

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 21, 25, 91, 119, 121, 125 and 135**

[Docket No. 28154; Amendment Nos. 21-74, 25-90, 91-253, 119-3, 121-262, 125-28, 135-66, and SFAR No. 80]

RIN 2120-AG26

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

March 10, 1997.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is amending parts 21, 25, 91, 119, 121, 125, and 135 to correct errors, make terminology consistent, or clarify the intent of the regulations published on December 20, 1995 (60 FR 65832). A few changes are to clarify existing rules or to deal with other long-standing exemptions). A new Special Federal Aviation Regulation is being issued to address three problems that relate to compliance with requirements for communications facilities and aircraft dispatchers by operators in Alaska and other areas.

EFFECTIVE DATE: March 12, 1997.

FOR FURTHER INFORMATION CONTACT: Katherine Hakala, Flight Standards Service (AFS); Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8166 or 267-3760.

SUPPLEMENTARY INFORMATION:

Availability of the Final Rule

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the Federal Register's electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's webpage at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of this final rule by mail by submitting a request to the Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9677. Communications must identify the docket number of this final rule.

Persons interested in being placed on the mailing list for future NPRM's should request from the FAA's Office of Rulemaking a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

Background

On December 20, 1995, new part 119, Certification: Air Carriers and Commercial Operators, was published in the Federal Register (60 FR 65832; 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 through D, and part 135, Subpart A, because the requirements in those subparts have been recodified in part 119. On January 26, 1996, another final rule was published (61 FR 2608) affecting parts 119, 121, and 135. That amendment made 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. Additional documents making editorial changes and corrections were published on March 11, 1996 (61 FR 9612), and June 14, 1996 (61 FR 30432).

Part 119 was issued as part of a large rulemaking effort, known as the "commuter rule," to upgrade the requirements that apply to scheduled operations conducted in airplanes that have a passenger seat configuration of 10 to 30 passengers. As of March 20, 1997, these operations will be conducted under the requirements of part 121, in accordance with the final rule published on December 20, 1995.

Notice of Proposed Rulemaking

On February 3, 1997, the FAA published an NPRM (62 FR 5076; Notice No. 97-1) proposing changes to correct errors, make terminology consistent, clarify the intent of part 119 and the commuter rule published on December 20, 1995, as well as make other minor changes not directly related to the commuter rule. These proposed changes are considered important because, as a result of the implementation of part 119 and the completion of the transition process for commuter operations affected by the final rule, a number of questions of interpretation have been raised and errors in previous final rules have been identified. In addition, a new Special Federal Aviation Regulation (SFAR) is needed to address three problems that relate to compliance with

requirements for communications facilities and for aircraft dispatchers by operators in Alaska and other areas.

Public Comment

The FAA requested comments, within 30 days of publication of Notice No. 97-1, on a number of proposals contained in the NPRM. Interested persons were invited to participate in this rulemaking action by submitting written data, views, or arguments. All comments received were considered before issuing this final rule.

The FAA received 19 comments in response to Notice No. 97-1. Comments were received from operators affected by the proposed rule, aircraft dispatchers, industry associations, and a manufacturer of communications system. Many commenters stressed the importance of having the final rule issued before March 20, 1997, when the majority of the commuter rule provisions go into effect. Other specific comments are summarized in the following section-by-section discussion of the final rule, which includes the FAA's responses to these comments.

Explanation of Amendments

A number of changes are necessary in parts 21, 25, 91, 119, 121, 125, and 135 to correct typographical errors, to make minor editorial changes that help clarify the intent of the rules, or to make editorial changes that make related rules consistent with each other. These types of changes are not individually explained. However, a number of changes requires some explanation, which follows:

1. The proposal revised the definitions of "on-demand operation," "scheduled operation," and "supplemental operation" in § 119.3 to make it clear that public charter operations conducted under 14 CFR part 380 are not considered scheduled operations.

No comments were received on the proposed definitions and the changes to § 119.3 are adopted as proposed.

2. The proposal amended § 119.5 to add new paragraph (k), which incorporated former § 135.31 into part 119. As proposed, this section prohibited advertising or otherwise offering to perform any operation unauthorized by the FAA, and it was applicable to any person, including certificate holders operating under part 121, as well as those operating under part 135.

The proposal also added § 119.5(1) which stated that, for safety purposes, people who operate aircraft under parts 121 and 135 must comply with the provisions in a certificate holder's

operations specifications. This paragraph was proposed to prevent an employee of a certificate holder (with or without other certificate holder's knowledge) from violating the provisions of the certificate holder's operations specifications. For example, if a certificate holder is only authorized to carry cargo, a flight crewmember would not be allowed to bring along a friend as a passenger on the commercial flight.

No comments were received on these proposals and the changes to § 119.5 are adopted as proposed.

3. The proposal amended § 119.9 to allow displaying the air carrier or operating certificate number on an aircraft instead of the name of the certificate holder. As described in the NPRM, a petition by the National Air Transportation Association (NATA) and supporting comments requested that, for security and financial reasons, operators be allowed to display the air carrier or operating certificate number in lieu of the name of the certificate holder. In the NPRM, the FAA agreed that display of an air carrier or operating certificate number would meet the intent of this requirement, which is to provide a ready means of identifying a responsible certificate holder when an aircraft is parked and the FAA has reason to identify or contact the certificate holder. Therefore, the FAA proposed to amend § 119.9(b)(4) as requested by NATA.

The proposal also deleted the provision allowing the Assistant Administrator for Civil Aviation Security to grant deviations from the requirements of this section because the FAA no longer believed that these deviations were necessary.

NATA, Helicopter Association International (HAI), and individual operators affected by the proposed change to § 119.9(b) comment in support of allowing part 135 operators to display their air carrier or operating certificate number on an aircraft instead of the name of the certificate holder. Commenters emphasize that, if the FAA adopts the proposed amendment, it is imperative to make the amendment effective before March 20, 1997, so that they will not need to apply the certificate holder's name temporarily on the aircraft, and then remove it when the amendment takes effect later. One operator comments that even having the operating certificate number on the aircraft creates a security risk for some customers.

