DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 121
Pilot Age Limit Crew Pairing Requirement

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy.

SUMMARY: This document notifies the public of the Federal Aviation Administration’s policy regarding enforcement of the pilot pairing requirement in the “Part 121 Pilot Age Limit” final rule. Currently, while the International Civil Aviation Organization (ICAO) standards allow a person between the age of 60 and 65 to serve as pilot in command (PIC) of an airplane with two or more pilots, in international commercial air transport operations, the PIC must be paired with a pilot younger than 60 years of age. Parts 61 and 121 of title 14, of the Code of Federal Regulations contain similar limitations. However, a recent amendment to the ICAO standards would remove this pilot pairing requirement. Instead, all pilots serving on airplanes in international commercial air transport operations with more than one pilot may serve beyond 60 years of age (until age 65) without being paired with a pilot under 60 years of age. This ICAO amendment triggers the sunset of the statutory authority that provides the basis for the crew pairing limitations in title 14.

DATES: Effective November 13, 2014. If implementation by the International Civil Aviation Organization of Amendment 172 to Annex 1 is delayed, the FAA will publish notification of the date changes.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this document, contact Nancy Lauck Claussen, email: Nancy.L.Claussen@faa.gov; Air Transportation Division (AFS-200), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8166. For legal questions concerning this document, contact Sara Mikolop, email: Sara.Mikolop@faa.gov; Office of Chief Counsel (AGC–200), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073.

SUPPLEMENTARY INFORMATION:

Fair Treatment of Experienced Pilots Act

On December 13, 2007, the Fair Treatment of Experienced Pilots Act (Pub. L. 110–135) amended title 49 of the United States Code by adding section 44729. Section 44729(a) raised the age limit for pilots serving in operations under part 121 from age 60 to age 65, subject to the limitations in section 44729(c) applicable to pilots in command on international flights. Section 44729(c) specified a pilot pairing limitation for PICs serving on international flights. Specifically, section 44729(c)(1) provides, “A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.” The pilot pairing requirement in section 44729(c)(1) is consistent with the pilot pairing standard in ICAO Annex 1 (Personnel Licensing), Chapter 2 (Licenses and Ratings for Pilots), Standard 2.1.10. The crew pairing requirement in section 44729(c)(1) will sunset in accordance with section 44729(c)(2), on the date that ICAO removes the pilot pairing limitation in Standard 2.1.10. Section 44729(c)(2) states, “Paragraph

1 The statute uses the term “covered operations” to describe part 121 operations. See 49 U.S.C. 44728(b).
treatment of Experienced Pilots Act intended to harmonize FAA regulations with the ICAO standard pertaining to pilot age limitations and pilot pairing requirements, which would encompass international operations in addition to the part 121 operations identified by the Act. See 74 FR 34229, 34230 (July 15, 2009). The ICAO standard pertaining to pilot age limitations and pilot pairing applies to pilots serving in operations between his or her home state and another country as well as between two territories outside of his or her home state. Accordingly, to harmonize the agency’s regulations with the ICAO standard and further the intent of the Act, the 2009 final rule added the pilot age limitations and pilot pairing requirement for pilots conducting operations between two international territories using U.S. registered airplanes. As a result, for multi-pilot operations, the final rule increased the maximum age for a pilot to serve and added the pilot pairing requirement for part 121 operations and certain other international air service and air transportation operations using airplanes on the U.S. registry (14 CFR 121.383(d) and (e), 61.3(j) and 61.77(g)).

Effect of ICAO Amendment and Sunset of 49 U.S.C. 44729(c)(1) on Enforcement of FAA Regulations

As discussed previously, 49 U.S.C. 44729(c)(2) states that the pilot pairing requirement in 49 U.S.C. 44729(c)(1) ceases to be effective when ICAO amends its standard to remove the pilot pairing limitation. Once the pilot pairing limitation of 49 U.S.C. 44729(c)(1) ceases to be effective, the statutory basis for pilot pairing in §§ 121.383(d)(2), 121.383(e)(2), 61.3(j)(2) and 61.77(g) of title 14 of the Code of Federal Regulations will no longer exist and those regulations will be contrary to 49 U.S.C. 44729. For this reason, beginning on the date the ICAO amendment is implemented, the FAA will no longer enforce the crew pairing requirements contained in 14 CFR 121.383(d)(2), 121.383(e)(2), 61.3(j)(2) and 61.77(g).

The FAA has initiated a rulemaking to conform applicable relevant regulations to the statute and anticipates publication of a final rule in 2015.6

Issued in Washington, DC, on November 5, 2014.

Reginald C. Govan, Chief Counsel.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

RIN 2700–AD79

Profit and Fee Under Federal Financial Assistance Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA is revising the NASA Grant & Cooperative Agreement Handbook to clarify that NASA does not pay profit or fee on Federal Financial Assistance awards, i.e. grants and cooperative agreements, to non-profit organizations. This rule makes changes to NASA regulations to reflect that revision.


SUPPLEMENTARY INFORMATION:

I. Background

NASA published a proposed rule for Profit and Fee under Financial Assistance Awards in the Federal Register on January 11, 2012 (77 FR 1657). The public comment period closed on March 11, 2012. By the end of the established comment period, NASA received comments from one entity. However, those comments were subsequently determined to have been submitted to the incorrect docket and were not applicable to the proposed rule. After the specified end date for the

6 The FAA expects to make conforming changes to 14 CFR 61.3(j), 61.77(g) and 121.383(d)(2) and (e)(2).