

effect before the application is submitted. Therefore the date that insurance coverage begins can be coordinated with the estimated date that operations begin. In order to make it clear that § 119.35 (c) through (h) apply only to applicants who are commercial operators, the final rule includes cross references within paragraphs (c) through (h), and paragraphs (g) and (h) have been switched.

**Section 119.41—Amending a certificate.** FAA proposed new procedures for making changes to the operating certificate. These procedures, modeled after 49 U.S.C. Section 44709 and similar to the procedures used to amend operations specifications, would standardize the amendment process. Applications for amendments to certificates would have to be submitted 15 days in advance of the time the operator wants the amendments to be effective, unless the Administrator approves a shorter period when circumstances warrant. No comments were received on this issue and the final rule is adopted as proposed.

**Section 119.47—Maintaining a principal base of operations, main operations base, and main maintenance base; change of address.** Section 119.47 requires that a certificate holder maintain a principal base of operations and allows the certificate holder to establish a main operation and main maintenance base. Written notification must be provided to the certificate-holding district office before establishing or relocating a principal base of operation, a main operations base, or a main maintenance base. The proposed terminology clarified that the FAA needs to know the location of the primary point of contact between the FAA and the certificate holder. Certificate holders would no longer be required to report changes of address for business offices. No comments were received on this issue and the final rule is adopted as proposed.

**Section 119.49—Contents of operations specifications.** Section 119.49 requires that each certificate holder obtain operations specifications that list other business names under which the certificate holder may operate. Under part 121, there are no restrictions on the use of alternate business names on their operating certificates. Part 135 currently requires certificate holders to list their alternate business names on their operating certificates. The FAA proposed to require that alternate business names be shown on the operations specifications rather than on the operating certificate. No comments were received on this

issue and the final rule is adopted as proposed.

Section 119.49 adds the requirement that operations specifications contain a reference to the economic authority issued by the OST. The economic authority issued by the OST is not a new requirement; the FAA proposed this reference to clarify that the requirement still exists. No comments were received on this issue and the final rule is adopted as proposed.

Section 119.49 also requires a certificate holder conducting domestic, flag, or commuter operations to obtain operations specifications that list each type of aircraft authorized for use and each aircraft's registration markings and serial number. Under part 121, the requirement to list registration markings is not required for domestic, flag, or commuter operations. The FAA proposed this requirement in the interest of consistency and to facilitate FAA enforcement and surveillance functions. No comments were received on this issue and the final rule is adopted as proposed.

**Section 119.51—Amending Operations Specifications.** Under § 119.51 applications for amendments to operations specifications would have to be submitted 15 days in advance for minor or routine amendments; however the FAA proposed to require that certificate holders file applications to amend operations specifications at least 90 days before the date proposed by the applicant for the amendment to become effective in cases of mergers; acquisition or airline operational assets that require an additional showing of safety (e.g., proving tests); changes in the kind of operation as defined in § 119.3; resumption of operations following a suspension of operations as a result of bankruptcy actions; or the initial introduction of aircraft not before proven for use in air carrier or commercial operator operations. It has been the FAA's experience that these types of major changes do take at least 90 days for the agency to determine that, as a result of the change, the applicant is properly and adequately equipped and is able to conduct a safe operation.

Under § 119.51(b), if the Administrator initiates an amendment to operations specifications, the certificate holder would have 7 days to submit written information or arguments on the amendment.

Under § 119.51(d), a certificate holder may petition for reconsideration of a decision on an amendment to operations specifications. If the amendment is not related to an emergency situation, the petition

suspends the effectiveness of the amendment.

**Comments:** USAIR Express, RAA, Mesa, ASA address the required lead times proposed for making either desired or directed changes to operations specifications. Commenters state that the proposed requirements to file an air carrier-desired operations specifications change 90 days before the effective date is excessive. Additionally, the requirement to respond to changes in operations specifications within 7 days when directed by the Administrator and complete implementation within 30 days is unreasonable.

An individual, ASA, and RAA indicate that the proposed language in § 119.51(d) would not permit the continuation of the practice of staying the effectiveness of an amendment when an air carrier submits a petition for reconsideration. The commenters recommend that the petition for reconsideration stay the effective date of an amendment pending the final review of the petition.

**FAA Response:** In response to comments that a request to change operations specifications must be filed 90 days in advance of the desired effective date, the FAA will add "unless a shorter time is approved" to § 119.51(c)(1)(i) so as not to imply that a carrier must allow the full 90 days. The rest of paragraph (c) reflects current part 121 and part 135 language and is adopted as proposed.

Since § 119.51(d)(3) clearly states that, if a petition for reconsideration is filed within 30 days and if no emergency situation exists, the effectiveness of an amendment to operations specifications issued by the certificate-holding district office is stayed pending final review of the petition. The procedures for emergency situations, spelled out in paragraph (e), are not substantially different than currently found in §§ 121.79 and 135.17. Therefore there will be no changes to current procedures as a result of new § 119.51 (d) and (e).

**Section 119.53—Wet leasing of aircraft and other transportation by air arrangements.** Proposed § 119.53 on wet leasing would be revised from current § 121.6 to do the following: (1) clarify that the leasing requirements pertain only to wet leasing (which is defined in § 119.3 as a lease of an aircraft that includes the provision of any crewmember); (2) extend the wet leasing requirements to part 135 operations; (3) prohibit a wet lease from a foreign air carrier or any other foreign person; (4) prohibit a wet lease from any person not authorized to engage in common