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**Department of
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**14 Parts 119, 121, and 135
Operating Requirements: Domestic, Flag,
Supplemental, Commuter, and On-
Demand Operations; Editorial and
Terminology Changes; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 119, 121, and 135**

[Docket No. 28154; Amendment Nos. 119-1, 121-253, and 135-60]

RIN 2120-AG03

Operating Requirements: Domestic, Flag, Supplemental, Commuter, and On-Demand Operations: Editorial and Terminology Changes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts changes to certain references and language in the regulations governing the operations of certificate holders under parts 121 and 135. Many of these changes are made necessary as a result of the issuance of new part 119, which has made numerous references in parts 121 and 135 incorrect or obsolete. The changes to parts 121 and 135 in this amendment will not impose any additional restrictions on persons affected by these regulations.

EFFECTIVE DATE: February 26, 1996.

FOR FURTHER INFORMATION CONTACT: Linda Williams, Office of Rulemaking (ARM-); Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-9685.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 1995, new part 119, Certification: Air Carriers and Commercial Operators, was published in the *Federal Register* (60 FR 65913; December 20, 1995). Part 119 reorganizes, into one part, certification and operations specifications requirements that formerly existed in SFAR 38-2 and in parts 121 and 135. The final rule for new part 119 also deleted or changed certain sections in part 121, Subparts A—D, and part 135, Subpart A, because most of the requirements in those subparts appear in part 119. This amendment makes editorial and terminology changes in the remaining subparts of parts 121 and 135 to conform those parts to the language of part 119 and to make certain other changes.

Part 119 was issued as part of a large rulemaking effort to upgrade the requirements that apply to scheduled operations conducted in airplanes that seat 10 to 30 passengers. These operations will in the future be conducted under the requirements of

part 121, in accordance with the final rule published on December 20, 1995. The changes in this final rule are necessary as a result of the issuance of part 119, and as "house-keeping" items for commuter operations affected by the final rule published on December 20, 1995. These changes are consistent with the commuter rule.

Editorial Changes

The new part 119 and revisions to parts 121 and 135 require certain editorial changes. These changes are being made for clarity and consistency and to facilitate combining the certification requirements of parts 121 and 135 into new part 119. None of these changes impose any additional requirements on persons affected by the regulations.

The following are examples of changes being made in this final rule to the sections remaining in part 121 and part 135 in order to make these sections consistent with each other and with new part 119 and to reflect current FAA administrative procedures:

(1) References to "domestic, flag, or supplemental air carriers" have been changed to "domestic, flag, or supplemental operations," or "certificate holder conducting domestic, flag, or supplemental operations," as appropriate. Likewise, the term "commercial operator" has been changed to refer to the type of operation, such as "domestic operation," or to "certificate holder."

(2) References to an "ATCO Operating Certificate" have been changed to "Air Carrier Operating Certificate or Operating Certificate."

(3) References to "Flight Standards District Office" and "District Office" have been changed to "certificate-holding district office."

(4) Language changes have been made for consistency and to facilitate computer searches for certain terms; for example, "principal operations base" is changed to "principal base of operations."

(5) Obsolete compliance dates have been removed. These dates were originally included in the regulations as a convenience to give certificate holders the schedule for complying with certain regulations. Now that these dates are past, they are being removed.

(6) References to the operation of rotorcraft have been removed from part 121 because, as a result of SFAR 38-2 and new part 119, all rotorcraft operations are now conducted under part 135.

(7) Additionally, a correction is being made to § 135.227(f) concerning operations in icing conditions. When

the agency inserted a new paragraph (b) in § 135.227 as part of the ground deicing final rule, and agency neglected to update certain references in what is now paragraph (f). This amendment corrects that oversight.

(8) The definition of "scheduled operation" is corrected to the verbiage that appeared in the NPRM to eliminate a redundancy in the language.

(9) Although the preamble states that section 119.58 is removed, the final rule language contained that section. Therefore, section 119.58 is removed. Likewise, section 121.6 is removed for the same reason.

(10) In the preamble to the final rule, the FAA states that section 119.71, requirements for the Director of Maintenance, requires 3 years of experience within any amount of time; however the rule language for that section reads "3 years of experience within 3 years . . ." in both (e)(1) and (2). The FAA corrects the rule language to indicate this.

Age 60 Rule

In the final rule published at 60 FR 65832, the delayed pilot age limitation contained an error as to which pilots it applies. Section 121.2(i)(1) provides for delayed implementation of the Age 60 Rule (§ 121.383(c)) for certain pilots. Section 121.2(i)(2) defined those pilots as those employed by covered certificate holders "on or before March 20, 1997." The intent, however, was to include only those pilots employed on March 20, 1997. See, for instance, the discussion in the preamble at 60 FR 65843. Accordingly, the words "or before" are being deleted from the rule.

In addition, the FAA has received questions about the applicability of § 121.2(i) to pilots employed by certificate holders with "split certificates." An air carrier with a "split certificate" in this instance means an air carrier with authority to engage in both operations that have in the past been under part 121 (and will continue to be under part 121), and operations described in § 121.2(a)(1) (which have been under part 135 but will be under part 121 under the new rule). Some people have asked whether a pilot who is employed by a certificate holder with a "split certificate" on March 20, 1997, is under the delayed compliance described in § 121.2(i). The answer depends on the type of operations in which the pilot is employed on March 20, 1997. If the pilot is employed in operations described in § 121.2(a)(1) on that date, the pilot may serve as a pilot in such operations until December 20, 1999. If the pilot is not employed in such operations on March 20, 1997, the

pilot may not serve in § 121.2(a)(1) operations after March 20, 1997. To clarify this, § 121.2(i)(2) is being amended to provide that the delayed compliance for the Age 60 Rule depends on the operations in which the pilot is employed on March 20, 1997. In addition, § 121.2(i)(1) is being amended to provide that a pilot who has reached the age of 60 may only be used in operations covered in § 121.2(a)(1).

There has been some confusion regarding the overall impact of the delayed compliance date for the Age 60 Rule. The following discussion should assist in understanding the rule.

The delayed compliance described in § 121.2(i) applies only to those operations described in § 121.2(a)(1), which identifies those commuter operations that were under part 135 and will transition to part 121 rules (that is, the "covered operations"). The application of the Age 60 Rule to certificate holders who have in the past been under part 121 is not affected.

On and before March 20, 1997, certificate holders may hire and use pilots in covered operations regardless of age.

Starting on March 21, 1997, and through December 19, 1999, a certificate holder may hire and use in covered operations only the following pilots:

- persons who have not reached age 60;
- persons who, on March 20, 1997, were employed by that certificate holder as pilots in covered operations, regardless of current age; and
- persons who, on March 20, 1997, were employed by another certificate holder as pilots in covered operations, regardless of current age.

Starting on December 20, 1999, no pilots who have reached their 60th birthdays will be permitted in covered operations. As of that date, all operations under part 121 will be fully in compliance with the Age 60 Rule.

In addition, in the appendix to this amendment, the FAA republishes four charts, Tables 1 through 4, contained in the final rule to correct minor errors made during the publication process.

Federalism Implications

The regulations do not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among various levels of government. Thus, in accordance with Executive Order 12612, it is determined that such a regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

Paperwork Reduction Act

The information collection requirements associated with this rule have already been approved. There will be no increase or decrease in paperwork requirements as a result of these amendments, since the changes are completely editorial in nature.

Good Cause Justification for Immediate Adoption

This amendment is needed to conform parts 121 and 135 to the terminology of new part 119. In view of the need to expedite these changes, and because the amendment is editorial in nature and would impose no additional burden on the public, I find that notice and opportunity for public comment before adopting this amendment is unnecessary.

Conclusion

The FAA has determined that this regulation imposes no additional burden on any person. Accordingly, it has been determined that the action: (1) is not a significant rule under Executive Order 12866; and (2) is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); Also, because this regulation is of editorial nature, no impact is expected to result and a full regulatory evaluation is not required. In addition, the FAA certifies that the rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

14 CFR Part 119

Administrative practice and procedures, Air carriers, Air taxis, Aircraft, Aviation safety, Charter flights, Commuter operations, Reporting and recordkeeping requirements.

