

ASA's 2023 FAR-AMT Update

Changes to the Federal Aviation Regulations occur via the *Federal Register*, which is published daily. The *Aeronautical Information Manual* is updated every 180 days, and Advisory Circulars are revised as the FAA deems necessary. ASA tracks all relevant changes to keep you current and informed: the ASA FAR/AMT Series is published annually, and all Updates are available at asa2fly.com/farupdate and through a free email subscription service that notifies you of changes affecting the information printed in your books.

ASA's 2023 *FAR for Aviation Maintenance Technicians* book is current through June 8, 2022. With this Update, information is current through **July 27, 2023**.



PART 13

INVESTIGATIVE AND ENFORCEMENT PROCEDURES

- **Change Date:** October 11, 2022; January 6, 2023
- **Effective Date:** October 11, 2022; January 6, 2023
- **Source:** Amdt. 13–40A, 87 FR 61233; 88 FR 1122

The authority citation for Part 13 is revised to read as follows:

Authority: 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 106(g), 5121–5124, 40113–40114, 44103–44106, 44701–44704, 44709–44710, 44713, 44725, 44742, 44802 (note), 46101–46111, 46301, 46302 (for a violation of 49 U.S.C. 46504), 46304–46316, 46318–46320, 46501–46502, 46504, 46507, 47106, 47107, 47111, 47122, 47306, 47531–47532; 49 CFR 1.83.

- **Change Date:** October 11, 2022
- **Effective Date:** October 11, 2022
- **Source:** Amdt. 13–40A, 87 FR 61233

Revise paragraph (a) of §13.19 to read as follows:

§13.19 Certificate actions appealable to the National Transportation Safety Board.

(a) This section applies to certificate actions by the Administrator that are appealable to the National Transportation Safety Board.

(1) Under 49 U.S.C. 44709(b) the Administrator may issue an order amending, modifying, suspending, or revoking all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate if as a result of a reinspection, reexamination, or other investigation, the Administrator determines that the public interest and safety in air commerce requires it, if a certificate holder has violated an aircraft noise or sonic boom standard or regulation prescribed under 49 U.S.C. 44715(a), or if the holder of the certificate is convicted of violating 16 U.S.C. 742j-1(a).

(2) The authority of the Administrator to issue orders under 49 U.S.C. 44709(b)(1)(A) and (b)(2) is delegated to the Chief Counsel, each Deputy Chief Counsel, and the Assistant Chief Counsel for Enforcement.

Add §13.70 to Subpart E to read as follows:

§13.70 Delegation of authority.

The authority of the Administrator under 49 U.S.C. 5121(a) and (d) is delegated to the Chief Counsel, each Deputy Chief Counsel, and the Assistant Chief Counsel for Enforcement.

- **Change Date:** January 6, 2023; February 2, 2023
- **Effective Date:** January 6, 2023; February 2, 2023
- **Source:** 88 FR 1122; 88 FR 6971;

Amend §13.301 by revising paragraphs (b) and (c) to read as follows:

§13.301 Inflation adjustments of civil monetary penalties.

(b) Each adjustment to a maximum civil monetary penalty or to minimum and maximum civil monetary penalties that establish a civil monetary penalty range applies to actions initiated under this part for violations occurring on or after January 6, 2023, notwithstanding references to specific civil penalty amounts elsewhere in this part.

(c) Minimum and maximum civil monetary penalties are as follows:

TABLE 1 TO §13.301—MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS

| United States Code citation | Civil monetary penalty description | 2022 minimum penalty amount | New adjusted minimum penalty amount for violations occurring on or after January 6, 2023 | 2022 maximum penalty amount | New adjusted maximum penalty amount for violations occurring on or after January 6, 2023 |
|--------------------------------|---|-----------------------------|--|--|--|
| 49 U.S.C. 5123(a)(1) | Violation of hazardous materials transportation law. | N/A | N/A | \$89,678 | \$96,624 |
| 49 U.S.C. 5123(a)(2) | Violation of hazardous materials transportation law resulting in death, serious illness, severe injury, or substantial property destruction. | N/A | N/A | \$209,249 | \$225,455 |
| 49 U.S.C. 5123(a)(3) | Violation of hazardous materials transportation law relating to training. | \$540 | \$582 | \$89,678 | \$96,624 |
| 49 U.S.C. 44704(d)(3) | Knowing presentation of a nonconforming aircraft for issuance of an initial airworthiness certificate by a production certificate holder. | N/A | N/A | \$1,062,220 | \$1,144,488 |
| 49 U.S.C. 44704(e)(4) | Knowing failure by an applicant for or holder of a type certificate to submit safety critical information or include certain such information in an airplane flight manual or flight crew operating manual. | N/A | N/A | \$1,062,220 | \$1,144,488 |
| 49 U.S.C. 44704(e)(5) | Knowing false statement by an airline transport pilot (ATP) certificate holder with respect to the submission of certain safety critical information. | N/A | N/A | See entries for 49 U.S.C. 46301(a)(1) and (a)(5). | See entries for 49 U.S.C. 46301(a)(1) and (a)(5). |
| 49 U.S.C. 44742 | Interference by a supervisory employee of an organization designation authorization (ODA) holder that manufactures a transport category airplane with an ODA unit member's performance of authorized functions. | N/A | N/A | See entries for 49 U.S.C. 46301(a)(1). | See entries for 49 U.S.C. 46301(a)(1). |
| 49 U.S.C. 44802 note | Operation of an unmanned aircraft or unmanned aircraft system equipped or armed with a dangerous weapon. | N/A | N/A | \$27,344 | \$29,462 |
| 49 U.S.C. 46301(a)(1) | Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B). | N/A | N/A | \$37,377 | \$40,272 |
| 49 U.S.C. 46301(a)(1) | Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5) (A) or (B)). | N/A | N/A | \$1,644 | \$1,771 |
| 49 U.S.C. 46301(a)(1) | Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5)). | N/A | N/A | \$1,644 | \$1,771 |
| 49 U.S.C. 46301(a)(3) | Violation of 49 U.S.C. 47107(b) (or any assurance made under such section) or 49 U.S.C. 47133. | N/A | N/A | Increase above otherwise applicable maximum amount not to exceed 3 times the amount of revenues used in violation of such section. | No change |
| 49 U.S.C. 46301(a)(5)(A). | Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii). | N/A | N/A | \$14,950 | \$16,108 |
| 49 U.S.C. 46301(a)(5)(B)(i). | Violation by an individual or small business concern related to the transportation of hazardous materials. | N/A | N/A | \$14,950 | \$16,108 |
| 49 U.S.C. 46301(a)(5)(B)(ii). | Violation by an individual or small business concern related to the registration or recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation. | N/A | N/A | \$14,950 | \$16,108 |
| 49 U.S.C. 46301(a)(5)(B)(iii). | Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills. | N/A | N/A | \$14,950 | \$16,108 |