As discussed above, the FAA must be able to readily identify the responsible certificate holder conducting an operation, and having the air carrier or operating certificate number on an

aircraft will provide the necessary identification. Therefore, the changes to § 119.9 are adopted as proposed and are effective as of the date of issuance of this final rule.

4. The proposal amended § 119.21(a)(1) to allow domestic operations conducted from the Pribilof Islands and the Shumagin Islands to request permission to comply with the dispatching requirements of subpart U of part 121 applicable to flag operations. The NPRM also stated that, in the final rule, the FAA may include other Alaskan island locations in this provision, if requested to do so by commenters and if adding the names of those islands is consistent with safety considerations.

No comments were received on the proposal and the changes to § 119.21 are adopted as proposed.

5. The proposal amended § 119.35 to clarify that the additional financial and contract reporting requirements of this section apply only to commercial operators. The proposal split § 119.35 into two sections: Proposed § 119.35 contained just the certificate application procedures that apply to all applicants, and new § 119.36 contained the additional requirements for commercial operators.

In the NPRM, the FAA proposed that § 119.36 distinguish between requirements for all commercial operators and those applicable only to commercial operators under part 121. In addition, the FAA proposed to delete the financial reporting requirements of § 135.64(b), but to retain the contract retention requirements in § 135.64(a).

No comments were received on the proposal and §§ 119.35 and 119.36 are adopted as proposed.

6. The proposal revised § 119.67 (c) and (d) to amend the qualification requirements applicable to Directors of Maintenance and Chief Inspectors under part 121. The proposal also revised § 119.71(e) to amend the qualification and experience requirements applicable to the Director of Maintenance under part 135.

Both proposals established requirements for a person becoming the Director of Maintenance or Chief Inspector for the first time. These proposals were designed to ensure that persons holding these required management positions have the measure of experience and the demonstrated capability of effectively managing these programs.

The FAA proposed that, under §§ 119.67(c)(1) and 119.71(e)(1), the Director of Maintenance must have held the airframe and powerplant ratings for 3 years.

The proposal also amended § 119.67(c)(2) by changing the existing 1 year of maintenance experience in a supervisory capacity in maintaining the category and class of airplane used by the certificate holder, to 3 years of supervisory experience within the last 6 years in a position that exercised operational control over maintenance program functions.

In addition, the proposal amended § 119.67(c)(4)(i)(B) by replacing the word "repairing" with the word "maintaining", as the latter is consistent with the definition of maintenance as defined in 14 CFR 1.1. In addition, the word "maintaining" reflects the broader experience level more appropriate to the Director position.

For the Chief Inspector position, the proposal changed § 119.67(d)(2) to require 3 years of supervisory or managerial experience within the last 6 years.

The proposal also revised § 119.67(e) to clarify that certificate holders may request a deviation from the experience requirements of the section, but not from the airman certificate requirements of the section. Therefore, a certificate holder would not be allowed to employ a person who does not hold the required airman certificates (e.g., ATP certificate, commercial pilot certificate, mechanic certificate).

Proposed § 119.71 contained the management qualification requirements that formerly appeared in 0135.39. Section 119.71 (b) and (d) required that the Director of Operations and the Chief Pilot, respectively, must hold at least a commercial pilot certificate with an instrument rating. However, under former § 135.39 the instrument rating was required only if any pilot in command for that certificate holder was required to have an instrument rating. For operations such as a VFR only helicopter operation, the pilot in command is not required to hold an instrument rating. Therefore the FAA proposed that § 119.71 (b) and (d) be revised to match the intent of former § 135.39.

HAI comments in support of the proposed amendment of § 119.71 (b) and (d) on behalf its membership, which includes a substantial number of VFF-only helicopter operations. HAI states that without the amendment to § 119.71 (b) and (d) many operators would be forced to suspend operations until personnel that meet the current requirements can be identified and hired, and that there may not be enough such personnel available. HAI believes that this burden would be onerous and inappropriate in view of the fact that the

operators in question do not conduct instrument operations.

The FAA agrees with HAI's comments and the amendments to § 119.71 (b) and (d) are adopted as proposed. No comments were received on the proposal to revise §§ 119.67(e) and 119.71(f) and those amendments are adopted as proposed. The FAA has reviewed the proposed changes to the experience requirements for Director of Maintenance and Chief Inspector in light of issues raising during implementation of the commuter rule and the determined that further study of these proposal is necessary. Therefore the FAA withdraws the proposal amendments to §§ 119.67(c) and (d) and 119.71(e), for consideration in a future rulemaking.

7. In the NPRM, the FAA proposed that anew Special Federal Aviation Regulation (SFAR) be added to part 121 to address two problems that relate to compliance with § 121.99 and a third problem that relates to compliance with 0121.395. These are outlined below.

(1) The first problem involves certain communications difficulties in Alaska and other areas affecting certificate holders who are required by § 121.99 to "show that a two-way air/ground communication system is available at all 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."

The NPRM pointed out that, in certain areas, the lack of infrastructure or appropriate technology has prevented certificate holders from establishing such systems. For other certificate holder the nature of their operations (e.g., flying at low altitudes or in mountainous terrain) has prevented them from using current communication systems that may be reliable only at higher altitudes.

If a certificate holder shows to the Administrator that communications gaps exist due to such reasons as lack of infrastructure, ATC operating restrictions, the terrain, operating altitude, or feasibility of a certain kind of communications system, the certificate holder would be allowed to continue to operate over that route if the certificate holder establishes alternative procedures for prompt re-establishment of communication, for establishment that the airplane arrived at its destination, and for flight locating purposes. Under the SFAR, relief would only be granted after the certificate holder shows that it would meet the

requirements to the maximum extent possible. In granting such approval, the Administrator would consider certain factors that are listed in the SFAR.

Under the proposed SFAR, the certificate holder would obtain the approval of the Administrator in its operations specifications. The requests will be processed through the certificate-holding district office, with concurrence by the FAA's Air Transportation Division (AFS-200). This type of alternative compliance approval would only be available for scheduled operations with airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a physical capacity of 7,500 pounds or less under part 121 of this chapter.

