

operational control over any operations conducted under part 121 or part 135; or

(2) For a person with previous experience as a director of operations, at least 3 years experience as a PIC of aircraft operated under part 121 or part 135; or for a person becoming a director of operations for the first time, the 3 years of PIC experience must have been obtained within the past 6 years.

*Director of maintenance.* To standardize the certificates required for the director of maintenance, proposed § 119.67(c) and 119.71(e) would require that a director of maintenance hold a current mechanic certificate with both airframe and powerplant ratings.

Also, the requirement in present § 135.39(c) that the required experience in maintaining aircraft must include the recency requirements of § 65.83 has been added to proposed § 119.67(c) and carried over to proposed § 119.71(e).

*Chief pilot.* Proposed § 119.71(c)(1) and (d)(1) omitted the word "current" from existing § 135.39(b)(1) and (b)(2) because these pilot certificates no longer have an expiration date and are revoked only for cause. The words "and be qualified to serve as PIC in at least one type of aircraft used in the certificate holder's operation" are added to clarify that the chief pilot must meet recency of experience requirements and medical requirements.

In addition to holding the appropriate certificate, in order to be eligible to be a chief pilot in part 121 or 135 operations, a person must have at least 3 years experience as a PIC of aircraft operated under parts 121 or 135. However, if that person is becoming a chief pilot for the first time, the 3 years experience must have been obtained within the previous 6 years.

*Chief inspector.* Proposed § 119.67(d) requires a chief inspector for each operator conducting part 121 operations. In addition to the existing eligibility requirements, the chief inspector would be required to have at least 1 year of experience in a supervisory position maintaining large aircraft.

*Deviation authority.* Proposed §§ 119.67(e) and 119.71(f) authorize the Manager of the Flight Standards Division in the region of the certificate-holding district office to authorize a certificate holder to employ a person who does not meet the qualifications in proposed §§ 119.67 or 119.71. For a certificate holder or applicant that wants to employ a person who does not hold the required airman certificate (e.g., ATP certificate, commercial pilot certificate, airframe and powerplant certificate), the deviation authority

sections would not cover such a lack of airman certification situation. The deviation authority provides a means for competent and qualified personnel who do not meet the management personnel qualifications to be employed in required positions.

*Comments:* A number of commenters responded to the proposed management requirements for part 119. These are discussed below.

*Director of Safety.* United Express comments that the creation of the director of safety position is in the best interest of the flying public but that the position's responsibilities will depend on airline size, equipment, and type of operations. This commenter says that for small certificate holders, the chief pilot or current director of operations could assume the duties. United Express also says that this position should qualify under current § 121.61.

NTSB and several other commenters say that the director of safety should be independent from operational functions and have direct access to the highest levels of management.

ALPA recommends that in code-sharing operations, the director of safety should report directly to the mainline Safety Vice President; if a code sharer does not have a director of safety, then code-sharing pilots should have access to the mainline safety organization. ALPA also recommends that the director of safety maintain a toll free telephone hotline. In addition, ALPA recommends that the director of safety's qualifications include at least 3 years of supervisory experience and possession of one of the following: an Airline Transport Pilot (ATP) license, Airframe and Powerplant (A & P) license or Dispatcher license, or demonstration of other approved equivalent aeronautical training.

Fairchild states that a separate director of safety position is unnecessarily burdensome and that safety is a concern of all managers. This commenter recommends changing § 119.65(a) so that the director of safety is not required to be a full-time position.

Comair, ASA, Gulfstream, and RAA say that § 119.67 does not provide any qualification requirements for the director of safety. These commenters request that the FAA permit certificate holders to designate directors of safety based upon their needs and without an FAA approval process.

Big Sky Airlines and NATA recommend that smaller certificate holders be allowed to combine the director of safety position with an already existing position. Metro International Airways also points out the burden of this requirement on small

certificate holders (e.g., those with 10–15 employees or one or two aircraft). This commenter recommends that these certificate holders be allowed to determine which management personnel, especially the director of safety and chief inspector, are needed and to combine these and other positions as well.

One commenter recommends that smaller operations be permitted to employ contracted or part-time safety officers who could act for more than one carrier. This could reduce these certificate holders' financial burden associated with hiring additional personnel.

One commenter recommends that the director of safety have direct communication paths with dispatch, maintenance, flight attendant, and ground operations.

Samoa Air also points out that the requirement for additional management personnel for certificate holders with three or fewer aircraft is burdensome and that a proper internal evaluation program should keep management informed of the certificate holder's safety status.

One commenter says that § 119.69 does not require a part 135 certificate holder to have a director of safety and that this position should be required for these certificate holders.

One commenter recommends that the director of safety be excluded from enforcement action similar to the Aviation Safety Reporting System under § 91.25.

Inter Island recommends that the safety officer be any line pilot with 6 months experience with the company and that this position be kept from the working ranks of line pilots. According to the commenter, this function should not be given to the chief pilot or director of operations.

*Other comments on management requirements:* USAir Express says that the requirements of this proposed section are burdensome to large certificate holders because it imposes requirements which are designed for small certificate holders onto these large certificate holders. This commenter states that large certificate holders might have many positions at the Vice President or Director's level to fulfill these management functions that a small certificate holder would fulfill through the positions of director of operations, director of maintenance, chief pilot or chief inspector. This commenter also notes that the management of large carriers is more complex, involving knowledge of such areas as labor relations, legal issues, finance, and quality assurance. To