

this section and by §§ 121.367 and 121.371) have additional skills and training.

*Comments:* American Eagle supports the proposal.

*FAA Response:* Since the only comment on this issue is supportive, the rule is adopted as proposed.

*Manual requirements.* Sections 121.369 and 135.427 have almost identical requirements specifying that the certificate holder include in its manual a description of the organization required by § 121.365 and a list of persons with whom it has arranged for the performance of any required inspections, other maintenance, preventive maintenance, or alterations. The manual must contain the programs required by § 121.367, including the methods of performing required inspections, other maintenance, preventive maintenance, or alterations. This manual is necessary to ensure that the certificate holder has provided an adequate maintenance program for the airworthiness of its airplanes and to inform its personnel, or other persons who perform maintenance, of their responsibilities regarding the performance of maintenance on the airplane. In the proposal, the FAA required affected commuters to comply with part 121. No comments were received on this issue and the final rule is adopted as proposed.

*Required inspection personnel.* Sections 121.371 and 135.429 contain similar requirements for inspection personnel, including provisions for specific qualifications for and supervision of an inspection unit. Included is a requirement for listing names and appropriate information of persons who have been trained, qualified, and authorized to conduct required inspections. This requirement ensures that competent and properly trained inspection personnel are authorized to perform the required inspections. In Notice 95-5, the FAA required affected commuters to comply with part 121. No comments were received on this issue and the final rule is adopted as proposed.

*Continuing analysis and surveillance.* Section 121.373 on continuing analysis and surveillance is almost identical to the provisions of § 135.431. The FAA proposed that affected commuters comply with § 121.373. Section 121.373 provides for: the establishment by the certificate holder of a system to continually analyze the performance and effectiveness of the programs covering maintenance, preventive maintenance, and alterations; the correction of any deficiencies in those programs; and the requirement by the

Administrator that the certificate holder make changes in either or both of its programs if those programs do not contain adequate procedures and standards to meet the requirements of this part. No comments were received on this issue and the final rule is adopted as proposed.

*Maintenance and preventative maintenance training programs.* Sections 121.375 and 135.433 contain identical requirements prescribing training programs that ensure that persons performing maintenance or preventive maintenance functions (including inspection personnel) are fully informed about procedures, techniques, and new equipment in use and that those personnel are competent to perform their required duties. The FAA proposed that operators comply with part 121. On this issue, no comments were received and the final rule is adopted as proposed.

*Maintenance and preventive maintenance personnel duty time limitations.* Section 121.377 establishes the requirements for maintenance personnel to be relieved from duty for a period of at least 24 consecutive hours during any 7 consecutive days, or the equivalent thereof within any calendar month. This requirement is for maintenance personnel within the United States. This provision would be a new requirement for affected commuters.

*Comments:* AACA states that most Alaskan certificate holders utilize mixed fleets ranging from under 9 passenger seats, 10-19 seats, and more than 20 seats. These carriers frequently employ maintenance personnel who are qualified to work on all the aircraft in a particular certificate holder's fleet, regardless of the aircraft's seating capacity. If the rule is adopted as proposed, these certificate holders will have to schedule maintenance personnel according to part 121 standards to avoid inadvertently violating the maintenance personnel duty time limitations. At locations with limited maintenance personnel and mixed fleets of 1-to-9, and 10-to-29 seat aircraft, this new requirement would place an additional administrative scheduling burden and financial compliance cost on the air carrier. Alternatively, an air carrier might have to develop and apply two separate work schedules for mechanics, one for part 121 mechanics and aircraft and another for part 135 mechanics and aircraft. AACA states that the FAA's economic analysis failed to address any cost impacts of this requirement. AACA also asks for guidance for those operators who employ maintenance personnel

that might work under both part 121 and part 135.

*FAA Response:* The existing rule requires only 24 consecutive hours off during any 7 consecutive days. While it may have been possible to work mechanics under part 135 7 days a week, without rest, the FAA believes that the combination of union work rules, Department of Labor regulations, and general practice of a day of rest each week would, in effect, accomplish the same result as the rule.

Mechanics must receive adequate rest in order to properly perform their duties. Prescribing a minimum standard will ensure that some rest is provided. It would be inconsistent to require rest for the pilots and flight attendants but not for the people responsible for maintaining the airplane. The FAA believes that the burden of scheduling and providing a day of rest would be minimal. Standard time cards, a common practice, could be used to show compliance.

No FAA regulation prevents a mechanic from working for both a part 121 and a part 135 employer when the mechanic is qualified and, when working on airplanes operated under part 121, the certificate holder meets the regulatory requirements of part 121 for time free from duty.

It should also be noted that the rule allows flexibility by requiring that a certificate holder shall relieve each person performing maintenance or preventive maintenance from duty for at least 24 consecutive hours during any 7 consecutive days, "or the equivalent thereof within any calendar month."

The final rule is adopted as proposed.

*Certificate Requirements.* Sections 121.378 and 135.435 contain identical requirements specifying that each person, other than a repair station certificated under the provisions of subpart C of part 145, who is directly in charge of maintenance, preventive maintenance, or alterations, and each person performing required inspections, hold an appropriate airman certificate. The FAA proposed that affected commuters comply with part 121. No comments were received on this issue and the final rule is adopted as proposed.

*Authority to perform and approve maintenance, preventative maintenance, and alterations.* Sections 121.379 and 135.437 contain similar requirements allowing certificate holders to perform or make arrangements with other persons to perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness maintenance program and