14 CFR part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights, Reporting and recordkeeping requirements.

14 CFR part 135

Aircraft, Airplane, Airworthiness, Air transportation.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends the Federal Aviation Regulations (14 CFR parts 119, 121 and 135) as follows:

PART 119—CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS

1. The authority citation for part 119 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

2. In section 119.3, the definition of "scheduled operation" is revised to read as follows:

§ 119.3 Definitions.

* * * * *

Scheduled operation means any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificate holder or its representative offers in advance the departure location, departure time, and arrival location. It does not include any operation that is charter operation.

* * * * *

3. § 119.58 [Removed]

Section 119.58 is removed.

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

4. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

5. Section 121.2 is amended by revising paragraphs (d)(1)(i) introductory text, (d)(2)(i) introductory text and (e)(1)(ii), and paragraph (i) to read as follows:

§ 121.2 Compliance schedule for operators that transition to part 121; certain new entrant operators.

* * * * *

(d) * * *

(1) * * *

(i) December 20, 1997:

* * * * *

(2) * * *

(i) December 20, 1997:

* * * * *

(e) * * *

(1) * * *

(ii) Manufactured on or after December 20, 1997; Section 121.317(a), Fasten seat belt light.

* * * * *

(i) *Delayed pilot age limitation.* (1) Notwithstanding § 121.383(c), and except as provided in paragraph (i)(2) of this section, a certificate holder may use the services of a person as a pilot in

operations covered by paragraph (a)(1) of this section after that person has reached his or her 60th birthday, until December 20, 1999. Notwithstanding § 121.383(c), and except as provided in paragraph (i)(2) of this section, a person may serve as a pilot in operations covered by paragraph (a)(1) of this section after that person has reached his or her 60th birthday, until December 20, 1999.

(2) This paragraph applies only to persons who were employed as pilots by a certificate holder in operations covered by paragraph (a)(1) of this section on March 20, 1997.

6. § 121.6 [Removed]

Section 121.6 is removed.

Subpart E—Approval of Routes: Domestic and Flag Operations

6. The heading for subpart E is revised to read as set forth above.

7. Section 121.91 is revised to read as follows:

§ 121.91 Applicability.

This subpart prescribes rules for obtaining approval of routes by certificate holders conducting domestic or flag operations.

§ 121.93 [Amended]

8. Section 121.93 is amended in paragraph (a) by removing the words "domestic or flag air carrier" and adding, in their place, the words "certificate holder conducting domestic or flag operations" and in paragraph (b) by removing the words "air carrier" and adding, in their place, the words "certificate holder."

§ 121.95 [Amended]

9. Section 121.95 is amended in paragraph (a) by removing the words "flag air carriers" and adding, in their place, the words "certificate holders conducting flag operations" and in paragraph (b) by removing the words "air carrier's" and adding, in their place, the words "certificate holder's."

§ 121.97 [Amended]

10. Section 121.97 is amended in paragraphs (a) and (b) by removing the words "domestic and flag air carrier" and adding, in their place, the words "certificate holder conducting domestic or flag operations" and in paragraph (c) by removing the words "Flight Standards District Office" and adding, in their place, the words "certificate-holding district office." This section is further amended in paragraph (b) by removing from the beginning of the paragraph the words "After September 9, 1981," and capitalizing the following word.

11. Section 121.99 is revised to read as follows:

§ 121.99 Communications facilities.

Each certificate holder conducting domestic or flag operations must show that a two-way air/ground radio communication system is available at points that will ensure reliable and rapid communications, under normal operating conditions, over the entire route (either direct or via approved point-to-point circuits) between each airplane and the appropriate dispatch office, and between each airplane and the appropriate air traffic control unit. For all operations by certificate holders conducting domestic operations and for certificate holders conducting flag operations in the 48 contiguous States and the District of Columbia, the communications systems between each airplane and the dispatch office must be independent of any system operated by the United States.

§ 121.101 [Amended]

12. Section 121.101 is amended in paragraphs (a) and (d) by removing the words "domestic and flag air carrier" and adding, in their place, the words "certificate holder conducting domestic or flag operations" and in paragraphs (b), (c), and (e) by removing the words "domestic or flag air carrier" and adding, in their place, the words "certificate holder conducting domestic or flag operations." This section is further amended by removing the words "by December 31, 1977," from the beginning of paragraph (d) and capitalizing the following word, and by removing paragraph (e).

§ 121.103 [Amended]

13. Section 121.103 is amended in paragraph (a) by removing the words "domestic and flag air carrier" and adding, in their place, the words "certificate holder conducting domestic or flag operations" and by removing the words "air carrier's" and adding, in their place, the words "certificate holder's." This section is further amended in paragraph (b) by removing the words "air carrier" and adding, in their place, the words "certificate holder."

14. Section 121.105 is revised to read as follows:

§ 121.105 Servicing and maintenance facilities.

Each certificate holder conducting domestic or flag operations must show that competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) are available at such points along the certificate holder's route as are

necessary for the proper servicing, maintenance, and preventive maintenance of airplanes and auxiliary equipment.

15. Section 121.107 is revised to read as follows:

§ 121.107 Dispatch centers.

Each certificate holder conducting domestic or flag operations must show that it has enough dispatch centers, adequate for the operations to be conducted, that are located at points necessary to ensure proper operational control of each flight.

Subpart F—Approval of Areas and Routes for Supplemental Operations

16. The heading for subpart F is revised to read as set forth above.

17. Section 121.111 is revised to read as follows:

§ 121.111 Applicability.

This subpart prescribes rules for obtaining approval of areas and routes by certificate holders conducting supplemental operations.

§ 121.113 [Amended]

18. Section 121.113 is amended in paragraphs (a) and (b) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, "certificate holder conducting supplemental operations." This section is further amended in paragraph (b) by removing the words "air carrier or commercial operator" and adding, in their place the words "certificate holder" and by removing the words "air carrier's or commercial operator's" and adding, in their place, the words "certificate holder's."

§ 121.115 [Amended]

19. Section 121.115 is amended in paragraph (b) by removing the words "air carrier's or commercial operator's" and adding, in their place, the words "certificate holder's."

§ 121.117 [Amended]

20. Section 121.117 is amended in paragraph (a) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations;" in paragraph (b) by removing the words "supplemental air carrier and commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations;" and in paragraph (c) by removing the words "Flight Standards District Office" wherever they appear and adding, in their place, the words "certificate-holding district office." This section is

further amended in paragraph (b) by removing "After September 9, 1981," from the beginning of the paragraph and by capitalizing the following word.

§ 121.119 [Amended]

21. Section 121.119 is amended in paragraphs (a) and (b) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations" and in paragraph (a) by removing the words "air carrier or commercial operator" and adding, in their place, the words "certificate holder."

§ 121.121 [Amended]

22. Section 121.121 is amended in paragraph (a) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations" and in paragraph (c) by removing the words "air carrier's or commercial operator's" and adding, in their place, the words "certificate holders."

23. Section 121.123 is revised to read as follows:

§ 121.123 Servicing maintenance facilities.

Each certificate holder conducting supplemental operations must show that competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) are available for the proper servicing, maintenance, and preventive maintenance of aircraft and auxiliary equipment.

§ 121.125 [Amended]

24. Section 121.125 is amended in paragraphs (a) and (b) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations" and in paragraph (d) by removing the words "supplemental air carrier's or commercial operator's" and adding, in their place, the words "certificate holder's." This section is further amended in paragraph (b) by removing the words "air carrier or commercial operator" and adding, in their place, the words "certificate holder."

§ 121.127 [Amended]

25. Section 121.127 is amended in paragraphs (a) and (b) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations" and in paragraph (a)(1)(ii) by removing the words "air carrier or commercial operator" and adding, in their place, the words "certificate holder."

§ 121.139 [Amended]

26. Section 121.139 is amended in the section heading by removing the words "supplemental air carriers and commercial operators" and adding, in their place, the words "supplemental operations;" in paragraph (a) by removing the words "supplemental air carrier and commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations;" and in paragraph (b) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations." This section is further amended in paragraph (a) by adding the words "of operations" after the words "principal base."

27. Section 121.207 is revised to read as follows:

§ 121.207 Provisionally certificated airplanes: Operating limitations.

In addition to the limitations in § 91.317 of this chapter, the following limitations apply to the operation of provisionally certificated airplanes by certificate holders:

(a) In addition to crewmembers, each certificate holder may carry on such an airplane only those persons who are listed in § 121.547(c) or who are specifically authorized by both the certificate holder and the Administrator.

