

## **Title 14—AERONAUTICS AND SPACE**

### **Chapter I—Federal Aviation Adminis- tration, Department of Transportation**

#### **SUBCHAPTER G—AIR CARRIERS, AIR TRAVEL CLUBS, AND OPERATORS FOR COMPENSATION OR HIRE: CERTIFICATION AND OPERATIONS**

[Docket No. 12223, Amdt. 121-95]

#### **PART 121—CERTIFICATION AND OP- ERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**

##### **Leasing of Aircraft**

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to clarify the applicability of § 121.6 of those regulations concerning the requirement for providing the Administrator with a copy or written memorandum of the terms of certain leasing arrangements.

Section 121.6 requires that, prior to conducting operations, each certificate holder must provide the Administrator a copy or a written memorandum of the terms of any leasing arrangement whereby the certificate holder agrees to provide an aircraft and at least a pilot flight crewmember to another person.

That regulation became effective December 5, 1970 (35 F.R. 17037; November 5, 1970), as Amendment No. 121-70. Consistent with the intent and purpose of the amendment, the FAA has administered it so as to limit its applicability to those wet lease agreements involving the lease of a large aircraft by a Part 121 certificate holder to another person certificated under Part 121, 123, or 135 of the Federal Aviation Regulations or engaged in the operation of a foreign air carrier or other foreign airline. However, the present wording of the regulation gives

it a literal applicability that is broader than was intended.

Accordingly, this amendment is being adopted to make the wording of the regulation consistent with its intent and purpose, as reflected in its administration by the FAA.

Accordingly, § 121.6 of the Federal Aviation Regulations is amended to make it clear that Part 121 certificate holders are required to submit copies of wet lease agreements only when they involve large aircraft and when the lessee is certificated under Part 121, 123, or 135 of the Federal Aviation Regulations or engaged in the operation of a foreign air carrier or other foreign airline.

Since this amendment merely clarifies a currently effective regulation and imposes no additional burden on anyone, I find that public procedure is unnecessary and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective September 15, 1972, by amending § 121.6(a) to read as follows:

##### **§ 121.6 Leasing of aircraft.**

(a) Prior to conducting operations, each certificate holder must provide the Administrator a copy or a written memorandum of the terms of any leasing arrangement whereby that certificate holder agrees to provide a large aircraft and at least a pilot flight crewmember to another person certificated under this Part 121, and Part 123, or 135 of the Federal Aviation Regulations or engaged in the operation of a foreign air carrier or other foreign airline.

(Secs. 313(a), 601, 604, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, 1427; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 8, 1972.

**J. H. SHAFFER,**  
*Administrator.*

(As published in the Federal Register 37 F.R. 18716 on September 15, 1972)

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