| United States Code citation | Civil monetary penalty description | 2022 minimum penalty amount | New adjusted minimum penalty amount for violations occurring on or after January 6, 2023 | 2022 maximum penalty amount | New adjusted maximum penalty amount for violations occurring on or after January 6, 2023 |
|-------------------------------|--|-----------------------------|--|---|--|
| 49 U.S.C. 46301(a)(5)(B)(iv). | Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts. | N/A | N/A | \$14,950 | \$16,108 |
| 49 U.S.C. 46301 note | Individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft. | N/A | N/A | \$28,605 | \$30,820 |
| 49 U.S.C. 46301(b) | Tampering with a smoke alarm device | N/A | N/A | \$4,799 | \$5,171 |
| 49 U.S.C. 46302 | Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States. | N/A | N/A | \$26,066 | \$28,085 |
| 49 U.S.C. 46318 | Physical or sexual assault or threat to physically or sexually assault crewmember or other individual on an aircraft, or action that poses an imminent threat to the safety of the aircraft or individuals on board. | N/A | N/A | \$39,247 | \$42,287 |
| 49 U.S.C. 46319 | Permanent closure of an airport without providing sufficient notice. | N/A | N/A | \$14,950 | \$16,108 |
| 49 U.S.C. 46320 | Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort. | N/A | N/A | \$22,884 | \$24,656 |
| 49 U.S.C. 47531 | Violation of 49 U.S.C. 47528–47530 or 47534, relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels. | N/A | N/A | See entries for 49 U.S.C. 46301(a)(1) and (a)(5). | See entries for 49 U.S.C. 46301(a)(1) and (a)(5). |

PART 21 CERTIFICATION PROCEDURES FOR PRODUCTS AND ARTICLES

- **Change Date:** December 9, 2022
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 21–106, 87 FR 75710

Amend §21.619 in paragraph (a) by removing the citation “§21.603(b)” and adding in its place the citation “21.603(a)”. The amended text reads as follows:

§21.619 Design changes.

(a) Minor changes by the manufacturer holding a TSO authorization. The manufacturer of an article under an authorization issued under this part may make minor design changes (any change other than a major change) without further approval by the FAA. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes) and the manufacturer must forward to the FAA, any revised data that are necessary for compliance with §21.603(a).

PART 23 AIRWORTHINESS STANDARDS: NORMAL CATEGORY AIRPLANES

- **Change Date:** December 9, 2022
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 23–65, 87 FR 75710

Amend §23.2115 in paragraph (c) introductory text by adding the word “of” after the word “determination”. The amended text reads as follows:

§23.2115 Takeoff performance.

(c) For levels 1, 2, and 3 high-speed multiengine airplanes, and level 4 multiengine airplanes, takeoff performance includes a determination of the following distances after a sudden critical loss of thrust—

Amend §23.2120 in paragraph (a) introductory text by removing the word “configuration” and adding in its place the word “configuration(s)”.

Amend §23.2165 in paragraph (a)(1)(i) by removing the words “knots CAS” and adding in their place the word “KCAS”. The amended text reads as follows:

§23.2165 Performance and flight characteristics requirements for flight in icing conditions.

- (a) * * *
- (1) * * *
- (i) 250 KCAS;
- * * * * *

Amend §23.2200 in paragraph (d) by removing the words “high lift” and adding in their place the words “high-lift”.

Amend §23.2255 in paragraph (c) by removing the word “aircraft” and adding in its place the word “airplane”.

Amend §23.2315 as follows:

- a. In paragraph (a)(1), add a comma after the words “level 2”;
- b. In paragraph (a)(1), remove the words “single engine” and add in its place “single-engine”; and
- c. In paragraph (a)(2), add a comma after the first mention of the word “exits”.

The amended text reads as follows:

§23.2315 Means of egress and emergency exits.

- (a) * * *
- (1) Facilitate rapid and safe evacuation of the airplane in conditions likely to occur following an emergency landing, excluding ditching for level 1, level 2, and single-engine level 3 airplanes.
- (2) Have means of egress (openings, exits, or emergency exits), that can be readily located and opened from the inside and outside. The means of opening must be simple and obvious and marked inside and outside the airplane.
- * * * * *

Amend §23.2400 in paragraph (b) by removing both instances of “FAA” and adding in their places the word “Administrator”. The amended text reads as follows:

§23.2400 Powerplant installation.

* * * * *

(b) Each airplane engine and propeller must be type certificated, except for engines and propellers installed on level 1 low-speed airplanes, which may be approved under the airplane type certificate in accordance with a standard accepted by the Administrator that contains airworthiness criteria the Administrator has found appropriate and applicable to the specific design and intended use of the engine or propeller and provides a level of safety acceptable to the Administrator.

* * * * *

Amend §23.2440 by revising paragraph (c)(2) to read as follows:

§23.2440 Powerplant fire protection.

* * * * *

- (c) * * *
- (2) Be fire-resistant if carrying flammable fluid, gas or air, or is required to operate in the event of a fire; and
- * * * * *

Amend §23.2500 in paragraph (b) by removing the phrase “(a), considered separately and in relation to other systems, must” and adding in its place the phrase “(a) of this section—considered separately and in relation to other systems—must”. The amended text reads as follows:

§23.2500 Airplane level systems requirements.

* * * * *

(b) The systems and equipment not covered by paragraph (a) of this section—considered separately and in relation to other systems—must be designed and installed so their operation does not have an adverse effect on the airplane or its occupants.

* * * * *

Amend § 23.2520 in paragraph (a) introductory text by removing the phrase “systems that perform” and adding in its place the phrase “system that performs”.

Amend §23.2600 in paragraph (b) by removing the words “qualified flightcrew” and adding in their place the words “flightcrew members”. The amended text reads as follows:

§23.2600 Flightcrew interface.

* * * * *

(b) The applicant must install flight, navigation, surveillance, and powerplant controls and displays so flightcrew members can monitor and perform defined tasks associated with the intended functions of systems and equipment. The system and equipment design must minimize flightcrew errors, which could result in additional hazards.

* * * * *

Amend §23.2620 in paragraph (b) introductory text by removing the word “administrator” and adding in its place the word “Administrator”.

PART 27

AIRWORTHINESS STANDARDS:

NORMAL CATEGORY ROTORCRAFT

- **Change Date:** February 10, 2023
- **Effective Date:** April 11, 2023
- **Source:** Amdt. 27–51, 88 FR 8737

Amend §27.87 by revising the section heading and paragraph (a) introductory text to read as follows:

§27.87 Height-velocity envelope.