(b) Each certificate holder shall keep a log of each flight conducted under this section and shall keep accurate and complete records of each inspection made and all maintenance performed on the airplane. The certificate holder shall make the log and records made under this section available to the manufacturer and the Administrator.

28. Section 121.303 is amended by revising paragraph (d)(2) and removing paragraph (d)(3) as follows:

§ 121.303 Airplane instruments and equipment.

* * * * *

(d) * * *

(2) Instruments and equipment specified in §§ 121.305 through 121.321, 121.359, and 121.360 for all operations, and the instruments and equipment specified in §§ 121.323 through 121.351 for the kind of operation indicated, wherever these items are not already required by paragraph (d)(1) of this section.

§ 121.314 [Amended]

29. Section 121.314 is amended by removing the words "After March 20, 1991," from the beginning of paragraph (a) and by capitalizing the following word.

§ 121.319 [Amended]

30. Section 121.319 is amended by removing the words "After September 8, 1975" from the beginning of paragraph (a) and by removing the words "After December 1, 1980," from the beginning of paragraph (b)(1) and by capitalizing the following word.

§ 121.351 [Amended]

31. Section 121.351 is amended in paragraph (b) by removing the words "flag or supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting a flag or supplemental operation or a domestic operation within the State of Alaska."

§ 121.373 [Amended]

32. Section 121.373 is amended in paragraph (c) by removing the words "Flight Standards District Office" and adding, in their place, the words "certificate-holding district office."

33. Section 121.385(c) is revised to read as follows:

§ 121.385 Composition of flight crew.

* * * * *

(c) The following minimum pilot crews apply:

(1) *Domestic operations.* If a certificate holder conducting domestic operations is authorized to operate under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots and the certificate holder shall designate one pilot as pilot in command and the other second in command.

(2) *Flag operations.* If a certificate holder conducting flag operations is authorized to operate under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots.

(3) *Supplemental operations.* If a certificate holder conducting supplemental operations operates large aircraft, the minimum pilot crew is two pilots and the certificate holder shall designate one pilot as pilot in command and the other second in command.

* * * * *

34. Section 121.395 is revised to read as follows:

§ 121.395 Aircraft dispatcher: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall provide enough qualified aircraft dispatchers at each dispatch center to ensure proper operational control of each flight.

§ 121.404 [Removed]

35. Section 121.404 is removed. (This removal supersedes the revision published at 60 FR 65948 December 20, 1995.)

§ 121.405 [Amended]

36. Section 121.405 is amended in paragraph (e) by removing the words "FAA Flight Standards District Office charged with the overall inspection of the certificate holder's operations" and adding, in their place, the words "certificate-holding district office."

§ 121.437 [Amended]

37. Section 121.437 is amended in paragraph (a) by removing the words "air carrier or commercial operator" and in paragraph (c) by removing the words "After July 1, 1980," from the beginning, capitalizing the following word, and removing the second sentence of paragraph (c).

§ 121.440 [Amended]

38. Section 121.440 is amended in paragraph (b) by removing the words "air carrier pilots" and adding, in their place, the word "operations;" in paragraph (b)(2) by removing the words "air carrier's" and adding, in their place, the words "certificate holder's;" and in paragraph (c) by removing the words "air carrier and commercial operators" and adding, in their place, the word "operations."

Subpart P—Aircraft Dispatcher Qualifications and Duty Time

Limitations: Domestic and Flag Operations; Flight Attendant Duty Period Limitations and Rest Requirements: Domestic, Flag, and Supplemental Operations

39. The heading for subpart P is revised to read as set forth above.

40. Section 121.461 is revised to read as follows:

§ 121.461 Applicability.

This subpart prescribes—

(a) Qualifications and duty time limitations for aircraft dispatchers for certificate holders conducting domestic flag operations; and

(b) Duty period limitations and rest requirements for flight attendants used by certificate holders conducting domestic, flag, or supplemental operations.

41. Section 121.465 is revised to read as follows:

§ 121.465 Aircraft dispatcher duty time limitations: Domestic and flag operations.

(a) Each certificate holder conducting domestic or flag operations shall establish the daily duty period for a dispatcher so that it begins at a time that allows him or her to become thoroughly familiar with existing and anticipated weather conditions along the route before he or she dispatches any airplane. He or she shall remain on duty

until each airplane dispatched by him or her has completed its flight, or has gone beyond his or her jurisdiction, or until he or she is relieved by another qualified dispatcher.

(b) Except in cases where circumstances or emergency conditions beyond the control of the certificate holder require otherwise—

(1) No certificate holder conducting domestic or flag operations may schedule a dispatcher for more than 10 consecutive hours of duty;

(2) If a dispatcher is scheduled for more than 10 hours of duty in 24 consecutive hours, the certificate holder shall provide him or her a rest period of at least eight hours at or before the end of 10 hours of duty.

(3) Each dispatcher must be relieved of all duty with the certificate holder for at least 24 consecutive hours during any seven consecutive days or the equivalent thereof within any calendar month.

(c) Notwithstanding paragraphs (a) and (b) of this section, a certificate holder conducting flag operations may, if authorized by the Administrator, schedule an aircraft dispatcher at a duty station outside of the 48 contiguous States and the District of Columbia, for more than 10 consecutive hours of duty in a 24-hour period if that aircraft dispatcher is relieved of all duty with the certificate holder for at least eight hours during each 24-hour period.

§ 121.467 [Amended]

42. Section 121.467 is amended as follows:

a. In the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations."

b. In paragraphs (a), (b), and (c) by removing the words "domestic, flag, or supplemental air carrier or commercial operator" wherever they appear and adding, in their place, the words "certificate holder conducting domestic, flag, or supplemental operations."

c. In paragraph (b) by removing the words "air carrier or commercial operator" wherever they appear and adding, in their place, the words "certificate holder."

d. In paragraph (b) by removing the words "air carrier's or the commercial operator's" wherever they appear and adding, in their place, the words "certificate holder's."

e. In paragraph (b)(11) by removing the words "air carrier or operator" and adding, in their place, the words "certificate holder."

f. In paragraph (b)(13) by removing the words "domestic, flag, or supplemental air carrier" and adding, in

their place, the words "certificate holder conducting domestic, flag, or supplemental operations."

g. In paragraph (c)(2) by removing the words "FAA Flight Standards District Office that is charged with the overall inspection of the certificate holder's operations" and adding, in their place, the words "certificate-holding district office."

Subpart Q—Flight Time Limitations and Rest Requirements: Domestic Operations

43. The heading for subpart Q is revised to read as set forth above.

§ 121.471 [Amended]

44. Section 121.471 is amended in paragraphs (a), (b), (d), and (e) by removing the words "domestic air carrier" and adding, in their place, the words "certificate holder conducting domestic operations" and in paragraphs (c), (f) and (g) by removing the words "air carrier" and adding, in their place, the words "certificate holder."

Subpart R—Flight Time Limitations: Flag Operations

45. The heading for subpart R is revised to read as set forth above.

§ 121.481 [Amended]

46. Section 121.481 is amended in paragraphs (a) and (b) by removing the words "flag air carrier" and adding, in their place, the words "certificate holder conducting flag operations" and in paragraphs (b) and (c) by removing the words "air carrier" and adding, in their place, the words "certificate holder."

§ 121.483 [Amended]

47. Section 121.483 is amended in paragraph (a) by removing the words "flag air carrier" and adding, in their place, the words "certificate holder conducting flag operations."

§ 121.485 [Amended]

48. Section 121.485 is amended in paragraphs (a) and (b) by removing the words "flag air carrier" and adding, in their place, the words "certificate holder conducting flag operations."

49. Section 121.489 is revised to read as follows:

§ 121.489 Flight time limitations: Other commercial flying.

No pilot that is employed as a pilot by a certificate holder conducting flag operations may do any other commercial flying if that commercial flying plus his flying in air transportation will exceed any flight time limitation in this part.

