

under part 135. In fact, part 135 does not require a dispatch system or a flight following system; as a minimum, it only requires a flight locating system.

To be eligible to be a chief pilot in part 121 operations, or part 135 operations in which any operation requires that the PIC hold an ATP certificate, a person must hold an ATP certificate. A commercial pilot certificate, with appropriate ratings, is sufficient for a chief pilot at a part 135 operation that only conducts operations for which the PIC's are required to hold a commercial pilot certificate.

In addition to holding the appropriate certificate, in order to be eligible to be a chief pilot in part 121 or 135 operations, a person must have at least 3 years experience as a PIC of aircraft operated under parts 121 or 135. However, if that person is becoming a chief pilot for the first time, the 3 years experience must have been obtained within the previous 6 years.

- **Chief inspector.** Section 121.61 requires a chief inspector for each supplemental or commercial operator conducting part 121 operations. This proposal would standardize this requirement for all operators under part 121. In addition to the existing eligibility requirements, the chief inspector would be required to have at least 1 year of experience in a supervisory position maintaining large aircraft. See 119.67(d).

- **Deviation authority.** The deviation authority contained in §§ 121.61(b)(2) and 135.39(d) has been combined and made applicable to all management personnel. Sections 119.67(e) and 119.71(f) authorize the Manager of the Flight Standards Division in the region of the certificate holding district office to authorize a certificate holder to employ a person who does not meet the qualifications in proposed §§ 119.67 or 119.71. For a certificate holder or applicant that wants to employ a person who does not hold the required airman certificate (e.g., ATP certificate, commercial pilot certificate, airframe and powerplant certificate), the deviation authority sections would not cover such a lack of airman certification situation. The deviation authority provides a means for competent and qualified personnel who do not meet the management personnel qualifications to be employed in required positions.

Revisions to Parts 121 and 135

As discussed earlier, SFAR 38 and SFAR 38-2 were intended as temporary measures that superseded certain provisions in the FAR. Thus, both special regulations began with the statement "Contrary provisions of parts

121, 123, 127, and 135 of the Federal Aviation Regulations notwithstanding* * *." This statement served to inform operators that requirements in the regulations that were contrary to the requirements in the SFAR were superseded by the SFAR. The purpose of the proposed revisions to part 121 Subparts A, B, C, and D, and part 135, Subpart A, is to delete all sections which have been moved to part 119 and to eliminate all references contradictory to part 119, such as requirements using outdated terminology. Subparts B, C, and D and certain sections of Subpart A of part 121 are entirely deleted as well as certain sections of Subpart A of part 135 because these requirements are either obsolete or have been moved to proposed part 119. The FAA anticipates that a derivation table, showing the origin and current source of many of the proposed new sections, will appear in a final rule document. Also, a description of some of these revisions occurs in the "Editorial Changes" and the section-by-section portions of this preamble.

Rescinding Part 127 and Related Rotorcraft Regulations

SFAR 38-2 required rotorcraft operations that were formerly conducted under part 121 or part 127 to be conducted under part 135. Part 127 and rotorcraft sections of part 121 have been in effect for 20 years without substantive change despite significant changes in equipment and technology during the period. The rotorcraft requirements under part 121 and all of part 127 would have needed complete revision and updating to be applicable to today's technology. In contrast, part 135 has been updated in recent years. Since most rotorcraft have less than a 30-passenger seating capacity and a payload capacity of less than 7,500 pounds, the FAA decided in the interests of efficiency and safety that rotorcraft operations should comply with the requirements of part 135. In accordance with SFAR 38-2, part 135 requirements superseded part 127 and §§ 121.13 and 121.157. In effect this notice formally proposes a rescission of part 127 and related part 121 sections which were suspended by SFAR 38-2.

The FAA stated in its preamble to the proposed SFAR 38-2 and reiterates in this proposal that, if the air transportation industry significantly expands the use of rotorcraft with more than 30 passenger seats or more than 7,500 pounds payload capacity, appropriate rules would be developed to clearly specify the operating requirements for this class of rotorcraft. However, in the interim, if an operator

requests authority to operate this class of large rotorcraft where safety requirements in addition to those prescribed in part 135 are warranted, special operations specifications would be issued, appropriate to the aircraft size and kind of operation.

Editorial Changes

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

The following are examples of changes that would be incorporated in proposed part 119 and made to all of the sections remaining in part 121, Subpart A, and part 135, Subpart A, as well as to other parts of the FAR in order to make them consistent with each other and to reflect current FAA administrative procedures:

(1) References to "domestic, flag, supplemental, or commuter air carriers" have been changed to "domestic, flag, supplemental, or commuter operation," as appropriate.

(2) References to "Domestic, Flag, or Supplemental Air Carrier Operating Certificates" have been changed to "Air Carrier Certificates."

(3) References to "ATCO Operating Certificates" have been changed to "Air Carrier Certificate" or "Operating Certificate."

(4) References to "Flight Standards District Office" and "District Office" have been changed to "certificate-holding district office," and a definition for "certificate-holding district office" has been added.

(5) Obsolete references and compliance dates have been deleted to reflect current FAA procedures and the current FAR.

(6) 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."

(7) An effort has been made to break unwieldy paragraphs into more manageable divisions.

In the final rule for this proposal, the FAA will make similar editorial changes in the remaining subparts of parts 121 and 135 and in any other parts affected.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal