

assume that these subjects can be mastered while also obtaining the required number of years of experience for each management position is unrealistic. Finally, this commenter objects to the explanation of deviation authority regarding the allowance of unlicensed persons to hold management positions and says that it is inconsistent with the language of the proposed rule itself.

Fairchild Aircraft finds § 119.67 to be more stringent than its corresponding section in part 121 (§ 121.61). This commenter suggests that § 119.67(a)(1) be changed to allow the director of operations to hold or *have held* an ATP certificate and also to delete the words "large aircraft" in order to recognize that not all former part 135 certificate holders have been operating large airplanes.

RAA and many other commenters support "grandfathering" existing key management personnel in the wake of the proposed rule's more stringent experience and qualification requirements. These commenters point out that existing personnel, such as the directors of operations and maintenance, chief pilot, and chief inspector, may already possess excellent management skills, and that to hire new personnel would be unnecessary and burdensome. Action Airlines suggests that instead of having to replace existing personnel when air carriers upgrade their equipment, they should have the option to get deviation or wavier authority and continue to use existing directors of operations, chief pilots, and directors of maintenance.

Metro International Airways states that the addition of management personnel would have a significant impact on operators that only operate two or three affected aircraft. The positions of chief inspector can be handled effectively by the director of maintenance. With such a small fleet of aircraft, the chief inspector would spend many hours idle. Also, a small commuter is more likely to contract out most, if not all, maintenance functions. In this situation, the director of maintenance could easily oversee that all work is completed to FAA standards and signed off by an appropriate person with an IA rating.

The commenter also opposes the proposed increase in management experience, indicating it will have a significant impact on small and proposed commuter airlines. Not only will higher wages be needed to attract those applicants that have the necessary experience, but the operators will need to lure those who qualify from secure positions within the industry. The

commenter requests that the FAA define "large," stating there is a difference between a B747 and a Beech 1900C. The commenter recommends that the FAA retain the part 135 provision that allows the combinations of one or more of the required management personnel. As the airline grows it is understandable that the management functions would separate and the manager's experience level would rise. The addition of a chief inspector and a director of safety would create a top heavy airline that could not operate at a reasonable cost. Combining these positions must be allowed so new entrants with small fleets will have the chance to build an organization proudly serving the public and the public's interest.

American supports modifying the minimum requirements for director of operations, chief pilot, director of maintenance, and chief inspector under § 135.37 operations to reflect part 121 standards.

One commenter objects to the proposed requirement that a director of maintenance have 5 years experience in the past 5 years because it could disqualify those in management positions who may have been the victims of downsizing and companies going out of business.

One commenter disagrees with the 6-year currency requirement for the 3 years as PIC (under proposed § 119.67(a)) for a person becoming a director of operations for the first time. This commenter believes that PIC time is much more relevant to a director of operations' administrative responsibilities and that the currency requirement should apply to the chief pilot, whose function is much more technical. This commenter also disagrees with proposed § 119.71(c)(1) and (d)(1) which exempts the chief pilot from being qualified to serve as PIC in operations conducted under part 121. He believes that since the chief pilot is directly responsible for the proficiency of the pilots, he should be able to serve in this capacity.

Commuter Air Technologies says that 4 years in an aircraft type is more important than 4 years in maintaining a large aircraft as qualification for chief inspector. This commenter adds that small certificate holders rely on senior maintenance personnel, such as, director and chief inspector, for technical and administrative leadership and that experience in aircraft type would better provide this type of experience and skill as opposed to experience in maintaining large aircraft. Similarly, one commenter objects to the use of the phrase "large aircraft" when many commuter predecessors are not

"large" aircraft (by the definition of SFAR 41); this could exclude qualifying excellent candidates from such management positions as director of operations, chief pilot, and director of maintenance.

FAA Response: The FAA contends that most currently employed directors meet the new standards. For those directors who do not, § 119.67(e) allows operators to request authorization from their district office for the continued employment of those directors. However, note that §§ 119.67(e) and 119.71(f) provide for exceptions from experience requirements, but not from requirements to hold necessary certificates. The FAA anticipates that most operators whose directors do not meet the new requirements will request authorization and that those requests will be granted. The FAA agrees that in some cases the proposed recency requirements would place an unnecessary burden on those directors who may have extended periods of unemployment prior to being hired. Thus, for the final rule, the FAA is changing some of the recency requirements. The final rule also standardizes the language as much as possible between operations and airworthiness management positions. The final rule gives relief for those operators who do not operate large aircraft.

The FAA will develop handbook guidance on management personnel to provide FAA inspectors with criteria to respond to requests concerning issues raised by commenters, such as the combining of certain positions in the case of small operators. In analyzing such requests, the FAA will consider the number of airplanes being operated, the number of employees, the complexity of the operation, the ability of the operator to perform required tasks, and the equivalent level of safety.

The final rule contains the following requirements:

Director of Safety

The major carriers have told FAA that they already have established this position and are already fulfilling this function. For other operations, § 119.65(b) provides flexibility for establishing this position.

Director of Operations

Section 119.67 requires 3 years of experience as PIC of a large airplane operated under part 121 or part 135 of this chapter when the certificate holder operates large airplanes. If the certificate holder uses only small airplanes in its operation, the experience may be obtained in either large or small