(a) If there is any combination of height and forward velocity (including hover) under which a safe landing cannot be made under the applicable power failure condition in paragraph (b) of this section, a limiting height-velocity envelope must be established (including all pertinent information) for that condition, throughout the ranges of—

* * * * *

Amend §27.903 by revising paragraph (d) to read as follows:

§27.903 Engines.

* * * * *

(d) Restart capability.

- (1) A means to restart any engine in flight must be provided.
- (2) Except for the in-flight shutdown of all engines, engine restart capability must be demonstrated throughout a flight envelope for the rotorcraft.
- (3) Following the in-flight shutdown of all engines, in-flight engine restart capability must be provided.

Amend §27.1305 by revising paragraphs (e), (k) introductory text, (n), and (o) to read as follows:

§27.1305 Powerplant instruments.

* * * * *

(e) A means to indicate manifold pressure for each altitude engine.

* * * * *

(k) A means to indicate the r.p.m. of each engine and at least one tachometer, as applicable, for:

* * * * *

(n) A means to indicate the gas temperature for each turbine engine.

(o) A means to enable the pilot to determine the torque of each turbine engine, if a torque limitation is established for that engine under §27.1521(e).

* * * * *

Revise §27.1309 to read as follows:

§27.1309 Equipment, systems, and installations.

The equipment, systems, and installations whose functioning is required by this subchapter must be designed and installed to ensure that they perform their intended functions under any foreseeable operating condition. For any item of equipment or system whose failure has not been specifically addressed by another requirement in this chapter, the following requirements also apply:

(a) The design of each item of equipment, system, and installation must be analyzed separately and in relation to other rotorcraft systems and installations to determine and identify any failure that would affect the capability of the rotorcraft or the ability of the crew to perform their duties in all operating conditions.

(b) Each item of equipment, system, and installation must be designed and installed so that:

- (1) The occurrence of any catastrophic failure condition is extremely improbable;
- (2) The occurrence of any major failure condition is no more than improbable; and
- (3) For the occurrence of any other failure condition between major and catastrophic, the probability of the failure condition must be inversely proportional to its consequences.

(c) A means to alert the crew in the event of a failure must be provided when an unsafe system operating condition exists and to enable them to take corrective action. Systems, controls, and associated monitoring and crew alerting means must be designed to minimize crew errors that could create additional hazards.

(d) Compliance with the requirements of this section must be shown by analysis and, where necessary, by ground, flight, or simulator tests. The analysis must account for:

- (1) Possible modes of failure, including malfunctions and misleading data and input from external sources;

- (2) The effect of multiple failures and latent failures;
- (3) The resulting effects on the rotorcraft and occupants, considering the stage of flight and operating conditions; and
- (4) The crew alerting cues and the corrective action required.

Amend §27.1329 by revising the section heading, adding introductory text, and revising paragraphs (a), (d), and (e) to read as follows:

§27.1329 Automatic pilot and flight guidance system.

For the purpose of this subpart, an automatic pilot and flight guidance system may consist of an autopilot, flight director, or a component that interacts with stability augmentation or trim.

(a) Each automatic pilot and flight guidance system must be designed so that it:

- (1) Can be overpowered by one pilot to allow control of the rotorcraft;
- (2) Provides a means to disengage the system, or any malfunctioning component of the system, by each pilot to prevent it from interfering with the control of the rotorcraft; and
- (3) Provides a means to indicate to the flight crew its current mode of operation. Selector switch position is not acceptable as a means of indication.

* * * * *

(d) The system must be designed so that, within the range of adjustment available to the pilot, it cannot produce hazardous loads on the rotorcraft, or create hazardous deviations in the flight path, under any flight condition appropriate to its use or in the event of a malfunction, assuming that corrective action begins within a reasonable period of time.

(e) If the automatic pilot and flight guidance system integrates signals from auxiliary controls or furnishes signals for operation of other equipment, there must be a means to prevent improper operation.

* * * * *

Remove §27.1335.

§27.1335 [Removed]

Revise §27.1353 to read as follows:

§27.1353 Energy storage systems.

Energy storage systems must be designed and installed as follows:

(a) Energy storage systems must provide automatic protective features for any conditions that could prevent continued safe flight and landing.

(b) Energy storage systems must not emit any flammable, explosive, or toxic gases, smoke, or fluids that could accumulate in hazardous quantities within the rotorcraft.

(c) Corrosive fluids or gases that escape from the system must not damage surrounding structures, adjacent equipment, or systems necessary for continued safe flight and landing.

(d) The maximum amount of heat and pressure that can be generated during any operation or under any failure condition of the energy storage system or its individual components must not result in any hazardous effect on rotorcraft structure, equipment, or systems necessary for continued safe flight and landing.

(e) Energy storage system installations required for continued safe flight and landing of the rotorcraft must have monitoring features and a means to indicate to the pilot the status of all critical system parameters.

Amend §27.1545 by revising paragraph (b) to read as follows:

§27.1545 Airspeed indicator.

* * * * *

(b) The following markings must be made:

(1) A red line—

(i) For rotorcraft other than helicopters, at V_{NE} .

(ii) For helicopters, at V_{NE} (power-on).

(iii) For helicopters, at V_{NE} (power-off). If V_{NE} (power-off) is less than V_{NE} (power-on) and both are simultaneously displayed, the red line at V_{NE} (power-off) must be clearly distinguishable from the red line at V_{NE} (power-on).

(2) [Reserved]

(3) For the caution range, a yellow range.

(4) For the normal operating range, a green or unmarked range.

* * * * *

Amend §27.1549 by revising paragraphs (a) through (d) to read as follows:

§27.1549 Powerplant instruments.

* * * * *

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red line;

(b) Each normal operating range must be marked as a green or unmarked range;

(c) Each takeoff and precautionary range must be marked with a yellow range or yellow line;

(d) Each engine or rotor range that is restricted because of excessive vibration stresses must be marked with red ranges or red lines; and

* * * * *

Amend §27.1555 by revising paragraph (c)(1) to read as follows:

§27.1555 Control markings.

* * * * *

(c) * * *

(1) For fuel systems having no selector controls, the usable fuel capacity of the system must be indicated at the fuel quantity indicator unless it is:

(i) Provided by another system or equipment readily accessible to the pilot; and

(ii) Contained in the limitations section of the rotorcraft flight manual.

* * * * *

Amend §27.1587 by revising paragraph (a)(1) to read as follows:

§27.1587 Performance information.

(a) * * *

(1) Enough information to determine the limiting height-velocity envelope.

