

are conducted within a 25 statute mile radius of that airport; however, these operations must comply only with §§ 121.455 and 121.457.

(e) Each person who is on board an aircraft being operated under this part.

(f) Each person who is an applicant for an Air Carrier Certificate or an Operating Certificate under part 119 of this chapter, when conducting proving tests.

7. Section 121.2 is added to read as follows:

§ 121.2 Compliance schedule for transition to part 121.

(a) *Applicability.* This section applies to the following:

(1) Each certificate holder that conducts scheduled passenger-carrying operations with airplanes having a passenger seating configuration of 10–30 seats and each certificate holder that conducts scheduled passenger-carrying operations in turbojet engine powered airplanes having a passenger seating configuration of 30 seats or fewer that before [Insert date 30 days after publication date of final rule] was issued an air carrier certificate or operating certificate and operations specifications under the certification requirements of part 135 of this chapter or under SFAR 38–2.

(2) Each person who after [Insert date 30 days after publication date of final rule] applies for or obtains an air carrier certificate or operating certificate or operations specifications to conduct operations described in paragraph (a) of this section.

(b) *Obtaining operations specifications.* Each person covered by paragraph (a)(1) of this section shall before [Insert date 1 year after publication date of final rule] obtain operations specifications to conduct its scheduled operations under part 121 of this chapter.

(c) *Regular or accelerated compliance.* Except as provided in paragraphs (d) and (e) of this section, each certificate holder covered by paragraph (a) of this section shall comply with each applicable requirement of part 121 of this chapter as of [Insert date 1 year after publication date of final rule] or the date on which the certificate holder is issued 14 CFR part 121 operations specifications, whichever occurs first.

(d) *Delayed retrofit requirements.* No certificate holder that is covered by paragraph (a) of this section may operate an airplane in 14 CFR part 121 operations on or after [Insert date 1 year after publication date of the final rule] unless that airplane meets the stated requirements:

(1) [2 years after publication date of final rule]:

(i) Section 121.289, Landing gear aural warning.

(ii) Section 121.293(a), Ditching emergency exits.

(iii) Section 121.308, Lavatory fire protection.

(iv) Section 121.310(c),(d), (e), and (h), Floor proximity lighting; emergency exit handle illumination, and interior and exterior emergency lighting, respectively.

(v) Section 121.312(c), Passenger seat cushion flammability.

(vi) Section 121.337(b), Protective breathing equipment.

(vii) Section 121.340, Floatation cushions.

(2) (4 years after publication date of final rule): Section 121.342, pitot heat indication system.

(e) *New manufacture requirements.* No certificate holder that is covered by paragraph (a) of this section may operate an airplane in 14 CFR part 121 operations that is and manufactured on or after the date stated on the certificate unless that airplane meets the stated requirements:

(1) (1 year after publication date of final rule): Section 121.311(f), Safety belts and shoulder harnesses.

(2) (4 years after publication date of final rule):

(i) Section 121.293(b), Takeoff warning system.

(ii) Section 121.312(a), Interior materials flammability.

(iii) Section 121.314, Cargo and baggage compartments.

(f) *New type certification requirements.* No person may operate an airplane for which the application for a type certificate was filed after [Insert date of publication of NPRM] in 14 CFR part 121 operations unless that airplane is type certificated under part 25 of this chapter.

(g) *Transition plan.* Before [Insert date 60 days after publication date of final rule] each certificate holder described in paragraph (a)(1) of this section must submit to the FAA a transition plan (containing a calendar of events) for moving from conducting its scheduled operations under the commuter requirements of part 135 of this chapter to the requirements for domestic or flag operations under this part. Each transition plan must contain details on the following:

(1) Plans for obtaining new operations specifications authorizing domestic or flag operations;

(2) Plans for being in compliance with the applicable requirements of this part on or before [Insert date 1 year after the publication date of the final rule]; and

(3) Plans for complying with the compliance date schedules contained in paragraphs (d) and (e) of this section.

§§ 121.3, 121.5, 121.7, 121.9, and 121.13 [Removed]

8. Sections 121.3, 121.5, 121.7, 121.9, and 121.13 are removed.

§ 121.4 [Amended]

9. Section 121.4 is amended by removing “§ 121.3” wherever it appears and adding in its place “part 119 of this chapter”.

10. Section 121.15 is revised to read as follows:

§ 121.15 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If a certificate holder operating under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.19(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

Subpart B—[Removed and Reserved]

11. Subpart B (Sections 121.21 through 121.29) is removed, and the subpart heading is reserved.

Subpart C—[Removed and Reserved]

12. Subpart C (§§ 121.41 through 121.61) is removed and the subpart heading is reserved.

Subpart D—[Removed and Reserved]

13. Subpart D (§§ 121.71 through 121.83) is removed and the subpart heading is reserved.

14. Section 121.141 is amended by revising the section heading, paragraph (a), and the introductory text of paragraph (b) to read as follows:

§ 121.141 Airplane flight manual.

(a) Each certificate holder shall keep a current approved airplane flight manual for each type of aircraft that it operates except for nontransport category airplanes certificated before January 1, 1965.

(b) In each airplane identified in paragraph (a) of this section, the certificate holder shall carry either the manual required by § 121.133, if it contains the information required for the applicable flight manual and this information is clearly identified as flight manual requirements, or an approved Airplane Manual. If the certificate holder elects to carry the manual required by § 121.133, he may revise the operating procedures sections and modify the presentation of performance data from the applicable flight manual if the revised operating procedures and