Subpart S—Flight Time Limitations: Supplemental Operations

50. The heading for subpart S is revised to read as set forth above.

§ 121.501 [Removed]

51. Section 121.501 is removed.

§ 121.503 [Amended]

52. Section 121.503 is amended in paragraph (a) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations;" in paragraph (b) by removing the words "air carrier or commercial operator" and adding, in their place, the words "certificate holder;" in paragraph (c) by removing the words "supplemental air carrier and commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations;" in paragraphs (d) and (e) by removing the words "air carrier service" and adding, in their place, the words "air transportation;" in paragraph (f) by removing the words "an air carrier" and adding, in their place, the words "the certificate holder;" and in paragraph (f)(3) by removing the words "air carrier" and adding, in their place, the words "certificate holder."

§ 121.505 [Amended]

53. Section 121.505 is amended in paragraph (a) by removing the words "supplemental air carrier or commercial operator" wherever they appear and adding, in their place, the words "certificate holder conducting supplemental operations."

§ 121.507 [Amended]

54. Section 121.507 is amended in paragraph (a) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations."

§ 121.509 [Amended]

55. Section 121.509 is amended in paragraph (a) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations."

§ 121.513 [Amended]

56. Section 121.513 is amended in the introductory paragraph by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations."

57. Section 121.517 is revised to read as follows:

§ 121.517 Flight time limitations: Other commercial flying: airplanes.

No airman who is employed by a certificate holder conducting supplemental operations may do any other commercial flying, if that commercial flying plus his flying in operations under this part will exceed any flight time limitation in this part.

§ 121.521 [Amended]

58. Section 121.521 is amended in paragraph (a) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations" and in paragraph (b) by removing the words "air carrier or commercial operator" and adding, in their place, the words "certificate holder."

§ 121.523 [Amended]

59. Section 121.523 is amended in paragraphs (a) and (c) by removing the words "supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations;" and in paragraphs (b) and (e) by removing the words "supplemental air carrier and commercial operator" and adding, in their place, the words "certificate holder conducting supplemental operations."

§ 121.533 [Amended]

60. Section 121.531 is amended in the section heading by removing the words "domestic air carriers" and adding, in their place, the words "domestic operations" and in paragraph (a) by removing the words "domestic air carrier" and adding, in their place, the words "certificate holder conducting domestic operations."

§ 121.535 [Amended]

61. Section 121.535 is amended in the section heading by removing the words "flag air carriers" and adding, in their place, the words "flag operations" and in paragraph (a) by removing the words "flag air carrier" and adding, in their place, the words "certificate holder conducting flag operations."

§ 121.537 [Amended]

62. Section 121.537 is amended in the section heading by removing the words "supplemental air carriers and commercial operators" and adding, in their place, the words "supplemental operations" and in paragraph (a) by removing the words "supplemental air carrier and commercial operators" and adding, in their place, the words "certificate holder conducting supplemental operations."

63. Section 121.541 is revised to read as follows:

§ 121.541 Operations schedules: Domestic and flag operations.

In establishing flight operations schedules, each certificate holder conducting domestic or flag operations shall allow enough time for the proper servicing of aircraft at intermediate stops, and shall consider the prevailing winds en route and the cruising speed of the type of aircraft used. This cruising speed may not be more than that resulting from the specified cruising output of the engines.

§ 121.547 [Amended]

64. Section 121.547(c)(4) is amended by removing the word "carrier" and adding, in its place, the words "certificate holder."

65. Section 121.548 is revised to read as follows:

§ 121.548 Aviation safety inspector's credentials: Admission to pilot's compartment.

Whenever, in performing the duties of conducting an inspection, an inspector of the Federal Aviation Administration presents form FAA 110A, "Aviation Safety Inspector's Credential," to the pilot in command of an aircraft operated by a certificate holder, the inspector must be given free and uninterrupted access to the pilot's compartment of that aircraft.

§ 121.550 [Amended]

66. Section 121.550 is amended by removing the words "an air carrier or commercial operator" and adding, in their place, the words "a certificate holder."

67. Section 121.551 is revised to read as follows:

§ 121.551 Restriction or suspension of operation: Domestic and flag operations.

When a certificate holder conducting domestic or flag operations knows of conditions, including airport and runway conditions, that are a hazard to safe operations, it shall restrict or suspend operations until those conditions are corrected.

68. Section 121.553 is revised to read as follows:

§ 121.553 Restriction or suspension of operation: Supplemental operations.

When a certificate holder conducting supplemental operations or pilot in command knows of conditions, including airport and runway conditions, that are a hazard to safe operations, the certificate holder or pilot in command, as the case may be, shall restrict or suspend operations until those conditions are corrected.

§ 121.555 [Amended]

69. Section 121.555 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations" and in paragraph (a) by removing the words "domestic or flag air carrier's" and adding, in their place, the words "certificate holder's."

§ 121.557 [Amended]

70. Section 121.557 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations;" and in paragraph (c) by removing the words "air carrier's" and adding, in their place, the words "certificate holder's."

§ 121.559 [Amended]

71. Section 121.559 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations;" and in paragraph (c) by removing the words "air carrier's or commercial operator's" and adding, in their place, the words "certificate holder's."

72. Section 121.565 is amended by revising paragraph (d) to read as follows:

§ 121.565 Engine inoperative: Landing; reporting.

* * * * *

(d) If the pilot in command lands at an airport other than the nearest suitable airport, in point of time, he or she shall (upon completing the trip) send a written report, in duplicate, to his or her director of operations stating the reasons for determining that the selection of an airport, other than the nearest airport, was as safe a course of action as landing at the nearest suitable airport. The director of operations shall, within 10 days after the pilot returns to his or her home base, send a copy of this report with the director of operation's comments to the certificate-holding district office.

§ 121.569 [Amended]

73. Section 121.569 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations;" in paragraph (a) and (b) by removing the words "domestic and flag air carrier" and adding, in their place, the words "certificate holder conducting domestic or flag operations;" and in paragraph (a)(5) by removing the words "air carrier" wherever they appear and adding, in their place, the words "certificate holder."

§ 121.583 [Amended]

74. Section 121.583(d) is amended by removing the words "air carrier's or

commercial operator's" and adding, in their place, the words "certificate holder's."

75. Section 121.585 is amended by revising paragraph (n)(2) to read as follows:

§ 121.585 Exit seating.

* * * * *

(n) * * * *

(2) Submit their procedures for preliminary review and approval to the principal operations inspectors assigned to them at the certificate-holding district office.

* * * * *

76. Section 121.586 is amended in paragraphs (b) and (c) by removing the words "FAA Flight Standards District Office charged with the overall inspection of its operations" and adding, in their place, the words "certificate-holding district office."

77. Section 121.591 is revised to read as follows:

§ 121.591 Applicability.

This subpart prescribes dispatching rules for domestic and flag operations and flight release rules for supplemental operations.

§ 121.593 [Amended]

78. Section 121.593 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.595 [Amended]

79. Section 121.595 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.597 [Amended]

80. Section 121.597 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations."

§ 121.599 [Amended]

81. Section 121.599 is amended in paragraph (a) by removing the words "air carriers" and adding, in their place, the word "operations" and in paragraph (b) by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations."

§ 121.601 [Amended]

82. Section 121.601 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations" and in paragraphs (b) and (c) by removing the words "by December 31, 1977."

§ 121.603 [Amended]

83. Section 121.603 is amended in the section heading by removing the words

"air carriers and commercial operators" and adding, in their place, the word "operations."

§ 121.607 [Amended]

84. Section 121.607 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations;" in paragraph (a) by removing the words "flag air carriers" and adding, in their place, the words "a certificate holder conducting flag operations;" in paragraph (b) by removing the words "flag air carrier" and adding, in their place, the words "certificate holder conducting flag operations;" and in paragraph (b) by removing the words "the air carrier" and adding, in their place, the words "the certificate holder."

§ 121.609 [Amended]

85. Section 121.609 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations."

§ 121.615 [Amended]

86. Section 121.615 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations" and in paragraphs (b) and (c) by removing the words "flag and supplemental air carrier and commercial operator" and adding, in their place, the words "certificate holder conducting a flag or supplemental operation or a domestic operation within the State of Alaska." This section is further amended in paragraph (d) by removing the words "air carrier's or commercial operator's" and adding, in their place, the words "certificate holder's."

§ 121.619 [Amended]

87. Section 121.619 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.621 [Amended]

88. Section 121.621 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations" and in paragraph (b) by removing the words "air carrier's" and adding, in their place, the words "certificate holder's."