* * * * *

Amend appendix B to part 27 by revising paragraphs VIII introductory text and VIII(b)(5)(i) to read as follows:

APPENDIX B TO PART 27

AIRWORTHINESS CRITERIA FOR HELICOPTER INSTRUMENT FLIGHT

* * * * *

VIII. Equipment, systems, and installation. The basic equipment and installation must comply with §§29.1303, 29.1431, and 29.1433, with the following exceptions and additions:

* * * * *

(b) * * *

(5) * * *

(i) For pneumatic systems, only the required flight instruments for the first pilot may be connected to that operating system;

* * * * *

In appendix C to part 27 amend section “C27.2 Applicable part 29 sections” by removing “29.1309(b)(2)(i) and (d)—Equipment, systems, and installations” and by revising “29.903(b)(c) and (e)—Engines” to read as follows:

APPENDIX C TO PART 27

CRITERIA FOR CATEGORY A

* * * * *

29.903 (b) and (c)—Engines.

* * * * *

PART 33

AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

► **Change Date:** April 4, 2023

► **Effective Date:** June 5, 2023

► **Source:** Amdt. 33–36, 88 FR 19810

Amend §33.76 by revising the introductory text to paragraph (a) and paragraphs (a)(1) and (5) and adding paragraph (e) to read as follows:

§33.76 Bird ingestion.

(a) **General.** Compliance with paragraphs (b) through (e) of this section shall be in accordance with the following:

(1) Except as specified in paragraphs (d) and (e) of this section, all ingestion tests must be conducted with the engine stabilized at no less than 100 percent takeoff power or thrust, for test day ambient conditions prior to the ingestion. In addition, the demonstration of compliance must account for engine operation at sea level takeoff conditions on the hottest day that a minimum engine can achieve maximum rated takeoff thrust or power.

* * * * *

(5) Objects that are accepted by the Administrator may be substituted for birds when conducting the bird ingestion tests required by paragraphs (b) through (e) of this section.

* * * * *

(e) **Core flocking bird test.** Except as provided in paragraph (e)(4) of this section, for turboprop engines, an engine test must be performed in accordance with either paragraph (e)(1) or (2) of this section. The test specified in paragraph (e)(2) must be conducted if testing or validated analysis shows that no bird material will be ingested into the engine core during the test under the conditions specified in paragraph (e)(1).

(1) *Climb flocking bird test.*

(i) Test requirements are as follows:

(A) Before ingestion, the engine must be stabilized at the mechanical rotor speed of the first exposed stage or stages that produce the lowest expected power or thrust required during climb through 3,000 feet above mean sea level (MSL) at standard day conditions.

(B) The climb flocking bird test shall be conducted using one bird of the highest weight specified in table 2 to this section for the engine inlet area.

(C) Ingestion must be at 261-knots true airspeed.

(D) The bird must be aimed at the first exposed rotating stage or stages, at the blade airfoil height, as measured at the leading edge that will result in maximum bird material ingestion into the engine core.

(ii) Ingestion of a flocking bird into the engine core under the conditions prescribed in paragraph (e)(1)(i) of this section must not cause any of the following:

(A) Sustained power or thrust reduction to less than 50 percent maximum rated takeoff power or thrust during the run-on segment specified under paragraph (e)(1)(iii)(B) of this section, that cannot be restored only by movement of the power lever.

(B) Sustained power or thrust reduction to less than flight idle power or thrust during the run-on segment specified under paragraph (e)(1)(iii)(B) of this section.

(C) Engine shutdown during the required run-on demonstration specified in paragraph (e)(1)(iii) of this section.

(D) Any condition specified in §33.75(g)(2).

(iii) The following test schedule must be used (power lever movement between conditions must occur within 10 seconds or less, unless otherwise noted):

Note 1 to paragraph (e)(1)(iii) introductory text. Durations specified are times at the defined conditions in paragraphs (e)(1)(iii)(A) through (I) of this section.

(A) Ingestion.

(B) Followed by 1 minute without power lever movement.

(C) Followed by power lever movement to increase power or thrust to not less than 50 percent maximum rated takeoff power or thrust, if the initial bird ingestion resulted in a reduction in power or thrust below that level.

(D) Followed by 13 minutes at not less than 50 percent maximum rated takeoff power or thrust. Power lever movement in this condition is unlimited.

(E) Followed by 2 minutes at 30–35 percent maximum rated takeoff power or thrust.

(F) Followed by 1 minute with power or thrust increased from that set in paragraph (e)(1)(iii)(E) of this section, by 5–10 percent maximum rated takeoff power or thrust.

(G) Followed by 2 minutes with power or thrust reduced from that set in paragraph (e)(1)(iii)(F) of this section, by 5–10 percent maximum rated takeoff power or thrust.

(H) Followed by 1 minute minimum at ground idle.

(I) Followed by engine shutdown.

(2) *Approach flocking bird test.*

(i) Test requirements are as follows:

(A) Before ingestion, the engine must be stabilized at the mechanical rotor speed of the first exposed stage or stages that produce approach idle thrust when descending through 3,000 feet MSL at standard day conditions.

(B) The approach flocking bird test shall be conducted using one bird of the highest weight specified in table 2 to this section for the engine inlet area.

(C) Ingestion must be at 209-knots true airspeed.

(D) The bird must be aimed at the first exposed rotating stage or stages, at the blade airfoil height measured at the leading edge that will result in maximum bird material ingestion into the engine core.

(ii) Ingestion of a flocking bird into the engine core under the conditions prescribed in paragraph (e)(2)(i) of this section may not cause any of the following:

(A) Power or thrust reduction to less than flight idle power or thrust during the run-on segment specified under paragraph (e)(2)(iii)(B) of this section.

(B) Engine shutdown during the required run-on demonstration specified in paragraph (e)(2)(iii) of this section.

(C) Any condition specified in §33.75(g)(2).

(iii) The following test schedule must be used (power lever movement between conditions must occur within 10 seconds or less, unless otherwise noted):

Note 2 to paragraph (e)(2)(iii) introductory text. Durations specified are times at the defined conditions in paragraphs (e)(2)(iii)(A) through (H) of this section.

(A) Ingestion.

(B) Followed by 1 minute without power lever movement.

(C) Followed by 2 minutes at 30–35 percent maximum rated takeoff power or thrust. Power lever movement in this condition is unlimited.

(D) Followed by 1 minute with power or thrust increased from that set in paragraph (e)(2)(iii)(C) of this section, by 5–10 percent maximum rated takeoff power or thrust.

(E) Followed by 2 minutes with power or thrust reduced from that set in paragraph (e)(2)(iii)(D) of this section, by 5–10 percent maximum rated takeoff power or thrust.

(F) Followed by 1 minute minimum at ground idle.

(G) Followed by engine shutdown.

(H) Power lever movement between each condition must be 10 seconds or less, except that any power lever movements are allowed within the time period of paragraph (e)(2)(iii)(C) of this section.

(3) *Results of exceeding engine-operating limits.* Applicants must show that an unsafe condition will not result if any engine-operating limit is exceeded during the run-on period.