(2) The second § 121.99-related problem involves certificate holder who have conducted or who might in the future conduct scheduled intrastate operations in Alaska. Under the pre-commuter rule amendments these operations under the rules applicable to flag air carriers and thus, under the last sentence of § 121.99, were not prohibited from using a communications system operated by the United States. For certificate holders operating intrastate in Alaska, whether certificate before or after January 19, 1996, it was considered impractical at that time to mandate that the required communications systems be independent of any system operated by the United States.

Therefore even though these certificate holder would otherwise have been required to comply with the operating rules for domestic operations, under the proposed SFAR they would be allowed to use systems operated by the United States, when there is no practical alternative, for the 4-year effective period of the SFAR. The FAA further propose to amend § 121.99 to require that, concurrent with the expiration of the SFAR, all flag operations in Alaska, not just those affected by the commuter rule change mentioned above, have communications systems that re independent of any system operated by the United States.

(3) The third issue addressed by the proposed SFAR relates to the use of aircraft dispatchers by former computer operations in Alaska who are required by the computer rule to have a part 121 dispatch system. It is long-standing FAA policy that each certificate holder subject to § 121.395 have aircraft dispatchers that are employed exclusively by that certificate holder. However, small operations located in remote areas have found it hard to attract qualified, certificated aircraft

dispatchers to work and live in those areas.

Therefore the FAA proposed to allow certificate holders conducting scheduled operations in Alaska with airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less under part 121 of this chapter, to share aircraft dispatchers if they are authorized to do so by the Administrator in their operations specifications. The requests will be processed through the certificate-holding district office, with concurrence by the FAA's Air Transportation Division (AFS-200). Before granting such an authorization, the Administrator would consider certain factors that are listed in the SFAR.

The FAA proposed that the SFAR would expire 4 years after it is issued because the FAA expects that adequate communications facilities would become available in all parts of Alaska and other areas within that time.

Several commenters address the provisions in the proposed SFAR. The Air Transport Association (ATA) sees no reason why the SFAR should be so restrictive and limited to commuter operations, because from a safety standpoint, larger aircraft have greater fuel capacity and alternate airport capability, and generally have a larger safety margin built in than small commuter aircraft. NATA believes that the proposed SFAR does not adequately address the special nature of flight operations in rural Alaskan areas, because the inherent problem is that Alaska simply does not have the infrastructure to guarantee communications in remote areas. Also NATA believes that operations in designated remote areas, where flights are mainly VFR, flight plans frequently change, and airports are often unattended, should not be subjected to the same stringent dispatching requirements applied to other part 121 operations. An aeronautical communications company disagrees with FAA's statements on lack of infrastructure and availability of appropriate technology. This commenter believes that there is a wide variety of choices available to meet the communication needs for positive operational control and that operators in remote geographical areas may need to make a combination of choices to allow them to meet the requirements of the current rules.

The Airline Dispatchers Federal (ADF) and an individual aircraft dispatcher address the relationship between the communications system

required by § 121.99 and the role of the aircraft dispatcher in providing information that may affect the safety of the flight to the pilot in command. ADF believes that adequate air ground communication technology is available for Alaskan operations, but that if there is a lack of weather reporting along their routes, air carriers can provide station and other personnel with telephone, dial access radio, HF, VHF, or SatComm communications and provide them with the training to provide accurate weather and aerodrome information. ADF further suggests that Alaskan air carriers cooperate to build their own radio network to cover their routes or that the State of Alaska may want to help finance any additional infrastructure required for scheduled air service in Alaska.

ADF suggests that Alaskan pilots, operating under a "bush" mentality, have knowingly flown in IMC or VFR flights in response to operational pressures, and that when adequate communication systems are in place and aircraft dispatchers are able to obtain accurate information on weather and other local conditions, the pilots will no longer be able to decide on their own whether or not to initiate or continue a particular flight, because, if the information does not show the operation can be conducted safely, the dispatcher may not authorize the flight.

ADF and the aircraft dispatcher object to FAA's proposal to allow Alaskan air carriers to share aircraft dispatchers under certain conditions. The commenters fear that a dispatcher working under contract or exercising operational control on a competitor's flight may have his or her actions second-guessed by the management of the other airline. ADF comments that a shared dispatcher may be kept at a distance from the operations and only told what company employees want the dispatcher to know.

ADF and the dispatcher believes that part 135 operators who have faced the challenge of complying with the communications and dispatching rules of part 121 should be commended and not effectively penalized economically by competitors who take advantage of the provisions in the proposed SFAR.

After careful consideration of these comments, the FAA has decided to issue the SFAR as proposed. The FAA disagree with ATA's assertion that the SFAR should also apply to air carriers operating larger planes, but instead agrees with ADF that the rules in part 121 requiring adequate communications system and a full aircraft dispatching system for scheduled operations have contributed for many years to a high

level of safety that should be applied as well to scheduled operations affected by the commuter rule. The purpose of the SFAR is to allow the FAA, the affected commuter operators, and the communications equipment industry to work together to bring every commuter operator into compliance with part 121 as soon as possible. However, the FAA's experience in implementing the commuter rule has been that there are gaps in certain remote areas that could not be remedied before the March 20, 1997, deadline for implementing the commuter rule. This is the exception rather than the rule. The limited number of commuter operators who have not been able to close the communications gaps along all of their routes have been evaluating systems and trying to develop plans for complying with § 121.99. The SFAR will allow extra time for the installation of ground-based systems, the development of satellite systems, or the development and approval of technology appropriate to the needs of remote operators.

