

points out under §§ 121.97(b)(4)(i) and 121.117(b)(4)(i) affected operators will be required to comply with airport data requirements which include applicable performance requirements of Subpart I. For affected airplanes these performance requirements will be found in new appendix K to part 121 as referenced in subpart I.

#### VI.A.2. Subpart F—Approval of Routes: Approval of Areas and Routes for Supplemental Air Carriers and Commercial Operators

This subpart is similar to subpart E except that it applies to supplemental operations and prescribes flight following requirements. Under the proposal, this subpart would apply in cases where an affected operator uses an airplane that is also used in domestic operations to conduct a nonscheduled operation. On this issue, no comments were received and the final rule is adopted as proposed.

#### VI.A.3. Subpart G—Manual Requirements

*Manual requirements: Contents and personnel:* Under subpart G of part 121 certificate holders are required to prepare and keep current a manual containing policies, procedures, applicable regulations, and other information necessary to allow crewmembers and ground personnel to conduct the operations properly (see § 121.133 and § 121.135). While the requirements of parts 121 and 135 are similar, part 121 manual requirements contain a more extensive list of manual contents (§ 121.135). Under part 121 the manual or appropriate parts must also be furnished to more personnel, such as aircraft dispatchers and flight attendants, and made available to others, such as station agents. Notice 95–5 stated that the effect of these differences between compliance with part 121 versus compliance with part 135 would be significant for commuter operators. The proposal would require developing, producing, and distributing new manuals appropriate to part 121. In addition, § 121.137 requires the air carrier to issue a manual or appropriate parts to each crewmember and requires each crewmember to keep the manual up to date and have it with him or her when performing assigned duties. Part 135 does not require that flight attendants be issued a manual; however, it does require that any person to whom a manual is issued must keep it up-to-date (see § 135.21).

*Comments:* Fairchild Aircraft states that § 121.137 would require at least one copy of the manual specified by § 121.133 to be carried in the airplane

and that this is a reasonable proposal that they fully support. Fairchild Aircraft also states that § 121.141(b)(2) contains a reference to “rotorcraft” which should be deleted.

ALPA states that the key to an efficient, safe airline operation can normally be found in the manuals developed by the airline. ALPA supports the FAA in adopting all facets of Subpart G. ALPA also states that § 121.135(b)(2) should be amended by removing, “in the case of supplemental air carriers and commercial operators,” so that the paragraph reads: “Duties . . . of the ground organization, and management personnel.” According to ALPA, the requirement to include in the manual duties and responsibilities of management personnel would no longer be applicable only to supplemental and commercial operators since proposed part 119 requires management personnel for all certificate holders.

One commenter states that § 121.133 should require compliance with the certificate holder’s manuals.

Metro International Airways states that the cost of new manuals would be excessive for small businesses and that an outline of procedures would be a more useful reference than a highly detailed manual.

*FAA Response:* All but one of the comments received regarding the manual requirements support the implementation of Subpart G of part 121. Only one comment regarding the costs associated with the manuals required by § 121.131 was received.

Additionally, the FAA has received requests from certificate holders that would like to begin the process of transition prior to implementation of the rule. This would allow those certificate holders to spread the cost of manual production and distribution over a longer period of time. The question of phased-in-implementation is not unique to this issue and is addressed elsewhere in this document.

The FAA agrees with ALPA’s suggestion to revise the wording of § 121.135(b)(2). This is not a substantive change from Notice 95–5 because § 119.65(e) also requires that manuals contain the duties and responsibilities of required management personnel. The FAA also agrees with Fairchild’s suggestion to delete the word “rotorcraft” from § 121.141(b)(2). These recommendations are appropriate. In the final rule §§ 121.135(b)(2) and 121.141(b)(2) are revised accordingly.

In response to the comment that § 121.133 should require compliance with the certificate holder’s manual, the holder of an air carrier certificate with operations specifications to operate

under part 121 must comply with the regulations in part 121 (and other applicable regulations). Requirements for preparing and maintaining a manual serve the purpose of supplying information to personnel. Information in the manual must be accurate and consistent with the regulations. Since the manual may also include company policy and guidance to personnel, all portions of the manual are not enforceable as regulations. The language of the manual requirements does, however, imply that the certificate holder must adhere to all of the contents of the manual and that the certificate holder’s personnel must use the manual in conducting operations.

In response to the comment that the manual requirements will be a burden for small businesses and that an outline of procedures would be more helpful to personnel, small certificate holders are already meeting the manual requirements of part 135; this rulemaking requires an update of manuals and broader distribution of the manuals. An outline of procedures could be used as guidance in addition to the manuals or as part of a manual, but under current part 135 it would not suffice as meeting the manual requirements.

In the final rule § 121.133 has been revised to update the terminology.

#### VI.A.4. Subpart H—Airplane Requirements

For comments and FAA responses to the requirements in § 121.157, Aircraft certification and equipment requirements, see the discussion in Section V. C., Aircraft Certification.

*Single-engine airplanes.* Section 121.159 prohibits operation of single-engine airplanes under part 121. No change to this prohibition was proposed since the FAA does not consider single-engine airplanes acceptable to part 121 standards. Under the proposal, this section was amended to delete an obsolete reference to § 121.9. No comments were received on this issue and the final rule is adopted as proposed. For a related discussion on the operation of single-engine Otters, see “Applicability: Alaska,” in Section V.B.

*Airplane limitations: Type of route.* Section 121.161(a) requires that a two-engine or three-engine airplane except a three-engine turbine powered airplane must be within 1-hour flying time from an adequate airport at normal cruising speed with one engine inoperative, unless otherwise approved by the Administrator. Part 135 does not contain a comparable requirement; however, the FAA proposed that