§ 121.623 [Amended]

89. Section 121.623 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations" and in paragraph (c) by removing the words "air carrier's or commercial operator's" and adding, in

their place, the words "certificate holder's."

§ 121.627 [Amended]

90. Section 121.627(a) is amended by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.628 [Amended]

91. Section 121.628 is amended in paragraph (a)(2) by removing the words "Flight Standards District Office having certification responsibility" and adding, in their place, the words "certificate-holding district office."

§ 121.629 [Amended]

92. Section 121.629 is amended in paragraph (a) by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.635 [Amended]

93. Section 121.635 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.637 [Amended]

94. Section 121.637 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations" and in paragraph (b) by removing the words "air carrier's" and adding, in their place, the words "certificate holder's."

§ 121.641 [Amended]

95. Section 121.641 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.643 [Amended]

96. Section 121.643 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations."

§ 121.645 [Amended]

97. Section 121.645 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations;" in paragraph (a) by removing the words "air carrier;" in paragraph (b) by removing the words "flag air carrier, supplemental air carrier, or commercial operator operation" and adding, in their place, the words "certificate holder conducting flag or supplemental operations." This section is further amended in paragraph (d) by removing the words "flag or supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting flag or supplemental operations;" and in

paragraph (e) by removing the words "air carrier or commercial operator."

§ 121.649 [Amended]

98. Section 121.649 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations."

§ 121.652 [Amended]

99. Section 121.652(a) is amended by removing the words "an air taxi operator certificated under § 135.2 of this chapter," and adding, in their place, the words "a certificate holder conducting operations in large aircraft under part 135 of this chapter."

§ 121.657 [Amended]

100. Section 121.657 is amended in paragraph (a) by removing the words "air carrier or commercial operator's" and adding, in their place, the words "certificate holder's" and in paragraph (b) by removing the words "domestic air carrier" and adding, in their place, the words "certificate holder conducting domestic operations." This section is further amended in paragraph (b) by removing the words "flag or supplemental air carrier or commercial operator" and adding, in their place, the words "certificate holder conducting flag or supplemental operations."

§ 121.659 [Amended]

101. Section 121.659 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the word "operations."

§ 121.661 [Amended]

102. Section 121.661 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations."

103. Section 121.663 is revised to read as follows:

§ 121.663 Responsibility for dispatch release: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall prepare a dispatch release for each flight between specified points, based on information furnished by an authorized aircraft dispatcher. The pilot in command and an authorized aircraft dispatcher shall sign the release only if they both believe that the flight can be made with safety. The aircraft dispatcher may delegate authority to sign a release for a particular flight, but he may not delegate his authority to dispatch.

§ 121.667 [Amended]

104. Section 121.667 is amended in the section heading by removing the

words "air carriers and commercial operators" and adding, in their place, the word "operations."

105. Section 121.683 is amended in paragraph (a)(1) and (a)(2) by removing the words "air carriers" and adding, in their place, the word "operations" and by revising paragraph (b) to read as follows:

§ 121.683 Crewmember and dispatcher record.

* * * * *

(b) Each certificate holder conducting supplemental operations shall maintain the records required by paragraph (a) of this section at its principal base of operations, or at another location used by it and approved by the Administrator.

* * * * *

106. Section 121.685 is revised to read as follows:

§ 121.685 Aircraft record: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall maintain a current list of each aircraft that it operates in scheduled air transportation and shall send a copy of the record and each change to the certificate-holding district office. Airplanes of another certificate holder operated under an interchange agreement may be incorporated by reference.

§ 121.687 [Amended]

107. Section 121.687 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations".

108. Section 121.689 is amended by revising the section heading and by revising paragraph (c) to read as follows:

§ 121.689 Flight release form: Supplemental operations.

* * * * *

(c) Each certificate holder conducting domestic or flag operations under the rules of this part applicable to supplemental operations shall comply with the dispatch or flight release forms required for scheduled operations under this subpart.

§ 121.693 [Amended]

109. Section 121.693 is amended in the section heading by removing the words "air carriers and commercial operators" and adding, in their place, the words "All certificate holders" and in paragraph (e) by removing the words "air carrier or commercial operator" and adding, in their place, the words "certificate holder."

§ 121.695 [Amended]

110. Section 121.695 is amended in the section heading by removing the words "air carriers" and adding, in their place, the word "operations" and in paragraph (b) by removing the words "air carrier" and adding, in their place, the words "certificate holder."

111. Section 121.697 is amended by revising the section heading and by revising paragraphs (b), (c), (d), and (e) to read as follows:

§ 121.697 Disposition of load manifest, flight release, and flight plans: Supplemental operations.

* * * * *

(b) If a flight originates at the certificate holder's principal base of operations, it shall retain at that base a signed copy of each document listed in paragraph (a) of this section.

(c) Except as provided in paragraph (d) of this section, if a flight originates at a place other than the certificate holder's principal base of operations, the pilot in command (or another person not aboard the airplane who is authorized by the certificate holder) shall, before or immediately after departure of the flight, mail signed copies of the documents listed in paragraph (a) of this section, to the principal base of operations.

(d) If a flight originates at a place other than the certificate holder's principal base of operations, and there is at that place a person to manage the flight departure for the certificate holder who does not himself or herself depart on the airplane, signed copies of the documents listed in paragraph (a) of this section may be retained at that place for not more than 30 days before being sent to the certificate holder's principal base of operations. However, the documents for a particular flight need not be further retained at that place or be sent to the principal base of operations, if the originals or other copies of them have been previously returned to the principal base of operations.

(e) The certificate holder conducting supplemental operations shall:

- (1) Identify in its operations manual the person having custody of the copies of documents retained in accordance with paragraph (d) of this section; and
- (2) Retain at its principal base of operations either an original or a copy of the records required by this section for at least three months.

112. Section 121.711 is revised to read as follows:

§ 121.711 Communication records: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall record

each en route radio contact between the certificate holder and its pilots and shall keep that record for at least 30 days.

§ 121.721 Applicability.

113. Section 121.721 is amended by removing the words "air carriers or commercial operators" and adding, in their place, the words "certificate holders."

§ 121.723 [Amended]

114. Section 121.723 is amended in paragraph (b) by removing the words "air carrier or commercial operator" and adding, in their place, the words "certificate holder" and by removing the words "carrier or operator" and adding, in their place, the words "certificate holder."

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

115. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 44113, 44701, 44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

135.10 [Removed]

116. Section 135.10 is removed.

§ 135.91 [Amended]

116a. Section 135.91 is amended in paragraph (e) by removing the words "FAA Flight Standards District Office charged with the overall inspection of the certificate holder" and adding, in their place, the words "certificate-holding district office."

§ 135.127 [Amended]

117. Section 135.127 is amended in paragraph (d) by removing from the beginning of the paragraph the words "After December 31, 1988," and capitalizing the following word.

118. Section 135.129 is amended by revising paragraph (n)(2) to read as follows:

§ 135.129 Exit seating.

* * * * *

(n) * * *

(2) Submit their procedures for preliminary review and approval to the principal operations inspectors assigned to them at the certificate-holding district office.

* * * * *

§ 135.151 [Amended]

119. Section 135.151 is amended in paragraph (a) and (b) by removing from the beginning of each paragraph the words "After October 11, 1991," and capitalizing the following word.

§ 135.153 [Amended]

120. Section 135.153 is amended in paragraph (a) by removing the words "after April 20, 1994,".

§ 135.173 [Amended]

121. Section 135.173 is amended in paragraph (b) by removing from the beginning of the paragraph the words "After January 6, 1988," and capitalizing the following words.

§ 135.179 [Amended]

122. Section 135.179 is amended in paragraph (a)(2) by removing the words "Flight Standards District Office having certification responsibility" and adding, in their place, the words "certificate-holding district office."

§ 135.213 [Amended]

123. Section 135.213 is amended in paragraph (b) by removing the words "FAA Flight Standards District Office charged with the overall inspection of the certificate holder" and adding, in their place, the words "certificate-holding district office" and by removing the words "ATCO operating certificate" and adding, in their place, the words "air carrier operating certificate or operating certificate."

124. Section 135.227 is amended by revising paragraph (f) to read as follows:

§ 135.227 Icing conditions: Operating limitations.

* * * * *

(f) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing condition that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraphs (c), (d), and (e) of this section based on forecast conditions do not apply.

