

See correction

**DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration**

14 CFR Parts 121 and 135 135-1

Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft and Air Taxi Operators and Commercial Operators; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments accomplish clarifications and correct certain minor omissions and typographical errors noted in Regulatory Review Program Amendment Nos. 121-147 and Revision of Part 135. These amendments are necessary to express correctly the FAA's intended statement of the rules. In addition, the compliance date is extended for the instrument rating requirement applicable to pilots in command of aircraft under visual flight rules.

EFFECTIVE DATE: May 7, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 755-8718.

SUPPLEMENTARY INFORMATION: In September 1978 Amendment Nos. 121-147, 127-135, and Revision of Part 135 were issued under the Regulatory Review Program. A Review of those amendments shows that there were minor errors and omissions and that clarifying changes are needed in some sections of Parts 121 and 135. Also, it has been determined that it is necessary to extend the compliance date of one requirement. The reasons for each of the amendments are explained below:

1. § 121.9. There was a typographical error in this section. The phrase "E through K" should read "E through V" as proposed in Notice No. 77-17.

2. § 135.10. The FAA has received numerous petitions requesting exemptions from the instrument rating requirement prescribed in § 135.243(b)(3). As a result, the FAA has

determined that additional rule making regarding that requirement should be initiated before compliance with the requirement becomes mandatory. Accordingly, this amendment extends the compliance date for the instrument rating requirement until December 1, 1980. After this amendment becomes effective, the FAA will issue a notice of proposed rule making and propose appropriate changes to the rule requiring an instrument rating in § 135.243(b)(3).

3. § 135.67. It has been determined that the Air Traffic Service has procedures for collecting and disseminating information regarding potentially hazardous meteorological conditions and irregularities in communications or navigational facilities. Therefore, it is not necessary to require the pilot to request that this information be disseminated and the words "and request that the information be disseminated" are deleted. This will relieve pilots of an unnecessary burden.

4. § 135.149. In § 135.149(d) the reference to "§ 21.205" was a typographical error. It should read "§ 21.305".

5. § 135.245. Section 135.243(b)(4) allows a pilot in command of a helicopter to operate visual flight rules (VFR) below a ceiling without holding an instrument rating. Section 135.245 requires all second-in-command pilots to hold an instrument rating. This requirement is greater than that for pilots in command. To correct this unintended and anomalous result, § 135.245 has been revised by adding an amended first paragraph designated (a) and by adding a new paragraph (b) to allow second-in-command helicopter pilots to fly other than over-the-top without requiring an instrument rating.

6. Section 135.335. This section has been revised to clarify which subsections apply to both simulators and training devices and which apply to only simulators. Additionally, § 135.335(c) has been redesignated paragraph (d) and a new paragraph (c) has been added to make it clear that an appropriate simulator or other training device may be used by more than one certificate holder.

It should also be noted that in the explanation of § 135.227, the reference in the second sentence of the second paragraph to "§ 135.229" was a typographical error. It should have read "§ 135.227".

Since these amendments extend a compliance date and are clarifying and editorial in nature and implement changes required to carry out the intent of amendments under revised Part 135, or are relaxatory, and impose no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making them effective in less than 30 days. However, the FAA invites interested persons to submit such written data, views, or arguments as they may desire regarding these amendments. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before July 9, 1979, will be considered by the Administrator and these amendments may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Amendments

Accordingly, Parts 121 and 135 of the Federal Aviation Regulations are amended, effective May 7, 1979, as follows:

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

§ 121.9 [Amended]

1. By revising this section to delete the letter "K" and substitute in its place the letter "V".

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

2. By amending § 135.10 to delete § 135.10(a)(4), by redesignating paragraph (c) as (d), and by adding a new paragraph (c) to read as follows:

§ 135.10 Compliance dates for certain rules.

(c) A certificate holder or pilot is allowed until December 1, 1980, to comply with the instrument rating requirement of § 135.243(b)(3).

(d) * * *

Amendment Nos. 121-152 and 135-1 Docket 16097

(As published in the Federal Register (44FR26737) on May 7, 1979).

FS-79-97-R

§ 135.67 [Amended]

3. By revising this section to delete the words "and request that the information be disseminated" at the end of the paragraph.

§ 135.149 [Amended]

4. By revising § 135.149(d) to delete the reference to "§ 21.205" and substitute in its place "§ 21.305".

§ 135.245 [Amended]

5. By revising § 135.245 to amend the existing paragraph and designate it as (a) and to add a new paragraph (b) to read as follows:

§ 135.245 Second in command qualifications.

(a) Except as provided in paragraph (b), no certificate holder may use any person, nor may any person serve, as second in command of an aircraft unless that person holds at least a commercial pilot certificate with appropriate category and class ratings and an instrument rating. For flight under IFR, that person must meet the recent instrument experience requirements of Part 61 of this chapter.

(b) A second in command of a helicopter operated under VFR, other than over-the-top, must have at least a commercial pilot certificate with an appropriate aircraft category and class rating.

6. By revising § 135.335 to amend paragraph (b), redesignate paragraph (c) as (d), and add a new paragraph (c) to read as follows:

§ 135.335 Approval of aircraft simulators and other training devices.

* * * * *

(b) * * *

(1) * * *

(i) The certificate holder; and

(ii) The particular maneuver, procedure, or crewmember function involved.

(2) * * *

(3) Additionally, for aircraft simulators, it must be—

(i) Approved for the type aircraft and, if applicable, the particular variation within type for which the training or check is being conducted; and

(ii) Modified to conform with any modification to the aircraft being simulated that changes the performance, functional, or other characteristics required for approval.

(c) A particular aircraft simulator or other training device may be used by more than one certificate holder.

(d) In granting initial and final approval of training programs or revisions to them, the Administrator considers the training devices, methods, and procedures listed in the certificate holder's curriculum under § 135.327.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, since these amendments extend a compliance date and are editorial and clarifying in nature, or are relaxatory, and impose no additional burden on any person, the Federal Aviation Administration has determined that the anticipated impact is so minimal that an evaluation is not required.

Issued in Washington, D.C., on April 27, 1979.

[Docket No. 16097; Amdt. Nos. 121-152 and 135-1]
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May 14, 1979

14 CFR Parts 121 and 135*121-152, 135-1***Domestic, Flag, and Supplemental Air
Carriers and Commercial Operators of
Large Aircraft and Air Taxi Operators
and Commercial Operators;
Miscellaneous Amendments***Correction*

In FR Doc. 79-13873 appearing at page 26737 in the issue for Monday, May 7, 1979, on page 26738, in the middle column, immediately beneath the paragraph "Issued in Washington * * *" insert the following name and title of the document's signer:

Lagborne Bond,
Administrator.

[Docket No. 16087; Amdt. Nos. 121-152 and 135-1]
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