size and depth that should the flight of an airplane terminate therein the use of life preservers or flotation means would not be necessary for the survival of its occupants. Therefore, in the event that an operator is of the opinion that a particular operation may be conducted over water without life preservers or flotation means the regulation as adopted further provides that, upon proper showing by that operator, the Administrator may approve such operation. When such approval has been obtained it will be placed in the operations specifications of the operator concerned.

Section 121.521(a) is being amended by inserting the word "flight" before the word "crewmember" to correct a typographical error that occurred in the recodification of that section. As amended, this paragraph is consistent with the section heading and with its predecessor,

CAR section 42.321.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

In consideration of the foregoing, and for the reasons set forth in Notice No. 65-12, Part 121 of the Federal Aviation Regulations is amended effective February 27, 1966, as follows:

1. A new section is added to follow § 121.339 to read as follows:

§ 121.340 Emergency flotation means.

(a) Except as provided in paragraph (b) of this section, after March 1, 1967, no person may operate a large airplane in any overwater operation unless it is equipped with life preservers in accordance with § 121.339(a)(1), or with an approved flotation means for each occupant. This means must be within easy reach of each seated occupant and must be readily removable from the airplane.

(b) Upon application by the air carrier or commercial operator, the Administrator may approve the operation of an airplane over water without the life preservers or flotation means required by paragraph (a) of this section, if the air carrier or commercial operator shows that the water over which the airplane is to be operated is not of such size and depth that life preservers or flotation means would be required for the survival of its occupants in the event the flight terminates in that water.

§ 121.521 [Amended]

2. Paragraph (a) of § 121.521 is amended by inserting the word "flight" after the words "one additional".

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, and 1424)

Issued in Washington, D.C., on January 21, 1966.

WILLIAM F. MCKEE,
Administrator.

(as published in the Federal Register /31 F.R. 1146/ on January 28, 1966)

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