§ 135.267 [Amended]

125. Section 135.267 is amended by removing paragraph (g).

§ 135.273 [Amended]

126. Section 135.273 is amended in paragraph (c)(2) by removing the words "FAA Flight Standards District Office that is charged with the overall inspection of the certificate holder's operations" and adding, in their place, the words "certificate-holding district office."

§ 135.417 [Amended]

127. Section 135.417 is amended in the introductory paragraph by removing the words "FAA Flight Standards District Office charged with the overall inspection of the certificate holder" and

adding, in their place, the words "certificate-holding district office."

§ 135.431 [Amended]

128. Section 135.431 is amended in paragraph (c) by removing the words "FAA Flight Standards District Office charged with the overall inspection of the certificate holder" and adding, in their place, the words "certificate-holding district office."

Issued in Washington, D.C., on January 17, 1996.

Donald P. Byrne,

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which were published December 20, 1995, 60 FR 65849, 65851, 65888, and 65892.

Appendix—Tables 1–4

Note: This appendix will not appear in the Code of Federal Regulations. This appendix corrects and republishes tables 1 through 4.

TABLE 1.—SUMMARY OF NEW EQUIPMENT AND PERFORMANCE MODIFICATIONS FOR AFFECTED COMMUTERS

Effective date of required upgrade is as stated, measured from the rule publication date: Issue/Requirement	Upgrade will apply to all airplanes including newly manufactured airplanes		Upgrade will apply to all newly manufactured airplanes: after years (#)
	Within 15 months	Within years (#)	
1. Passenger Seat Cushion Flammability, 10–19 Pax §§ 121.2, 121.312(c)	.....	15	
2. Lavatory Fire Protection, 10–30 Pax §§ 121.2, 121.308	.....	2	
3. Exterior Emergency Exit Markings, 10–19 Pax § 121.310(g)	YES .....	.....
4. Pitot Heat Indication System, 10–19 Pax §§ 121.2, 121.342	.....	4	
5. Landing Gear Aural Warning, 10–19 Pax §§ 121.2, 121.289	.....	2	
6. Takeoff Warning System, 10–19 Pax §§ 121.2, 121.293	.....	4	
7. Emergency Exit Handle Illumination, 10–19 Pax §§ 121.2, 121.310(e)(2)	.....	2	
8. First Aid Kits, 10–19 Pax § 121.309(d)(1)(i)	YES .....	.....
9. Emergency Medical Kits, 20–30 Pax § 121.309(d)(1)(ii)	YES .....	.....
10. Wing Ice Light, 10–19 Pax § 121.341(b)	YES .....	.....
11. Fasten Seat Belt Light and Placards, 10–19 Pax §§ 121.2, 121.317	YES ¹ .....	.....	2 ¹
12. Third Attitude Indicator, 10–30 Pax: Turbojet Turboprop §§ 121.2, 121.305(j)	YES ² .....	.....	15 months ²
13. Airborne Weather Radar, 10–19 Pax § 121.357	YES .....	.....
14. Protective Breathing Equipment, 10–30 Pax § 121.2 § 121.337(b)(8)—Smoke and fume protection § 121.337(b)(9)—Fire fighting (20–30 only)	.....	2	
15. Safety Belts and Shoulder Harnesses, Single point inertial harness, 10–19 Pax §§ 121.2, 121.311(f)	.....	.....	15 months.
16. Cabin Ozone Concentration, 10–30 Pax § 121.578	YES .....	.....
17. Retention of Galley Equipment, 10–30 Pax §§ 121.576, 121.577	YES .....	.....
18. Ditching approval, 10–30 Pax §§ 121.2, 121.161(b)	YES ³	15	
19. Flotation means, 10–30 Pax §§ 121.2, 121.340	.....	2	
20. Door Key and Locking Door, 20–30 Pax § 121.313(f) & (g)	YES .....	.....
21. Portable O ₂ , 20–30 Pax §§ 121.327–121.335	YES .....	.....
22. Additional life rafts, 10–30 Pax § 121.339	YES .....	.....
23. First Aid Oxygen, 20–30 Pax § 121.333(e)(3)	YES .....	.....
24. Enroute radio communications, 10–30 Pax § 121.99	YES .....	.....
25. Latex gloves, 10–30 Pax § 121.309(d)(2)	YES .....	.....
26. Passenger information cards, 20–30 Pax § 121.571(b)	YES .....	.....

TABLE 1.—SUMMARY OF NEW EQUIPMENT AND PERFORMANCE MODIFICATIONS FOR AFFECTED COMMUTERS—Continued

Effective date of required upgrade is as stated, measured from the rule publication date: Issue/Requirement	Upgrade will apply to all airplanes including newly manufactured airplanes		Upgrade will apply to all newly manufactured airplanes after years (#)
	Within 15 months	Within years (#)	
27. Flashlights—additional for flight attendant and pilot, 10–30 Pax § 121.549(b)	YES .....	.....
28. Flashlight holder for flight attendant, 20–30 Pax § 121.310(f)	YES .....	.....
29. DME, 10–30 Pax § 121.349(c)	YES .....	.....
30. Single engine cruise performance data, 10–30 Pax (required for determining alternates) § 121.617	YES .....	.....
31. Performance, obstruction clearance, and accelerate-stop requirements, 10–19 Pax §§ 121.2, 121.157, 121.173(b), 121.189(c)	YES ⁴	415	

¹ In-service airplanes must comply within 15 months. They may use lights or placards. Newly manufactured airplanes must comply with seat belt sign requirements of § 121.317(a) within 2 years.
² Turbojet airplanes must comply within 15 months. Newly manufactured turboprop airplanes must comply within 15 months. In-service 10–30 pax turboprop airplanes must comply within 15 years.
³ Transport category must comply within 15 months. Nontransport category can operate for 15 years without ditching approval.
⁴ Commuter category airplanes must comply within 15 months. SFAR 41 and predecessor category airplanes must comply within 15 years.

TABLE 2.—COMPARABLE SECTIONS IN PARTS 121 AND 135

[This table shows the comparable sections in parts 121 and 135 by issue. Affected commuters, however, must comply with all sections in part 121 that are applicable to their operations, not just the ones listed in this table or discussed in this preamble.]

Subject	135 Section	121 Section
Subparts E and F—Approval of Routes: Domestic, Flag, and Supplemental Operations.	135.213	121.97 121.99 121.101 121.107
Subpart G—Manual Requirements: Contents and personnel	135.21, 23	121.133, 135, 121.137
Airplane flight manual .....	.....	121.141
Subpart I—Airplane Performance Operating Limitations	135.365–387	121.175–197
Subpart J—Special Airworthiness Requirements .....	.....	121.217
—Internal doors	135.87	121.285
—Cargo carried in the passenger compartment	135 APP A	121.289
—Landing gear aural warning device .....	.....	121.291
—Emergency evacuation and ditching demonstration .....	.....	.....
—New special airworthiness requirements (retrofit) and requirements applicable to future manufactured airplanes.	.....	121.293(a) (new)
—Ditching emergency exits .....	.....	121.293(b) (new)
—Takeoff warning system .....	.....	.....
Subpart K—Instrument and Equipment Requirements: —Third attitude indicator .....	.....	.....
—Lavatory fire protection	135.149, 135.163 (a), (h)	121.305(j)
—Emergency equipment inspection .....	.....	121.308
—Hand-held fire extinguishers	135.177(b)	121.309(b)
—First aid kits and medical kits	135.155	121.309(c)
—Crash ax	135.177(a)(1)	121.309(d)
—Emergency evacuation lighting and marking requirements	135.177(a)(2)	121.309(e)
.....	135.178(c)–(h)	121.310(c)–(h)
—Seatbacks .....	.....	.....
—Seatbelt and shoulder harnesses on the flight deck	135.117	121.311(e) 121.311(f)
—Interior materials and passenger seat cushion flammability	135.169(a)	121.312(b)
—Miscellaneous equipment .....	.....	121.313 (c), (f), (g)
—Cockpit and door keys .....	.....	121.313(f), 121.587
—Cargo and baggage compartments .....	.....	.....
—Fuel tank access covers .....	.....	121.314, 221
—Passenger information .....	.....	121.316
—Instruments and equipment for operations at night	135.127	121.317 121.323
—Oxygen requirements .....	.....	.....
—Portable oxygen for flight attendants	135.157	121.327–335 121.333(d)
—Protective breathing equipment (PBE) .....	.....	121.337
—Additional life rafts for extended underwater operations	135.167	121.339
—Flotation devices .....	.....	.....

TABLE 2.—COMPARABLE SECTIONS IN PARTS 121 AND 135—Continued

[This table shows the comparable sections in parts 121 and 135 by issue. Affected commuters, however, must comply with all sections in part 121 that are applicable to their operations, not just the ones listed in this table or discussed in this preamble.]

Subject	135 Section	121 Section
—Pitot heat indication system		121.340
—Radio equipment	135.158	121.342
—Emergency equipment for operations over uninhabited terrain	135.161	121.345–351
	135.177, .178	121.353
—TCAS		
—Flight data recorders	135.180	121.356
—Airborne weather radar	135.152(a), (b)	121.343
—Cockpit voice recorders	135.173, .175	121.357
—Low-altitude windshear systems	135.151	121.359
—Ground proximity warning system (GPWS)	135.153	121.358
Subpart L—Maintenance, Preventive Maintenance, and Alterations:		
—Applicability	135.411(a)(2)	121.361
—Responsibility for Airworthiness	135.413	121.363
—Maintenance, preventive maintenance, and alteration organization	135.423, .425	121.365, .367
—Manual requirements	135.427	121.369
—Required inspection personnel	135.429	121.371
—Continuing analysis and surveillance	135.431	121.373
—Maintenance and preventative maintenance training programs	135.433	121.375
—Maintenance and preventive maintenance personnel duty time limitations		121.377
—Certificate requirements	135.435	121.378
—Authority to perform and approve maintenance, preventive maintenance, and alterations	135.437	121.379
—Maintenance recording requirements	135.439(a)(2)	121.380(a)(2)
—Transfer of maintenance records	135.441	121.380a
Subpart M—Airman and Crewmember Requirements:		
—Flight attendant complement	135.107	121.391
—Flight attendants being seated during movement on the surface	135.128(a)	121.391(d)
—Flight attendants or other qualified personnel at the gate		121.391(e), 121.417, 121.393 (new)
Subparts N and O—Training Program and Crewmember Requirements		121.400–121.459
Subpart P—Aircraft Dispatcher Qualifications and Duty Time Limitations: Domestic and Flag Air Carriers		121.461–121.467
Subparts Q, R, and S—Flight Time Limitations and Rest Requirements: Domestic, Flag, and Supplemental Operations	135.261–135.273	121.470–121.525
Subpart T—Flight Operations:		
—Operational control	135.77, .79	121.533, .535, 121.537
—Admission to the flight deck	135.75	121.547
—Emergency procedures	135.69, .19	121.551, .553, 121.557, .559 (new)
—Passenger information	135.117, .127	121.571(a), 121.533, .573, 121.585
—Oxygen for medical use by passengers	135.91(d)	121.574
—Alcoholic beverages	135.121	121.575
—Retention of items of mass	135.87, .122	121.577
—Cabin ozone concentration		121.578(b)
—Minimum altitudes for use of autopilot	135.93	121.579
—Forward observer's seat	135.75	121.581
—Authority to refuse transportation	135.23(q)	121.586
—Carry-on baggage	135.87	121.589
—Airports	135.229, .217	121.590, 121.617(a)
Subpart U—Dispatching and Flight Release Rules:		
—Flight release authority		121.597
—Dispatch or flight release under VFR	135.211	121.611
—Operations in icing conditions	135.227, .341, 135.345	121.629
—Fuel reserves	135.209, .223	121.639, .641, 121.643, .645
Subpart V—Records and Reports:		
—Maintenance log: Airplane	135.65(c), 135.415(a)	121.701(a), 121.703(a), (e)
—Mechanical interruption summary report	135.417	121.705(b)
—Alteration and repair reports	135.439(a)(2)	121.707
—Airworthiness release or airplane log entry	135.443	121.709
—Other recordkeeping requirements		121.711, .713, 121.715

TABLE 3.—DERIVATION TABLE FOR PART 119

New Section	Based on
Subpart A: 119.1(a)	New language.

TABLE 3.—DERIVATION TABLE FOR PART 119—Continued

New Section	Based on
119.1(b)	SFAR 38-2, Section 1(a).
119.1(c)	New language.
119.1(d)	New language.
119.1(e)	New language.
119.2	New language.
119.3	SFAR 38-2, Section 6 and new language.
119.5(a)	SFAR 38-2, Section 2(a).
119.5(b)	SFAR 38-2, Section 2(b).
119.5(c)	New language.
119.5(d)	SFAR 38-2, Section 1(a)(3).
119.5(e)	SFAR 38-2, Section 1(a)(3).
119.5(f)	SFAR 38-2, Section 1(b).
119.5(g)	SFAR 38-2, Section 1(c), 121.4, 135.7.
119.5(h)	SFAR 38-2, Flush paragraph following Section 1(a)(3) and new language.
119.5(i)	121.27(a)(1), 121.51(a)(1), 135.13(a)(3).
119.5(j)	135.33.
119.7(a)	SFAR 38-2, Section 3.
119.7(b)	121.23, 121.43.
119.9(a)	135.29.
119.9(b)	New language.
Subpart B:	
119.21(a)	SFAR 38-2, Section 4(a), 121.3.
119.21(b)	SFAR 38-2, Section 4(b).
119.21(c)	New language.
119.23(a)	SFAR 38-2, Section 5(a).
119.23(b)	SFAR 38-2, Section 5(b).
119.25(a)	SFAR 38-2, Section 4(c), 5 (c), and (d) and new language.
119.25(b)	SFAR 38-2, Section 4(c), 5 (c), and (d) and new language.
Subpart C:	
119.31	SFAR 38-2, Section 1(c), 2 (a) and (b), 121.3, and 135.5.
119.33(a)	SFAR 38-2, Section 1(c), 2 (a) and (b), 3, 121.3, 135.5, 135.13(a).
119.33(b)	SFAR 38-2, Section 1(c), 2 (a) and (b), 3, 121.3, 135.5, 135.13(a).
119.33(c)	SFAR 38-2, Section 1(c), 2 (a) and (b), 3, 121.3, 135.5, 135.13(a).
119.35(a)	121.26, 121.47(a), 135.11(a).
119.35(b)	121.26, 121.47(a), 135.11(a).
119.35(c)	121.47(a).
119.35(d)	121.47(b).
119.35(e)	121.47(c).
119.35(f)	121.47(d).
119.35(g)	121.48.
119.35(h)	121.49.
119.37(a)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(b)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(c)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(d)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.37(e)	121.25(a), 121.45(a), 135.11(b)(1) and new language.
119.39(a)	121.27(a)(2), 121.51(a)(3), 135.11(b)(1).
119.39(b)	121.27(a)(2), 121.51, 135.13 (a)(2) and (b).
119.41(a)	121.77(a), 135.15(a).
119.41(b)	New language.
119.41(c)	121.77(b), 135.15(b).
119.41(d)	121.77(c), 135.15(d).
119.43(a)	121.75(b), 135.63(a)(2).
119.43(b)	121.75(b), 135.63(a)(2).
119.47(a)	135.27(a).
119.47(b)	121.83, 135.27(b).
119.49(a)	121.5, 121.25(b), 121.45(b), 135.11(b), and new language.
119.49(b)	121.45(b), 135.11(b)(1) and new language.
119.49(c)	135.11(b)(1) and new language.
119.49(d)	121.75, 135.81.
119.51(a)	121.79(a), 135.17(a).
119.51(b)	121.79(b), 135.17(d).
119.51(c)	121.79(c), 135.17(b), and new language.
119.51(d)	121.79(d), 135.17 (c) and (d).
119.51(e)	121.79(b), 135.17 (c) and (d).
119.53(a)	121.6(a).
119.53(b)	New language.
119.53(c)	121.6(b).
119.53(d)	121.6(c).
119.53(e)	New language.
119.53(f)	New language.
119.55(a)	121.57 (a) and (b).