(4) *Combining tests.* The climb flocking bird test of paragraph (e)(1) of this section may be combined with the medium flocking bird test of paragraph (c) of this section, if the climb first stage rotor speed calculated in paragraph (e)(1) of this section is within 3 percent of the first stage rotor speed required by paragraph (c)(1) of this section. As used in this paragraph (e)(4), “combined” means that, instead of separately conducting the tests specified in paragraphs (c) and (e)(1) of this section, the test conducted under paragraph (c) of this section satisfies the requirements of paragraph (e) of this section if the bird aimed at the core of the engine meets the bird ingestion speed criteria of paragraph (e)(1)(i)(C) of this section.

- **Change Date:** December 9, 2022; January 18, 2023
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 33–1, 87 FR 75711; Amdt. 33–35, 88 FR 2813

Amend §33.97 in paragraph (a) by adding a comma after the word “endurance” in the first sentence. The amended text reads as follows:

§33.97 Thrust reversers.

(a) If the engine incorporates a reverser, the endurance, calibration, operation, and vibration tests prescribed in this subpart must be run with the reverser installed. In complying with this section, the power control lever must be moved from one extreme position to the other in not more than one second except, if regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time is acceptable but not more than three seconds. In addition, the test prescribed in paragraph (b) of this section must be made. This test may be scheduled as part of the endurance run.

* * * * *

PART 47 AIRCRAFT REGISTRATION

- **Change Date:** November 22, 2022
- **Effective Date:** January 23, 2023
- **Source:** Amdt. 47–32, 87 FR 71217

The authority citation for Part 47 is revised to read as follows:

Authority: 4 U.S.T. 1830; Pub. L. 115–254, Pub. L. 108–297, 118 Stat. 1095 (49 U.S.C. 40101 note, 49 U.S.C. 44101 note); 49 U.S.C. 106(f), 106(g), 40113–40114, 44101–44108, 44110–44113, 44703–44704, 44713, 45302, 46104, 46301.

- **Change Date:** December 9, 2022; January 18, 2023
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 47–32, 87 FR 75711; Amdt. 47–34, 88 FR 2813

Amend §47.9 by revising paragraph (b) to read as follows:

§47.9 Corporations not U.S. citizens.

* * * * *

(b) For the purposes of registration, an aircraft is based and primarily used in the United States if the flight hours accumulated within the United States amount to at least 60 percent of the total flight hours of the aircraft during the period consisting in the remainder of the registration month and the succeeding 6 calendar months and each 6 calendar month period thereafter.

* * * * *

- **Change Date:** November 22, 2022
- **Effective Date:** January 23, 2023
- **Source:** Amdt. 47–32, 87 FR 71217

Amend §47.15 by removing paragraph (i)(1) and redesignating paragraphs (i)(2) through (i)(4) as paragraphs (i)(1) through (i)(3).

Amend §47.17 by revising paragraph (a) to read as follows.

§47.17 Fees.

(a) The fees for applications under this part are as follows:

| | |
|--|--------|
| (1) Certificate of Aircraft Registration (each aircraft) | \$5.00 |
| (2) Dealer's Aircraft Registration Certificate | 10.00 |
| (3) Additional Dealer's Aircraft Registration Certificate (issued to same dealer) | 2.00 |
| (4) Special registration number (each number) | 10.00 |
| (5) To change, reassign, or reserve a registration number | 10.00 |
| (6) Replacement Certificate of Aircraft Registration | 2.00 |
| (7) Renewal Certificate of Aircraft Registration | 5.00 |

* * * * *

- **Change Date:** December 9, 2022; January 18, 2023
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 47–32, 87 FR 75711; Amdt. 47–34, 88 FR 2813

Amend §47.19 by removing the phrase “must be mailed to the Registry, Department of Transportation, Post Office Box 25504, Oklahoma City, Oklahoma 73125–0504, or delivered to the Registry at 6425 S. Denning Ave., Oklahoma City, Oklahoma 73169” and adding in its place the phrase “must be delivered to the Registry by a means acceptable to the Administrator”. The amended text reads as follows:

§47.19 Registry.

Each application, request, notification, or other communication sent to the FAA under this Part must be delivered to the Registry by a means acceptable to the Administrator.

- **Change Date:** November 22, 2022; January 18, 2023
- **Effective Date:** January 23, 2023
- **Source:** Amdt. 47–32, 87 FR 71217; Amdt. 47–33A, 88 FR 2814

Amend §47.31 by revising paragraph (c)(1) to read as follows:

§47.31 Application.

* * * * *

(c) * * *

(1) This temporary authority is valid for operation within the United States until the date the applicant receives the Certificate of Aircraft Registration or until the date the FAA denies the application, or as provided by paragraph (c)(2) of this section.

* * * * *

Revise §47.40 to read as follows:

§47.40 Registration expiration and renewal.

(a) **Initial Registration.** A Certificate of Aircraft Registration issued in accordance with §47.31 expires seven years after the last day of the month in which it is issued.

(b) **Renewal.** Each holder of a Certificate of Aircraft Registration, AC Form 8050-3, containing an expiration date may apply for renewal of a Certificate of Aircraft Registration by submitting an Aircraft Registration Renewal Application, AC Form 8050-1B, and the fee required by §47.17 during the six months preceding the expiration date for the Certificate of Aircraft Registration.

(1) A Certificate of Aircraft Registration issued under this paragraph after January 23, 2023 expires seven years after the last day of the month in which it was issued.

(2) A Certificate of Aircraft Registration that is in effect on January 23, 2023 expires seven years after the last day of the month in which it is issued, notwithstanding the expiration date on the valid Certificate of Aircraft Registration.

(c) Inaccurate Information. The Administrator may require the owner of a registered aircraft to submit a complete Aircraft Registration Application, AC Form 8050-1, and fee prior to the expiration date if the Administrator finds that the Certificate of Aircraft Registration contains inaccurate information.

Amend §47.61 by revising paragraph (c) to read as follows:

§47.61 Dealer's Aircraft Registration Certificates.

(c) If a Dealer's Aircraft Registration Certificate for an aircraft registered under this subpart expires in accordance with §47.71, the aircraft owner must submit an application for aircraft registration in accordance with §47.31 or the assignment of registration number will be canceled in accordance with §47.15(i)(2).

PART 91

GENERAL OPERATING AND FLIGHT RULES

■ **Change Date:** December 9, 2022
■ **Effective Date:** December 9, 2022
■ **Source:** Amdt. 91–366, 87 FR 75846

Amend §91.9 in paragraph (c) by removing the phrase “part 45” and adding in its place the phrase “part 45 or 48”.