The FAA agrees with commenters that the role of aircraft dispatchers is critical to ensuring the safety of flight, particularly in areas such as Alaska that are subject to difficult and changing weather conditions. That is why the FAA is not excepting Alaskan carriers from the dispatcher requirement. However, under section 1205 of the Federal Aviation Reauthorization Act of 1996 (Pub. L. 104-264), when modifying regulations affecting intrastate aviation in Alaska, the FAA Administrator must consider the extent to which Alaska is not served by transportation modes other than aviation, and must establish such regulatory distinctions as the Administrator considers appropriate. Also, in implementing the commuter rule, the FAA has found that in the unique environment of Alaska, it is difficult to recruit and retain qualified certificated aircraft dispatchers. The commenters' fears about the potential for contract dispatchers or dispatchers exercising operational control over competitors' flights are unwarranted because the SFAR allows for the sharing of dispatchers by 2 companies would be authorized to share a dispatcher only when the companies can show the FAA that they have joint plans for complying with the dispatcher training and qualification rules and that the number of flights for which the dispatcher would be responsible would not be beyond the capacity of a single dispatcher.

The FAA does not think that authority to operate under the SFAR would provide an economic advantage to a commuter operator because the

authority will be granted in a very limited number of cases and only when the operator has shown to the FAA that it is proceeding on a plan and has a schedule for coming into full compliance with the part 121 rules within 4 years.

8. The proposal amended § 121.99 to allow for "other means of communication approved by the Administrator" as an alternative to the tow-way radio communication system required by that section. This would allow certificate holders to use other types of technology, such as datalink or telephonic communication systems, to comply with this section.

No comments were received on the proposal and the changes to § 121.99 are adopted as proposed.

9. The proposal amended the manual requirements in §§ 121.137, 121.139, 125.71, 135.21, and 135.427 to make these sections compatible with § 121.133. (Section 121.133 had been revised in the commuter rule to allow a certificate holder to prepare its maintenance manual in any form acceptable to the Administrator.) Therefore, the FAA proposed in the NPRM to include the language "any form acceptable to the Administrator" in the sections above.

The proposal also amended these sections to clarify that, regardless of the form of the maintenance manual, it must be retrievable in the English language. Certificate holders who purchase equipment from foreign manufacturers or previous foreign owners must ensure that the maintenance instructions to be followed by their employees and reviewed by the FAA are in English.

No comments were received on the proposal and the changes to the manual requirements are adopted as proposed.

10. The proposal revised § 121.305(j) to clarify the requirements for third attitude indicators for turbopropeller powered airplanes having a passenger seat configuration of 30 seats or fewer and turbopropeller powered airplanes with more than 30 seats. The latter have been required to have third attitude indicators since October 1994.

No comments were received on the proposal and the changes to § 121.305 are adopted as proposed.

11. The FAA proposed to allow 2 years from the date of the final rule for the affected operators to install emergency exit locating signs that comply with § 121.310(b)(1). The additional 2 years for compliance would be granted to both in-service 10-19 seat airplanes and newly manufactured 10-19 seat airplanes. Paragraph (b)(1) of § 121.310 requires that the identity and

location of each passenger emergency exit must be marked so that the exit is recognizable from a distance equal to the width of the cabin and that the location of the exit must be indicated by a sign visible to occupants approaching along the main passenger aisle.

Paragraph (b)(1)(i) requires that one of the locating signs must be on the ceiling of the cabin. Because of limited headrooms, most of the 10–19 seat airplanes used by operators subject to the commuter rule do not have locating signs mounted flush to the cabin sidewalls. For these 10–19 seat airplanes with limited headroom, the simplest means of complying may be to replace the two-dimensional signs with beveled or three-dimensional signs that can be read easily at the cabin extremes; that type of sign would function to both identify and locate the corresponding exit.

The FAA also proposed adding a paragraph (b)(2)(iii) to § 121.310; this paragraph identifies the certification requirements for passenger emergency exit marking and locating signs. The proposal addressed the 10–19 passenger seat nontransport category airplanes. Similar to paragraph (b)(2)(i), it would mandate that the sign luminescence be 160 microlamberts at the time of manufacture; it would also prohibit the use of a sign in service if the luminescence decreases to below 100 microlamberts. Proposed paragraph (b)(2)(iii) should provide adequate levels of luminescence; the signs would have the same brightness as signs in some transport category airplanes currently manufactured and currently operated under part 121, which have no longer distances between exits than the 10–19 passenger seat airplanes.

No comments were received on the proposals and the changes to § 121.310 are adopted as proposed.

12. The proposal amended § 121.133(c) to correct an omission concerning the use of quick-donning oxygen masks at flight levels above 250 as a substitute for having one pilot at the controls wear and use an oxygen mask at all times. For pressurized turbine engine powered airplanes, § 121.333(c) has allowed the availability of a quick-donning mask to be a substitute for wearing and using a mask at all times at or below flight level 410. However, under § 135.89(b)(3) at least one pilot at the controls of a pressurized airplane is required at altitudes above flight level 350 to wear and use an oxygen mask at all times.

For those 10–30 passenger airplanes that will be operating under part 121 as a result of the commuter rule amendments, the proposal stated that

flight level 350 rather than flight level 410 would continue to be the appropriate altitude at which at least one pilot at the controls would be required to wear an oxygen mask at all times.

Since the commuter rule was not intended to relax this requirement, the FAA proposed to amend § 121.333(c) to incorporate the requirements of § 135.89(b)(3) for airplanes with less than 31 seats, excluding any required crewmember seat, and a payload capacity of 7,500 pounds or less.

No comments were received on the proposal and the changes to § 121.333 are adopted as proposed.

13. The proposal amended § 121.437 to eliminate a redundancy that was created by an earlier corrective amendment and by adding a new sentence that would have the effect of codifying an existing exemption that had been in effect since 1980.

The FAA granted the ATA an exemption from § 121.437 (Exemption No. 2965), allowing a pilot employed by a part 121 certificate holder as a flight crewmember to be issued additional category and class ratings to the pilot's certificate if the pilot had satisfactorily completed the appropriate training requirements of subpart N and the proficiency check requirements of § 121.441 by presenting proof of this to the Administrator. This exemption was extended 9 times and is due to expire on July 31, 1997.

Over the 16 years that the exemption has been in effect, there has been no known derogation of safety. Therefore, since the FAA has not had the resources to conduct each proficiency check required by the rule, the FAA proposed to codify Exemption 2965 into § 121.437.