TABLE 3.—DERIVATION TABLE FOR PART 119—Continued

New Section	Based on
119.55(b)	121.57 (a) and (b).
119.55(c)	121.57 (a) and (b).
119.55(d)	121.57 (a) and (b).
119.55(e)	121.57 (a) and (b).
119.57(a)	121.57(c).
119.57(b)	New language.
119.58(a)	135.19(b).
119.58(b)	135.19(a).
119.58(c)	135.19(c).
119.59(a)	121.81(a), 135.73, and new language.
119.59(b)	121.73, 121.81(a), 135.63(a), 135.73, and new language.
119.59(c)	121.81(a).
119.59(d)	New language.
119.59(e)	New language.
119.59(f)	New language.
119.61(a)	121.29(a), 121.53 (a), (c), and (d), 135.9(a).
119.61(b)	121.29(a), 121.53(c), and new language.
119.61(c)	135.35.
119.63(a)	New language.
119.63(b)	New language.
119.65(a)	121.59(a).
119.65(b)	121.59(b).
119.65(c)	121.59(b).
119.65(d)	121.61 and new language.
119.65(e)	121.59(c).
119.67(a)	121.61(a) and new language.
119.67(b)	121.61(b) and new language.
119.67(c)	121.61(c), 135.39(c) and new language.
119.67(d)	121.61(d) and new language.
119.67(e)	121.61(b), 135.39(d).
119.69(a)	135.37(a).
119.69(b)	121.59(b), 135.37(b).
119.69(c)	121.59(b).
119.69(d)	135.39 and new language.
119.69(e)	121.59, 135.37(c).
119.71(a)	135.39(a)(1) and new language.
119.71(b)	135.39(a)(2) and new language.
119.71(c)	135.39(b)(1) and new language.
119.71(d)	135.39(b)(2) and new language.
119.71(e)	135.39(c) and new language.
119.71(f)	135.39(d) and new language.

TABLE 4.—DISTRIBUTION TABLE FOR PART 121, PART 135, AND SFAR 38-2 SECTIONS BEING REPLACED BY PART 119

Part 121:	Replaced by:
121.3	119.21(a); 119.31; 119.33.
121.4	119.5(g).
121.5	119.49(a).
121.6(a)	119.53(a).
121.6(b)	119.53(c).
121.6(c)	119.53(d).
121.7	119.21.
121.9	deleted.
121.13	119.25.
121.21	119.1.
121.23	119.7(b).
121.25(a)	119.37 (a), (b), (c), (d), (e), (f), and (g).
121.25(b)	119.49(a).
121.26	119.35 (a) and (b).
121.27(a)(1)	119.5(i).
121.27(a)(2)	119.39 (a) and (b).
121.29(a)	119.61 (a) and (b).
121.41	119.1.
121.43	119.7(b).
121.45(a)	119.37 (a), (b), (c), (d), (e), (f), and (g).
121.45(b)	119.49 (a) and (b).
121.47(a)	119.35 (a), (b), and (c).
121.47(b)	119.35(d).
121.47(c)	119.35(e).
121.47(d)	119.35(f).
121.48	119.35(g).

TABLE 4.—DISTRIBUTION TABLE FOR PART 121, PART 135, AND SFAR 38-2 SECTIONS BEING REPLACED BY PART 119—Continued

121.49	119.35(h).
121.51	119.39(b).
121.51(a)(1)	119.5(i).
121.51(a)(3)	119.39(a).
121.53(a)	119.61(a).
121.53(c)	119.61 (a) and (b).
121.53(d)	119.61(a).
121.55	deleted.
121.57(a)	119.55 (a), (b), (c), (d), and (e).
121.57(b)	119.55 (a), (b), (c), (d), and (e).
121.57(c)	119.57(a).
121.59	119.69(e).
121.59(a)	119.65(a).
121.59(b)	119.65 (b) and (c); 119.69 (b) and (c).
121.59(c)	119.65(e).
121.61	119.65(d).
121.61(a)	119.67(a).
121.61(b)	119.67 (b) and (e).
121.61(c)	119.67(c).
121.61(d)	119.67(d).
121.71	119.1.
121.73	119.59(b).
121.75	119.49(d).
121.75(b)	119.43 (a) and (b).
121.77(a)	119.41(a).
121.77(b)	119.41(c).
121.77(c)	119.41(d).
121.79(a)	119.51(a).
121.79(b)	119.51 (b) and (e).
121.79(c)	119.51(c).
121.79(d)	119.51(d).
121.81(a)	119.59 (a), (b), and (c).
121.83	119.47(b).
<i>Part 135:</i>	<i>Replaced by:</i>
135.5	119.31; 119.33 (a), (b), and (c).
135.7	119.5(g).
135.9(a)	119.61(a).
135.11(a)	119.35 (a) and (b).
135.11(b)	119.49(a).
135.11(b)(1)	119.37 (a), (b), (c), (d), (e), (f), and (g); 119.39(a); 119.49 (b) and (c).
135.13(a)	119.33 (a), (b), and (c).
135.13(a)(2)	119.39(b).
135.13(a)(3)	119.5(i).
135.13(b)	119.39(b).
135.15(a)	119.41(a).
135.15(b)	119.41(b).
135.15(d)	119.41(d).
135.17(a)	119.51(a).
135.17(b)	119.51(c).
135.17(c)	119.51 (d) and (e).
135.17(d)	119.51 (b), (d), and (e).
135.19	119.58.
135.27(a)	119.47(a).
135.27(b)	119.47(b).
135.29	119.9(a).
135.31	119.5.
135.33	119.5(j).
135.35	119.61(c).
135.37(a)	119.69(a).
135.37(b)	119.69(b).
135.37(c)	119.69(e).
135.39	119.69(d).
135.39(a)(1)	119.71(a).
135.39(a)(2)	119.71(b).
135.39(b)(1)	119.71(c).
135.39(b)(2)	119.71(d).
135.39(c)	119.67(c); 199.71(e).
135.39(d)	119.67(e); 119.71(f).
135.63(a)	119.59(b).
135.63(a)(2)	119.43 (a) and (b).
135.73	119.59(a) and (b).
135.81	119.49(d).
<i>SFAR 38-2:</i>	<i>Replaced by:</i>

TABLE 4.—DISTRIBUTION TABLE FOR PART 121, PART 135, AND SFAR 38-2 SECTIONS BEING REPLACED BY PART 119—Continued

Section 1(a)	119.1(b).
Section 1(a)(3) ..	119.5 (d) and (e); 119.5(h).
Section 1(b)	119.5(f).
Section 1(c)	119.5(g); 119.31; 119.33 (a), (b), and (c).
Section 2(a)	119.5(a); 119.31; 119.33 (a), (b), and (c).
Section 2(b)	119.5(b); 119.31; 119.33 (a), (b), and (c).
Section 2(c)	129.1.
Section 3	119.7(a); 119.33 (a), (b), and (c).
Section 4(a)	119.21(a).
Section 4(b)	119.21(b).
Section 4(c)	119.25 (a) and (b).
Section 4(d)	119.25 (a) and (b).
Section 5(a)	119.23(a).
Section 5(b)	119.23(b).
Section 5(c)	119.25 (a) and (b).
Section 5(d)	119.25 (a) and (b).
Section 6	119.3.

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14 CFR Part 121

[Docket No. 28154; Amendment No. 121-254] 363

RIN 2120-AC79

Operating Requirements: Domestic, Flag, Supplemental, Commuter, and On-Demand Operations: Editorial and Terminology Changes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This amendment corrects an error in a document published on January 26, 1996 (61 FR 2608), which removed § 121.404. The FAA intended to remove the version of § 121.404 that was effective before December 20, 1995, and not the revision of § 121.404 published on December 20, 1995 (60 FR 65948). Therefore, the version of § 121.404 that was published on December 20, 1995, is reinstated in this document.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Linda Williams, Office of Rulemaking (ARM-100); Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-9685.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends the Federal Aviation Regulations (14 CFR part 121) as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901, 44903-44904, 44912, 46105.

2. Section 121.404 is added to read as follows:

§ 121.404 Compliance dates: Crew and dispatcher resource management training.

After March 19, 1988, no certificate holder may use a person as a flight crewmember, and after March 19, 1999, no certificate holder may use a person as a flight attendant or aircraft dispatcher unless that person has completed approved crew resource management (CRM) or dispatcher resource management (DRM) initial training, as applicable, with that certificate holder or with another certificate holder.

Issued in Washington, D.C., on March 4, 1996.

Donald P. Byrne,

Assistant Chief Counsel.

[FR Doc. 96-5726 Filed 3-8-96; 8:45 am]

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