■ **Change Date:** July 26, 2023
■ **Effective Date:** July 26, 2023
■ **Source:** Amdt. 91–370, 88 FR 48087

Amend §91.146 by revising paragraphs (b) introductory text and (b)(2), (3), (5), and (7) to read as follows:

§91.146 Passenger-carrying flights for the benefit of a charitable, nonprofit, or community event.

(b) Passenger-carrying flights in airplanes, powered-lift, or rotorcraft for the benefit of a charitable, nonprofit, or community event identified in paragraph (c) of this section are not subject to the certification requirements of part 119 of this chapter or the drug and alcohol testing requirements in part 120 of this chapter, provided the following conditions are satisfied and the limitations in paragraphs (c) and (d) of this section are not exceeded:

(2) The flight is conducted from a public airport that is adequate for the aircraft used, or from another location the FAA approves for the operation;

(3) The aircraft has a maximum of 30 seats, excluding each crewmember seat, and a maximum payload capacity of 7,500 pounds;

(5) Each aircraft holds a standard airworthiness certificate, is airworthy, and is operated in compliance with the applicable requirements of subpart E of this part;

(7) Reimbursement of the operator of the aircraft is limited to that portion of the passenger payment for the flight that does not exceed the pro rata cost of owning, operating, and maintaining the

aircraft for that flight, which may include fuel, oil, airport expenditures, and rental fees;

Amend §91.147 by revising paragraph (a) to read as follows:

§91.147 Passenger-carrying flights for compensation or hire.

(a) For the purposes of this section and for drug and alcohol testing, *Operator* means any person conducting nonstop passenger-carrying flights in an airplane, powered-lift, or rotorcraft for compensation or hire in accordance with §119.1(e)(2), §135.1(a)(5), or §121.1(d) of this chapter that begin and end at the same airport and are conducted within a 25-statute mile radius of that airport.

■ **Change Date:** December 9, 2022
■ **Effective Date:** December 9, 2022
■ **Source:** Amdt. 91–366, 87 FR 75846

Amend §91.157 in paragraph (b)(4) introductory text by adding the word “less” after the phrase “6 degrees or” and by removing the word “more” before the phrase “below the horizon”. The amended text reads as follows:

§91.157 Special VFR weather minimums.

(b) ***

(4) Except for helicopters, between sunrise and sunset (or in Alaska, when the sun is 6 degrees or less below the horizon) unless—

Amend §91.203 in paragraph (a)(1) by removing the phrase “part 47” and adding in its place the phrase “part 47 or 48”.

Amend §91.511 in paragraph (a) introductory text by adding the words “operating under this subpart” after the word “person” in the first sentence. The amended text reads as follows:

§91.511 Communication and navigation equipment for overwater operations.

(a) Except as provided in paragraphs (c), (d), and (f) of this section, no person operating under this subpart may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shore unless it has at least the following operable equipment:

Amend §91.609 in paragraph (g) by adding the words “49 CFR” before both instances of the words “part 830”.

Amend §91.1001 in paragraph (b)(9) by removing “(b)(1)(v)” and adding in its place “(b)(5)(vi)”.

■ **Change Date:** July 26, 2023
■ **Effective Date:** July 26, 2023
■ **Source:** Amdt. 91–370, 88 FR 48087

Amend §91.1015 by revising paragraph (a)(9) to read as follows:

§91.1015 Management specifications.

(a) * * *
(9) Any authorized deviation and exemption that applies to the person conducting operations under this subpart; and
* * * * *

■ **Change Date:** May 30, 2023
■ **Effective Date:** June 29, 2023
■ **Source:** Amdt. 91-368, 88 FR 34443

Amend §91.1023 by:
a. Revising paragraphs (f) and (g);
b. Removing paragraph (h); and
c. Redesignating paragraph (i) as paragraph (h).
The revisions read as follows:

§91.1023 Program operating manual requirements.

* * * * *
(f) The program manager must ensure the appropriate parts of the manual are accessible to flight, ground, and maintenance personnel at all times when such personnel are performing their assigned duties.

(g) The information and instructions contained in the manual must be displayed clearly and be retrievable in the English language.

(h) Program managers that are also certificated to operate under part 121 or 135 of this chapter may be authorized to use the operating manual required by those parts to meet the manual requirements of subpart K, provided:
* * * * *

Amend §91.1025 by revising the introductory text to read as follows:

§91.1025 Program operating manual contents.

Each program operating manual accessed in paper format must display the date of last revision on each page. Each program operating manual accessed in electronic format must display the date of last revision in a manner in which a person can immediately ascertain it. Unless otherwise authorized by the Administrator, the manual must include the following:
* * * * *

■ **Change Date:** March 21, 2023
■ **Effective Date:** March 17, 2023
■ **Source:** Amdt. 91-321F, 88 FR 16878

Amend §91.1603 by revising the section heading and paragraphs (b), (c), and (e) to read as follows:

**§91.1603 Special Federal Aviation Regulation No. 112—
Prohibition Against Certain Flights in the Territory and
Airspace of Libya.**

* * * * *
(b) **Flight prohibition.** Except as provided in paragraphs (c) and (d) of this section, no person described in paragraph (a) of this section may conduct flight operations in the territory and airspace of Libya.

(c) **Permitted operations.** This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in the territory and airspace of Libya, provided that such flight operations occur under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. Government (or under a subcontract between the prime contractor of the department, agency, or instrumentality and the person described in paragraph (a) of this section), with the approval of the FAA, or under an exemption issued by the FAA. The FAA will consider requests for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. Government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. Government department, agency, or instrumentality; and third, for all other operations.
* * * * *

(e) **Expiration.** This SFAR will remain in effect until March 20, 2025. The FAA may amend, rescind, or extend this SFAR, as necessary.

■ **Change Date:** September 20, 2022
■ **Effective Date:** September 20, 2022
■ **Source:** Amdt. 91–353B, 87 FR 57390

Amend §91.1605 by revising paragraph (e) to read as follows:

**§91.1605 Special Federal Aviation Regulation No. 77—
Prohibition Against Certain Flights in the Baghdad Flight
Information Region (FIR) (ORBB).**

* * * * *
(e) **Expiration.** This SFAR will remain in effect until October 26, 2024. The FAA may amend, rescind, or extend this SFAR, as necessary.

■ **Change Date:** December 27, 2022
■ **Effective Date:** December 27, 2022
■ **Source:** Amdt. 91–339C, 87 FR 79245

Amend §91.1613 by revising paragraphs (c) and (e) to read as follows:

**§91.1613 Special Federal Aviation Regulation No. 107—
Prohibition Against Certain Flights in the Territory and
Airspace of Somalia.**

* * * * *
(c) **Permitted operations.** This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in the territory and airspace of Somalia under the following circumstances:

(1) Overflights of Somalia may be conducted at altitudes at or above FL260 subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Somalia.