ATA supports the proposed changes to § 121.437 and adds that codifying the exemption will also reduce the administrative burden on both the airlines and the FAA. The final rule is adopted as proposed.

Tables 1–4 From the Commuter Rule

In the preamble of the NPRM for this final rule, the FAA corrected and republished 3 tables that were a part of the original commuter rule preamble: Table 2, Comparable Sections in Parts 121 and 135, and Tables 3 and 4, the Derivation and Distribution Tables for Part 119. There have been no changes to these informational tables since the NPRM was published (February 3, 1997; 62 FR 5076). The FAA is in the process of updating Table 1, Summary of New Equipment and Performance Modifications for Affected Commuters, originally published in the commuter

rule, to present the delayed compliance dates for the equipment and performance modifications required by the commuter rule and subsequent amendments.

Any person may obtain a copy of Tables 1–4 by mail by submitting a request to: Linda Williams, Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20691, or by calling (202) 267–9685.

Federalism Implications

The regulations herein do not have substantial direct effects on the states, on the relationship between national government and the states, or on the distribution of power and responsibilities among various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), there are no new requirements for information collection associated with this rule.

Good Cause Justification for Immediate Adoption

This amendment is needed to make editorial corrections and other changes to the commuter rule that must be in place before the commuter rule takes final effect on March 20, 1997. In view of this need to expedite these changes, and because the amendments would impose no additional burdens on the public, I find that the amendment should be made effective in less than 30 days after publication. Therefore, this final rule is effective as of the date of issuance.

Conclusion

The FAA has determined that this final rule 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). No cost impact is expected to result and a full regulatory evaluation is not required. In addition, the FAA certifies that the final rule will not have a significant cost 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 21

Aircraft, Aviation safety, Exports, Imports, Reporting and recordkeeping requirements.

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Gusts.

14 CFR Part 91

Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Noise control, Political candidates, Reporting and recordkeeping requirements.

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 125

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 135

Aircraft, Airplanes, Airworthiness, air transportation.

Adoption of Amendments

Accordingly, the Federal Aviation Administration (FAA) amends 14 CFR parts 21, 25, 91, 119, 121, 125, and 135 as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

1. the authority citation for part 21 continues to read as follows:

Authority: 42 U.S.C. 7572; 49 U.S.C. 106(g), 40105, 40113, 44701–44702, 44707, 44709, 44711, 44713, 44715, 45303.

§ 21.431 [Amended]

2. Section 21.431 is amended in paragraph (b) by removing the parenthetical “except air taxi operators”).

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

3. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702 and 44704.

§ 25.1303 [Amended]

4. Section 25.1303(b)(4) is amended by removing the reference to “§ 121.305(j)” and adding in place thereof a reference to “§ 121.305(k).”

PART 91—GENERAL OPERATING AND FLIGHT RULES

5. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506–46507, 47122, 47508, 47528–47531.

6. Section 91.23 is amended by revising paragraph (b)(1)(ii) to read as follows:

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

* * * * *

(b) * * *

(1) * * *

(ii) The party furnishing the aircraft is a foreign air carrier or a person operating under part 121, 125, and 141 of this chapter, or a person operating under part 135 of this chapter having authority to engage in on-demand operations with large aircraft.

* * * * *

7. Section 91.323 is amended by revising paragraph (a)(1) to read as follows:

§ 91.323 Increased maximum certificated weights for certain airplanes operated in Alaska.

(a) * * *

(1) A certificate holder conducting operations under part 121 or part 135 of this chapter; or

* * * * *

PART 119—CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS

8. 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, 46013, 46105.

9. Section 119.3 is amended by revising paragraph (1) introductory text of the definition for “on-demand operation,” by revising the definition for “scheduled operation,” and by revising paragraph (2) of the definition of “supplemental operation” to read as follows:

§ 119.3 Definitions.

* * * * *

On-demand operation * * *

(1) Passenger-carrying operations conducted as a public charter under part 380 of this title or any operations in which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer’s representative that are any of the following types of operations:

* * * * *

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 passenger-carrying operation that is conducted as a public charter operation under part 380 of this title.

Supplemental operation * * *

(2) Types of operation:

(i) Operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer’s representative;

(ii) All-cargo operations; or

(iii) Passenger-carrying public charter operations conducted under part 380 of this title.

* * * * *

10. Section 119.5 is amended by adding paragraph (k) and (l) to read as follows:

§ 119.5 Certifications, authorizations, and prohibitions.

* * * * *

(k) No person may advertise or otherwise offer to perform an operation subject to this part unless that person is authorized by the Federal Aviation Administration to conduct that operation.

(l) No person may operate an aircraft under this part, part 121 of this chapter, or part 135 or this chapter in violation of an air carrier operating certificate, operating certificate, or appropriate operations specifications issued under this part.

11. Section 199.9(b) is revised to read as follows:

§ 119.9 Use of business names.

* * * * *

(b) No person may operate an aircraft under part 121 or part 135 of this chapter unless the name of the certificate holder who is operating the aircraft, or the air carrier or operating certificate number of the certificate holder who is operating the aircraft, is legibly displayed on the aircraft and is clearly visible and readable from the outside of the aircraft to a person

standing on the ground at any time except during flight time. The means of displaying the name on the aircraft and its readability must be acceptable to the Administrator.

12. Section 119.21 is amended by revising paragraph (a)(1) to read as follows:

§ 119.21 Commercial operators engaged in intrastate common carriage and direct air carriers.

(a) * * *

(1) Domestic operations in accordance with the applicable requirements of part 121 of this chapter, and shall be issued operations specifications for those operations in accordance with those requirements. However, based on a showing of safety in air commerce, the Administrator may permit persons who conduct domestic operations between any point located within any of the following Alaskan islands and any point in the State of Alaska to comply with the requirements applicable to flag operations contained in subpart U of part 121 of this chapter:

- (i) The Aleutian Islands.
- (ii) The Pribilof Islands.
- (iii) The Shumagin Islands.

* * * * *

13. Section 119.35 is revised to read as follows:

§ 119.35 Certificate application requirements for all operators.

