

duty period limitation purposes the certificate holder and flight crewmember must consider deadhead time as assigned time or as part of a duty period associated with flight.

§ 135.275 Duty period and flight time limitations: Other flying for a certificate holder.

No flight crewmember who is employed by a certificate holder conducting operations under this part may do any other duty or flying for a certificate holder conducting operations under part 121 or part 135 of this chapter if that duty or flying for a certificate holder plus his or her duty or flying under this part will exceed any duty period or flight time limitation in this part. This section applies to any other duty or flying under part 91, part 121, or part 135 of this chapter for a certificate holder whether the duty or flying precedes or follows the flight crewmember's flying under this part.

§ 135.271 [Redesignated as § 135.277]

10. Section 135.271 is redesignated as § 135.277 and revised to read as follows:

§ 135.277 Additional flight crewmember rest requirements.

(a) No certificate holder may assign any flight crewmember and no flight crewmember may accept any duty period or flight time with the certificate holder unless the flight crewmember has had at least the minimum rest required under this subpart.

(b) No certificate holder may assign any flight crewmember and no flight crewmember may accept any duty with the certificate holder during any required rest period. For example the flight crewmember may not be required to contact the certificate holder, answer the telephone, carry a beeper, remain at a specific location or in any other way be responsible to the air carrier during a rest period.

(c) Rest periods that are required under this subpart can occur concurrently with any other rest period.

(d) The reduced rest periods allowed under § 135.263 may only be used due to operational delays and may not be scheduled in advance.

(e) Each certificate holder shall provide each flight crewmember who is assigned to one or more duty periods, standby duty, or reserve time a rest period of at least 36 consecutive hours during any 7 consecutive calendar days.

(f) Each certificate holder must provide each flight crewmember assigned to assigned time, when the assigned time is not part of a duty period, a rest period of at least 10 hours before the commencement of a subsequent duty period.

(g) Each certificate holder must provide each flight crewmember at least 48 consecutive hours of rest upon return to the flight crewmember's home base after completion of one or more duty periods that terminate in a time zone or zones that differs from the time zone of the flight crewmember's home base by 6 or more hours and the flight crewmember remains in that time zone or zones for at least 48 consecutive hours. The flight crewmember must receive this rest before beginning a subsequent duty period. The home base is determined by the certificate holder and is where that crewmember is based and receives schedules.

Issued in Washington, D.C., on December 11, 1995.

Thomas C. Accardi,

Acting Director, Flight Standards Service.

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14 CFR Part 121

[Docket No. 27264]

RIN 2120-AF96

The Age 60 Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Disposition of comments and notice of agency decisions.

SUMMARY: This action announces FAA's decisions on a number of issues regarding the FAA's "Age 60 Rule". The issues include: responding to the comments requested in 1993 regarding various aspects of the Age 60 Rule, including the "Age 60 Project, Consolidated Database Experiments, Final Report", and issues raised by pilots seeking exemptions from the Age 60 Rule, issues raised by a petition for rulemaking by the Professional Pilots Federation (PPF), requesting the FAA to remove the Age 60 Rule.

After review of all comments, studies, and other pertinent information, the FAA has determined not to initiate rulemaking to change the Age 60 Rule at this time. The FAA also has decided not to grant any of the pending petitions for exemption or rulemaking.

ADDRESSES: The complete docket containing recent comments on the Age 60 Rule, including copies of studies related to the Age 60 issue, may be examined at the Federal Aviation Administration, Office of the Chief Counsel (AGC-200), Rules Docket, Room 915-G, 800 Independence Avenue SW., Washington, DC 20591, weekdays (except Federal holidays) between 8:30 a.m. and 5:00 p.m.

Availability of Disposition

Any person may obtain a copy of this Disposition by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Requests should be identified by the docket number of this Disposition.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

Section 121.383(c) of the Federal Aviation Regulations (FAR) (14 CFR § 121.383(c)) prohibits any air carrier from using the services of any person as a pilot, and prohibits any person from serving as a pilot, on an airplane engaged in operations under part 121 if that person has reached his or her 60th birthday. The FAA adopted the "Age 60 Rule", as it has come to be known, in 1959 (24 FR 9767, December 5, 1959).

In late 1990, the FAA initiated a study aimed at consolidating available accident data and correlating it with the amount of flying by pilots as a function of their age. This resulted in a document entitled "Age 60 Project, Consolidated Database Experiments, Final Report", dated March 1993 (the "Hilton Study"). The FAA held a public meeting and requested comments regarding various issues related to the Age 60 Rule, including the Hilton Study (58 FR 21336, April 20, 1993). The FAA has reviewed the written comments received in the docket (Docket No. 27264) and to the comments presented at the public meeting. The FAA is also responding to a number of pending petitions from pilots seeking an exemption from the Age 60 Rule. Finally, the FAA is responding to a petition for rulemaking submitted by the Professional Pilots Federation (PPF).

This document describes the history and basis for the rule, the major events during the history of the rule, the FAA's response to the issues raised above, and the FAA's rationale for maintaining the Age 60 Rule.

I(a). Basis for the 1959 Rule

The FAA promulgated the Age 60 Rule in 1959 because of concerns that a hazard to safety was presented by utilization of aging pilots in air carrier operations. As noted in that rulemaking,