(2) Aircraft departing from Djibouti Ambouli International Airport (International Civil Aviation Organization (ICAO) code: HDAM) may operate overwater in the territory and airspace of Somalia at altitudes below FL260 only to the extent necessary to permit a climb during takeoff if the operator of that aircraft:

(i) Receives any necessary approval from the appropriate authorities of Djibouti;

(ii) Conducts operations that comply with applicable conditions established by the appropriate authorities of Djibouti and air traffic control instructions; and

(iii) Is either on a published instrument procedure or under the direction of air traffic control.

(3) Aircraft descending into Djibouti Ambouli International Airport (HDAM) may operate overwater at altitudes below FL260 in the territory and airspace of Somalia only to the extent necessary to permit descent for landing at Djibouti Ambouli International Airport (HDAM), if the operator of that aircraft:

- (i) Receives any necessary approval from the appropriate authorities of Djibouti;
- (ii) Conducts operations that comply with applicable conditions established by the appropriate authorities of Djibouti and air traffic control instructions; and
- (iii) Is either on a published instrument procedure or under the direction of air traffic control.

(4) Flight operations may be conducted in the territory and airspace of Somalia at altitudes below FL260 if such flight operations are conducted under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. Government (or under a subcontract between the prime contractor of the U.S. Government department, agency, or instrumentality and the person described in paragraph (a) of this section) with the approval of the FAA or under an exemption issued by the FAA. The FAA will consider requests for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. Government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. Government department, agency, or instrumentality; and third, for all other operations.

(e) Expiration. This SFAR will remain in effect until January 7, 2027. The FAA may amend, rescind, or extend this SFAR, as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f) and (g), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5).

- **Change Date:** September 20, 2022
- **Effective Date:** September 20, 2022
- **Source:** Amdt. 91–359A, 87 FR 57384

Amend §91.1617 by revising paragraph (e) to read as follows:

**§91.1617 Special Federal Aviation Regulation No. 117—
Prohibition Against Certain Flights in the Tehran Flight
Information Region (FIR) (OII).**

(e) Expiration. This SFAR will remain in effect until October 31, 2024. The FAA may amend, rescind, or extend this SFAR, as necessary.

- **Change Date:** July 25, 2023
- **Effective Date:** July 25, 2023
- **Source:** Amdt. 91–369, 88 FR 47771

Add §91.1619 to read as follows:

**§91.1619 Special Federal Aviation Regulation No. 119—
Prohibition Against Certain Flights in the Kabul Flight
Information Region (FIR) (OAKX).**

(a) Applicability. This Special Federal Aviation Regulation (SFAR) applies to the following persons:

- (1) All U.S. air carriers and U.S. commercial operators;
- (2) All persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and

(3) All operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier.

(b) Flight prohibition. Except as provided in paragraphs (c) and (d) of this section, no person described in paragraph (a) of this section may conduct flight operations in the Kabul Flight Information Region (FIR) (OAKX).

(c) Permitted operations. This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in the Kabul Flight Information Region (FIR) (OAKX) under the following circumstances:

(1) Overflights of the Kabul Flight Information Region (FIR) (OAKX) may be conducted at altitudes at and above Flight Level (FL) 320, subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Afghanistan.

(2) Flight operations may be conducted in the Kabul Flight Information Region (FIR) (OAKX) at altitudes below FL320, provided that such flight operations occur under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. Government (or under a subcontract between the prime contractor of the U.S. Government department, agency, or instrumentality and the person described in paragraph (a) of this section) with the approval of the FAA or under an exemption issued by the FAA. The FAA will consider requests for approval or exemption in a timely manner, with the order of preference being: first, for those operations in support of U.S. Government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. Government department, agency, or instrumentality; and third, for all other operations.

(d) Emergency situations. In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this section to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of 14 CFR part 119, 121, 125, or 135, each person who deviates from this section must, within 10 days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the responsible Flight Standards Office a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons for it.

(e) Expiration. This SFAR will remain in effect until July 25, 2025. The FAA may amend, rescind, or extend this SFAR as necessary.

PART 110 GENERAL REQUIREMENTS

- **Change Date:** July 26, 2023
- **Effective Date:** July 26, 2023
- **Source:** Amdt. 110–3, 88 FR 48087

The authority citation for Part 110 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40102, 40103, 40113, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

Amend §110.2 by revising the introductory text of the definition of “Commercial air tour” and by revising the definitions of “Commuter operation”, “Domestic operation”, “Flag operation”, “On-demand operation”, and “Supplemental operation” to read as follows:

§110.2 Definitions.

Commercial air tour means a flight conducted for compensation or hire in an airplane, powered-lift, or rotorcraft where a purpose of the flight is sightseeing. The FAA may consider the following factors in determining whether a flight is a commercial air tour:

Commuter operation means any scheduled operation conducted by any person operating one of the following types of aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedules:

- (1) Rotorcraft; or
- (2) Airplanes or powered-lift that:
 - (i) Are not turbojet-powered;
 - (ii) Have a maximum passenger-seat configuration of 9 seats or less, excluding each crewmember seat; and
 - (iii) Have a maximum payload capacity of 7,500 pounds or less.

Domestic operation means any scheduled operation conducted by any person operating any aircraft described in paragraph (1) of this definition at locations described in paragraph (2) of this definition:

- (1) Airplanes or powered-lift that:
 - (i) Are turbojet-powered;
 - (ii) Have a passenger-seat configuration of more than 9 passenger seats, excluding each crewmember seat; or
 - (iii) Have a payload capacity of more than 7,500 pounds.
- (2) Locations:
 - (i) Between any points within the 48 contiguous States of the United States or the District of Columbia; or
 - (ii) Operations solely within the 48 contiguous States of the United States or the District of Columbia; or
 - (iii) Operations entirely within any State, territory, or possession of the United States; or
 - (iv) When specifically authorized by the Administrator, operations between any point within the 48 contiguous States of the United States or the District of Columbia and any specifically authorized point located outside the 48 contiguous States of the United States or the District of Columbia.

Flag operation means any scheduled operation conducted by any person operating any aircraft described in paragraph (1) of this definition at locations described in paragraph (2) of this definition:

- (1) Airplanes or powered-lift that:
 - (i) Are turbojet-powered;
 - (ii) Have a passenger-seat configuration of more than 9 passenger seats, excluding each crewmember seat; or
 - (iii) Have a payload capacity of more than 7,500 pounds.
- (2) Locations:
 - (i) Between any point within the State of Alaska or the State of Hawaii or any territory or possession of the United States and any point outside the State of Alaska or the State of Hawaii or any territory or possession of the United States, respectively; or

(ii) Between any point within the 48 contiguous States of the United States or the District of Columbia and any point outside the 48 contiguous States of the United States and the District of Columbia; or

(iii) Between any point outside the U.S. and another point outside the U.S.