(a) A person applying to the Administrator for an Air Carrier Certificate or Operating Certificate under this part (applicant) must submit an application—

- (1) In a form and manner prescribed by the Administrator; and
- (2) Containing any information the Administrator requires the applicant to submit.

(b) Each applicant must submit the application to the Administrator at least 90 days before the date of intended operation.

14. Section 119.36 is added to read as follows:

§ 119.36 Additional certificate application requirements for commercial operators.

(a) Each applicant for the original issue of an operating certificate for the purpose of conducting intrastate common carriage operations under part 121 or part 135 of this chapter must submit an application in a form and manner prescribed by the Administrator to the Flight Standards District Office in whose area the applicant proposes to establish or has established his or her principal base of operations.

(b) Each application submitted under paragraph (a) of this section must

contain a signed statement showing the following:

(1) For corporate applicants:

(i) The name and address of each stockholder who owns 5 percent or more of the total voting stock of the corporation, and if that stockholder is not the sole beneficial owner of the stock, the name and address of each beneficial owner. An individual is considered to own the stock owned, directly or indirectly, by or for his or her spouse, children, grandchildren, or parents.

(ii) The name and address of each director and each officer and each person employed or who will be employed in a management position described in §§ 119.65 and 119.69, as applicable.

(iii) The name and address of each person directly or indirectly controlling or controlled by the applicant and each person under direct or indirect control with the applicant.

(2) For non-corporate applicants:

(i) The name and address of each person having a financial interest therein and the nature and extent of that interest.

(ii) The name and address of each person employed or who will be employed in a management position described in §§ 119.65 and 119.69, as applicable.

(c) In addition, each applicant for the original issue of an operating certificate under paragraph (a) of this section must submit with the application a signed statement showing—

(1) The nature and scope of its intended operation, including the name and address of each person, if any, with whom the applicant has a contract to provide series as a commercial operator and the scope, nature, date, and duration of each of those contracts; and

(2) For applicants intending to conduct operations under part 121 of this chapter, the financial information listed in paragraph (e) of this section.

(d) Each applicant for, or holder of, a certificate issued under paragraph (a) of this section, shall notify the Administrator within 10 days after—

(1) A change in any of the persons, or the names and addresses of any of the persons, submitted to the Administrator under paragraph (b)(1) or (b)(2) of this section; or

(2) For applicants intending to conduct operations under part 121 of this chapter, a change in the financial information submitted to the Administrator under paragraph (e) of this section that occurs while the application for the issue is pending before the FAA and that would make the applicant's financial situation

substantially less favorable than originally reported.

(e) Each applicant for the original issue of an operating certificate under paragraph (a) of this section who intends to conduct operations under part 121 of this chapter must submit the following financial information:

(1) A balance sheet that shows assets, liabilities, and net worth, as of a date not more than 60 days before the date of application.

(2) An itemization of liabilities more than 60 days past due on the balance sheet date, if any, showing each creditor's name and address, a description of the liability, and the amount and due date of the liability.

(3) An itemization of claims in litigation, if any, against the applicant as of the date of application showing each claimant's name and address and a description and the amount of the claim.

(4) A detailed projection of the proposed operation covering 6 complete months after the month in which the certificate is expected to be issued including—

(i) Estimated amount and source of both operating and nonoperating revenue, including identification of its existing and anticipated income producing contracts and estimated revenue per mile or hour of operation by aircraft type;

(ii) Estimated amount of operating and nonoperating expenses by expense objective classification; and

(iii) Estimated net profit or loss for the period.

(5) An estimate of the cash that will be needed for the proposed operations during the first 6 months after the month in which the certificate is expected to be issued, including—

(i) Acquisition of property and equipment (explain);

(ii) Retirement of debt (explain);

(iii) Additional working capital (explain);

(iv) Operating losses other than depreciation and amortization (explain); and

(v) Other (explain).

(6) An estimate of the cash that will be available during the first 6 months after the month in which the certificate is expected to be issued, from—

(i) Sale of property or flight equipment (explain);

(ii) New debt (explain);

(iii) New equity (explain);

(iv) Working capital reduction (explain);

(v) Operations (profits) (explain);

(vi) Depreciation and amortization (explain); and

(vii) Other (explain).

(7) A schedule of insurance coverage in effect on the balance sheet date showing insurance companies; policy numbers; types, amounts, and period of coverage; and special conditions, exclusions, and limitations.

(8) Any other financial information that the Administrator requires to enable him or her to determine that the applicant has sufficient financial resources to conduct his or her operations with the degree of safety required in the public interest.

(f) Each financial statement containing financial information required by paragraph (e) of this section must be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis, and must contain the name and address of the applicant's public accounting firm, if any. Information submitted must be signed by an officer, owner, or partner of the applicant or certificate holder.

15. Section 119.67 is amended by revising paragraph (e) to read as follows:

§ 119.67 Management personnel: Qualifications for operations conducted under part 121 of this chapter.

* * * * *

(e) A certificate holder may request a deviation to employ a person who does not meet the appropriate airman experience, managerial experience, or supervisory experience requirements of this section if the Manager of the Air Transportation Division, AFS-200, or the Manager of the Aircraft Maintenance Division, AFS-300, as appropriate, finds that the person has comparable experience, and can effectively perform the functions associated with the position in accordance with the requirements of this chapter and the procedures outlined in the certificate holder's manual. Grants of deviation under this paragraph may be granted after consideration of the size and scope of the operation and the qualifications of the intended personnel. The Administrator may, at any time, terminate any grant of deviation authority issued under this paragraph.

16. Section 119.71 is amended by revising the introductory text of paragraph (b), the introductory text of paragraph (d), and the first sentence of paragraph (f) to read as follows:

§ 119.71 Management personnel: Qualifications for operations conducted under part 135 of this chapter.

