

operator security regulations of part 108 and the airport security regulations of part 107 to air carriers using aircraft with a seating capacity of 30 or fewer seats. The commenter believes that the ARAC committee that is tasked with recommending revisions to part 139 should also be tasked with restricting or eliminating the applicability of part 107 to small airports. According to the commenter the application of parts 107 and 108 to commuter air carriers and the airports that serve them could have a radical effect on the economic viability of the air carriers and airports.

FAA Response: The FAA has assigned a task to the Aviation Rulemaking Advisory Committee (ARAC) to recommend the requirements in part 139 that should be applicable to airports covered under any expanded legislation that would give the FAA authority to certificate airports serving airplanes with less than 30 passengers. In the meantime, § 121.590 is adopted as proposed to allow affected commuters to use noncertificated airports. In making its recommendations ARAC is to consider accepted industry practices regarding airport safety, personnel available at these airports, costs associated with meeting these requirements (e.g. capital, operating, and maintenance costs), and the types of accidents/incidents that have occurred at these airports.

In response to the comment on security programs for airports and operators, no changes to parts 107 and 108 are necessary as a result of this rule because the requirements of those parts are already tailored to the size of the airplane.

V.H. Effective Date and Compliance Schedule

The FAA proposed an effective date of 30 days and a general compliance date of 1 year after publication of the final rule. The FAA stated in Notice 95-5 that a final rule, if adopted, would be published by December 31, 1995, and that within 1 year of that date, that is, by December 31, 1996, all affected certificate holders that have air carrier certification or operating certificates issued under part 135 at the time of publication would have completed the approval process and obtained new operations specifications giving them authority to conduct domestic or flag operations under part 121.

Under the proposal, persons who do not already have air carrier certificates or operating certificates who submit applications for or obtain air carrier certificates or operating certificates after 30 days after the publication date of the final rule would be required to obtain

part 121 operations specifications; however, these new entrants would meet the same requirements as the affected commuters, i.e., delayed dates for retrofit of airplanes with certain types of equipment.

Proposed § 121.2(c) and § 135.2(c) allow for regular or accelerated compliance with part 121 requirements. Proposed §§ 121.2(g) and 135.2(g) also require an affected certificate holder to submit to the FAA a transition plan for moving from part 135 to part 121.

Comments: Eleven comments were received on this issue. Several commenters express a desire for an "incremental" or "phased" compliance schedule. Two commenters are concerned that the proposed "turnkey" recertification event is high risk with no early rewards or benefits.

RAA suggests revising proposed §§ 121.2(c) and 135.2(c) to require compliance "not later than" 1 year after final rule publication rather than the proposed "as of," and adding the word "complete" before "14 CFR part 121 operations specifications." RAA also suggests adding a new paragraph to the section that would state that a certificate holder may be authorized under its transition plan to comply with portions of part 121 instead of the equivalent portions of part 135 in advance of being issued complete 14 CFR part 121 operations specifications. Accordingly RAA recommends adding to the transition plan requirements of paragraph (g) a new subparagraph to include in the transition plans provisions for interim compliance with portions of part 121 in advance of obtaining complete 14 CFR 121 operations specifications. Other commenters also request provisions for complying with portions of part 121 in advance of obtaining part 121 operations specifications.

Other commenters also state concerns about FAA's capacity to facilitate the transition process on schedule. Two commenters perceive a shortage of trained inspectors and suggest that the compliance date be extended if an adequate number of inspectors are not provided by mid year 1996. GAMA suggests a reevaluation of the implementation schedule of § 121.2(d)(1), citing a questionable number of aircraft certification service personnel to support the extensive design approval activity certain to occur. Another commenter expresses concern over the necessary type certification activity surrounding modifications and suggests that 1 year is an unrealistic compliance deadline given the current FAA Aircraft Certification Office backlog.

RAA is concerned that the population of FAA inspectors qualified to perform their duties under part 121 will not be able to respond to the new part 121 air carriers. According to RAA, FAA inspectors must be trained and qualified to help affected commuters achieve the transition. RAA recommends a "fill in the blanks manual" to achieve standardization among FAA regions and districts. If there is an insufficient number of qualified FAA inspectors, the 1996 compliance date should be delayed.

ASA proposes a standardized transition program including three elements: (1) a fill-in-the-blanks manual for transitioning carriers; (2) an automatic exemption and incremental approval process; and (3) time schedules from transitioning carriers submitted to FAA.

Mesa Airlines recommends pre-formal certification meetings with principal operations inspectors (POI's) at an early date to familiarize both parties with the certification process outlined in FAA Order 8400.10. According to Mesa, compliance statement development, individual operator transition plans, GOM (general operating manual) development, and formal certificate application should be scheduled for the spring of 1996 to allow adequate review by respective POI's. According to Mesa this would allow certificate holders to be running their commuter operations under part 121 rules by the summer of 1996. This in turn would allow for a start-up phase for part 121 dispatch operations and modifications to the requirements for proving runs as proposed in § 121.163 and would eliminate the necessity for formal initial operating experience (IOE).

There were several comments on specific compliance dates. ALPA is generally pleased with the compliance schedule, but states that the 4-year compliance date for the installation of pitot heat indication systems could be shortened to 2 years, given the relative ease of the modification. Fairchild Aircraft finds fault with the fact that a 2-year delay is provided for compliance with emergency exit handle illumination, but no delay is allowed for compliance with § 121.310(b)(2)(ii), which would require the replacement of exit signs on new commuter category airplanes. Mesa Airlines suggests that compliance with part 121 crew flight and duty limitations be changed to January 1, 1997.

FAA Response: The final rule has a 30-day effective date and a general compliance date of 15 months after publication of the final rule. The FAA is extending the general compliance