* * * * *

(b) To serve as Director of Operations under § 119.69(a) for a certificate holder that only conducts operations for which

the pilot in command is required to hold a commercial pilot certificate, a person must hold at least a commercial pilot certificate. If an instrument rating is required for any pilot in command for that certificate holder, the Director of Operations must also hold an instrument rating. In addition, the Director of Operations must either—

(d) To serve as Chief Pilot under § 119.69(a) for a certificate holder that only conducts operations for which the pilot in command is required to hold a commercial pilot certificate, a person must hold at least a commercial pilot certificate. If an instrument rating is required for any pilot in command for that certificate holder, the Chief Pilot must also hold an instrument rating. The Chief Pilot must be qualified to serve as pilot in command in at least one aircraft used in the certificate holder's operation. In addition, the Chief Pilot must:

(f) A certificate holder may request a deviation to employ a person who does not meet the appropriate airmen experience requirements, managerial experience requirements, or supervisory experience requirements of this section if the Manager of the Air Transportation Division, AFS-200, or the Manager of the Aircraft Maintenance Division, AFS-300, as appropriate, find that the person has comparable experience, and can effectively perform the functions associated with the position in accordance with the requirements of this chapter and the procedures outlined in the certificate holder's manual. * * *

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

17. 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.

18. SFAR 80 is added to read as follows:

SFAR _____—Alternative Communications and Dispatching Procedures

1. *Applicability.* This Special Federal Aviation Regulation applies to each holder of an air carrier or operating certificate (hereafter, certificate holder) that meets one of the following eligibility requirements:

a. The certificate holder conducts scheduled operations with airplanes having a passenger-seat configuration of

30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less under part 121 of this chapter.

b. The certificate holder conducts domestic operations in Alaska under part 121 of this chapter.

2. *Alternative requirements.*

a. If an operator described in paragraph 1.a. of this SFAR is conducting a flight with an airplane described in 1.a. and if communications cannot be maintained over the entire route (which would be contrary to the requirements of § 121.99 of this chapter), such an operator may continue to operate over such a route subject to approval by the Administrator. In granting such approval the Administrator considers the following:

- i. The operator has an established dispatch communication system.
- ii. Gaps in communication are not over the entire route, but only over portions of the route.
- iii. When communication gaps occur, they occur due to one or more of the following:

- A. Lack of infrastructure.
- B. Geographical considerations.
- C. Assigned operating altitude.

iv. Procedures are established for the prompt re-establishment of communications.

v. The operator has presented a plan or schedule for coming into compliance with the requirements in § 121.99 of this chapter.

b. A certificate holder who conducts domestic operations in Alaska may, notwithstanding the requirements of § 121.99 of this chapter, use a communication system operated by the United States for those operations.

c. An operator described in paragraph 1.a. of this SFAR who conducts operations in Alaska may share the aircraft dispatcher required by § 121.395 with another operator described in paragraph 1.a. of this SFAR who conducts operations in Alaska if authorized to do so by the Administrator. Before granting such an authorization, the Administrator considers:

i. The operators' joint plans for complying with the aircraft dispatcher training rules in subpart N of part 121 of this chapter and the aircraft dispatcher qualification and duty time limitation rules in subpart P of part 121 of this chapter.

ii. The number of flights for which the aircraft dispatcher would be responsible.

iii. Whether the responsibilities of the dispatcher would be beyond the capability of a single dispatcher.

3. *Expiration.* This Special Federal Aviation Regulation terminates on

March 12, 2001, unless sooner terminated.

19. Section 121.2 is amended by adding paragraphs (d)(1)(iv) and (e)(1)(iv) to read as follows:

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

* * * * *

- (d) * * *
- (1) * * *

(iv) March 12, 1999: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

- (e) * * *
- (1) * * *

(iv) Manufactured on or after March 12, 1999: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

20. Section 121.99 is revised to read as follows:

§ 121.99 Communication facilities.

(a) Each certificate holder conducting domestic or flag operations must show that a two-way radio communication system or other means of communication approved by the Administrator 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, except as specified as § 121.351(c).

(b) For the following types of operations, the communications systems between each airplane and the dispatch office must be independent of any system operated by the United States:

- (1) All domestic operations;
- (2) Flag operations in the 48 contiguous States and the District of Columbia; and
- (3) After March 12, 2001, flag operations outside the 48 contiguous States and the District of Columbia.

21. Section 121.137(c) is revised to read as follows:

§ 121.137 Distribution and availability.

* * * * *

(c) For the purpose of complying with paragraph (a) of this section, a certificate holder may furnish the persons listed therein the maintenance part of the manual in printed form or other form, acceptable to the Administrator, that is retrievable in the English language.

22. Section 121.139(a) is revised to read as follows:

§ 121.139 Requirements for manual aboard aircraft: Supplemental operations.

(a) Except is provided in paragraph (b) of this section, each certificate holder conducting supplemental operations shall carry appropriate parts of the manual on each airplane when away from the principal base of operations. The appropriate parts must be available for use by ground of flight personnel. If the certificate holder carries aboard an airplane all or any portion of the maintenance part of its manual in other than printed form, it must carry a compatible reading device that produces a legible image of the maintenance information and instructions or a system that is able to retrieve the maintenance information and instructions in the English language.

* * * * *

23. Section 121.305 is amended by removing the words "paragraph (j) of this section" in paragraph (f) and adding, in their place, the words "paragraph (k) of this section;" and by revising paragraph (j) to read as follows:

§ 121.305 Flight and navigational equipment.

* * * * *

(j) On the airplane described in this paragraph, in addition to two gyroscopic bank and pitch indicators (artificial horizons) for use at the pilot stations, a third such instrument is installed in accordance with paragraph (k) of this section:

- (1) On each turbojet powered airplane.
- (2) On each turbopropeller powered airplane having a passenger-seat configuration of more than 30 seats, excluding each crewmember seat, or a payload capacity of more than 7,500 pounds.
- (3) On each turbopropeller powered airplane having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less that is manufactured on or after March 20, 1997.
- (4) After December 20, 2010, on each turbopropeller powered airplane having a passenger seat configuration of 10–30 seats and a payload capacity of 7,500 pounds or less that was manufactured before March 20, 1997.

* * * * *

24. Section 121.310 is amended by adding the words "Except as provided in paragraph (b)(2)(iii) of this section," to the beginning of paragraph (b)(2)(i); by revising the words "For an airplane" to read "For a transport category airplane" in paragraph (b)(2)(ii); and by adding a new paragraph (b)(2)(iii) to read as follows:

* * * * *

24. Section 121.310 is amended by adding the words "Except as provided in paragraph (b)(2)(iii) of this section," to the beginning of paragraph (b)(2)(i); by revising the words "For an airplane" to read "For a transport category airplane" in paragraph (b)(2)(ii); and by adding a new paragraph (b)(2)(iii) to read as follows:

§ 121.310 Additional emergency equipment

* * * * *

- (b) * * *
- (2) * * *

(iii) For a nontransport category turbopropeller powered airplane type certificated after December 31, 1964, each passenger emergency exit marking and each locating sign must be manufactured to meet the requirements of § 23.811(b) of this chapter. On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts.

* * * * *

25. Section 121.333 is amended by revising paragraph (c)(2) to read as follows:

§ 121.333 Supplemental oxygen for emergency descent and for first aid; turbine engine powered airplanes with pressurized cabins.

* * * * *

- (c) * * *

(2) When operating at flight altitudes above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, in accordance with the following:

(i) The one pilot need not wear and use an oxygen mask at or below the following flight levels if each flight crewmember on flight deck duty has a quick-donning type of oxygen mask that the certificate holder has shown can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within five seconds:

(A) For airplanes having a passenger seat configuration of more than 30 seats, excluding any required crewmember seat, or a payload capacity of more than 7,500 pounds, at or below flight level 410.

(B) For airplanes having a passenger seat configuration of less than 31 seats, excluding any required crewmember seat, and a payload capacity of 7,500 pounds or less, at or below flight level 350.

(ii) Whenever a quick-donning type of oxygen mask is to be used under this section, the certificate holder shall also show that the mask can be put on without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. The oxygen mask after being put on must not prevent communication between the flight crewmember and other crewmembers over the airplane intercommunication system.

* * * * *

26. Section 121.437 is amended by removing paragraph (b), by redesignating current paragraph (c) as paragraph (b) and by adding a new sentence to redesignated paragraph (b) to read as follows:

§ 121.437 Pilot qualification: Certificates required.

* * * * *

(b) * * * Notwithstanding the requirements of § 61.63 (b) and (c) of this chapter, a pilot who is currently employed by a certificate holder and meets applicable training requirements of subpart N of this part, and the proficiency check requirements of § 121.441, may be issued the appropriate category and class ratings by presenting proof of compliance with those requirements to a Flight Standards District Office.

§ 121.590 [Amended]

27. Section 121.590 is amended in paragraph (a) by removing the words "operate an aircraft into a land airport" and adding, in their place, the words "operate an airplane designed for at least 31 passenger seats into a land airport."

28. Section 121.713 is amended by revising paragraph (b)(2) to read as follows:

§ 121.713 Retention of contracts and amendments: Commercial operators who conduct intrastate operations for compensation or hire.

* * * * *

(b) * * *
(2) The information required by § 119.36(e)(2), (e)(7), and (e)(8) of this chapter.

* * * * *

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

29. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44710-44711, 44713, 44716-44717, 44722.

30. Section 125.71(f) is revised to read as follows:

§ 125.71 Preparation

* * * * *

(f) For the purpose of complying with paragraph (d) of this section, a certificate holder may furnish the persons listed therein with the maintenance part of its manual in printed form or other form, acceptable to the Administrator, that is retrievable in the English language. If the certificate holder furnishes the maintenance part of the manual in other than printed form, it must ensure there is a compatible reading device available to those persons that provides a legible image of the maintenance information and instructions or a system that is able to retrieve the maintenance information and instructions in the English language.

* * * * *

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

31. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44715-44717, 44722.

32. Section 135.2 is amended in paragraphs (d)(1)(1) introductory text, (d)(2)(i) introductory text, and (e)(1)ii) by removing the words "December 22, 1997" and adding, in their place, the words "December 20, 1997;" and by adding paragraphs (d)(1)iv) and (e)(1)(iv) to read as follows:

§ 135.2 Compliance schedule for operators that transition to part 121 of this chapter; certain new entrant operators.

* * * * *

(d) * * *
(1) * * *
(iv) March 12, 1999: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

(e) * * *
(1) * * *
(iv) Manufactured on or after March 12, 1999: Section 121.310(b)(1), Interior emergency exit locating sign.

* * * * *

33. Section 135.21(f) is revised to read as follows:

§ 135.21 Manual requirements.

* * * * *

(f) For the purpose of complying with paragraph (d) of this section, a certificate holder may furnish the persons listed therein with the

maintenance part of its manual in printed form or other form, acceptable to the Administrator, that is retrievable in the English language. If the certificate holder furnishes the maintenance part of the manual in other than printed form, it must ensure there is a compatible reading device available to those persons that provide a legible image of the maintenance information and instructions, or a system that is able to retrieve the maintenance information and instructions in the English language.

* * * * *

§ 135.25 [Amended]

34. Section 135.25 is amended in paragraph (b) by removing the words "air taxi or commercial operations" and adding, in their place, the words "operations under this part."

§ 135.64 [Amended]

35. Section 135.64 is amended by removing paragraph (b) and removing the paragraph designation "(a)" from the remaining paragraph.

36. Section 135.153 is amended by revising paragraph (a) and removing and reserving paragraph (b) to read as follows:

§ 135.153 Ground proximity warning system.

(a) No person may operate a turbine-powered airplane having a passenger seat configuration of 10 seats or more, excluding any pilot seat, unless it is equipped with an approved ground proximity warning system.

(b) [Reserved]

* * * * *

37. Section 135.427 is amended by adding a new paragraph (d) to read as follows:

§ 135.427 Manual requirements.

* * * * *

(d) For the purposes of this part, the certificate holder must prepare that part of its manual containing maintenance information and instructions, in whole or in part, in printed form or other form, acceptable to the Administrator, that is retrievable in the English language.

Issued in Washington, D.C., on March 12, 1997.

Barry L. Valentine,

Acting Administrator.

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