On-demand operation means any operation for compensation or hire that is one of the following:

(1) Passenger-carrying operations conducted as a public charter under part 380 of this chapter or any operations in which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative that are any of the following types of operations:

(i) Common carriage operations conducted with airplanes or powered-lift, including any that are turbojet-powered, having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less. The operations described in this paragraph do not include operations using a specific airplane or powered-lift that is also used in domestic or flag operations and that is so listed in the operations specifications as required by §119.49(a)(4) of this chapter for those operations are considered supplemental operations;

(ii) Noncommon or private carriage operations conducted with airplanes or powered-lift having a passenger-seat configuration of less than 20 seats, excluding each crewmember seat, and a payload capacity of less than 6,000 pounds; or

(iii) Any rotorcraft operation.

(2) Scheduled passenger-carrying operations conducted with one of the following types of aircraft, other than turbojet-powered aircraft, with a frequency of operations of less than five round trips per week on at least one route between two or more points according to the published flight schedules:

(i) Airplanes or powered-lift having a maximum passenger-seat configuration of 9 seats or less, excluding each crewmember seat, and a maximum payload capacity of 7,500 pounds or less; or

(ii) Rotorcraft.

(3) All-cargo operations conducted with airplanes or powered-lift having a payload capacity of 7,500 pounds or less, or with rotorcraft.

Supplemental operation means any common carriage operation for compensation or hire conducted with any aircraft described in paragraph (1) of this definition that is a type of operation described in paragraph (2) of this definition:

(1) Airplanes or powered-lift that:

(i) Have a passenger-seat configuration of more than 30 seats, excluding each crewmember seat.

(ii) Have a payload capacity of more than 7,500 pounds.

(iii) Are propeller-powered and:

(A) Have a passenger-seat configuration of more than 9 seats and less than 31 seats, excluding each crewmember seat; and

(B) Are used in domestic or flag operations but are so listed in the operations specifications as required by §119.49(a)(4) of this chapter for such operations.

(iv) Are turbojet-powered and:

(A) Have a passenger seat configuration of 1 or more but less than 31 seats, excluding each crewmember seat; and

(B) Are used in domestic or flag operations and are so listed in the operations specifications as required by §119.49(a)(4) of this chapter for such operations.

- (2) Types of operation:
- (i) Operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative.
 - (ii) All-cargo operations.
 - (iii) Passenger-carrying public charter operations conducted under part 380 of this chapter.
- *****

PART 119

CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS

■ **Change Date:** July 26, 2023
■ **Effective Date:** July 26, 2023
■ **Source:** Amdt. 119–20, 88 FR 48088

The authority citation for Part 119 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40102, 40103, 40113, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105; sec. 215, Pub. L. 111–216, 124 Stat. 2348.

Amend §119.1 by:

- a. Revising paragraph (a)(2);
- b. Adding paragraph (a)(3); and
- c. Revising paragraphs (e) introductory text, (e)(2), (e)(4)(v), (e)(5), (e)(7) introductory text, and (e)(7)(i), (iii), and (vii).

The revisions and addition read as follows:

§119.1 Applicability.

(a) ***

(2) When common carriage is not involved, in operations of any U.S.-registered civil airplane or powered-lift with a seat configuration of 20 or more passengers, or a maximum payload capacity of 6,000 pounds or more; or

(3) When noncommon carriage is involved, except as provided in §91.501(b) of this chapter, or in private carriage for compensation or hire, in operations of any U.S.-registered civil airplane or powered-lift with a passenger-seat configuration of less than 20 seats and a payload capacity of less than 6,000 pounds.

(e) Except for operations when common carriage is not involved conducted with any airplane or powered-lift having a passenger-seat configuration of 20 seats or more, excluding any required crewmember seat, or a payload capacity of 6,000 pounds or more, this part does not apply to—

(2) Nonstop Commercial Air Tours that occur in an airplane, powered-lift, or rotorcraft having a standard airworthiness certificate and passenger-seat configuration of 30 seats or fewer and a maximum payload capacity of 7,500 pounds or less that begin and end at the same airport, and are conducted within a 25-statute mile radius of that airport, in compliance with the Letter of Authorization issued under §91.147 of this chapter. For nonstop Commercial Air Tours conducted in accordance with part 136, subpart B, of this chapter, National Parks Air Tour Management, the requirements of this part apply unless excepted in §136.37(g)(2). For Nonstop Commercial Air Tours conducted in the vicinity of the Grand Canyon National Park, Arizona, the requirements of SFAR 50-2, part 93, subpart U, of the chapter and this part, as applicable, apply.

(4) ***

(v) Powered-lift or rotorcraft operations in construction or repair work (but part 119 of this chapter does apply to transportation to and from the site of operations); and

(5) Sightseeing flights conducted in hot air balloons or gliders;

(7) Powered-lift or rotorcraft flights conducted within a 25 statute mile radius of the airport of takeoff if—

(i) Not more than two passengers are carried in the aircraft in addition to the required flightcrew;

(iii) The aircraft used is certificated in the standard category and complies with the 100-hour inspection requirements of part 91 of this chapter;

(vii) Cargo is not carried in or on the aircraft;

Amend §119.5 by revising paragraphs (b) and (c) to read as follows:

§119.5 Certifications, authorizations, and prohibitions.

(b) A person not authorized to conduct direct air carrier operations, but authorized by the Administrator to conduct operations as a U.S. commercial operator, will be issued an Operating Certificate.

(c) A person not authorized to conduct direct air carrier operations, but authorized by the Administrator to conduct operations when common carriage is not involved as an operator of any U.S.-registered civil airplane or powered-lift with a seat configuration of 20 or more passengers, or a maximum payload capacity of 6,000 pounds or more, will be issued an Operating Certificate.

Amend §119.21 by revising paragraph (a) introductory text to read as follows:

§119.21 Commercial operators engaged in intrastate common carriage and direct air carriers.

(a) Each person who conducts airplane or powered-lift operations as a commercial operator engaged in intrastate common carriage of persons or property for compensation or hire in air commerce, or as a direct air carrier, shall comply with the certification and operations specifications requirements in subpart C of this part, and shall conduct its:

Amend §119.23 by revising the section heading, paragraphs (a) introductory text, (a)(2), and (b) introductory text to read as follows:

§119.23 Operators engaged in passenger-carrying operations, cargo operations, or both with airplanes or powered-lift when common carriage is not involved.

(a) Each person who conducts operations when common carriage is not involved with any airplane or powered-lift having a passenger-seat configuration of 20 seats or more, excluding each crewmember seat, or a payload capacity of 6,000 pounds or more, must, unless deviation authority is issued—

(2) Conduct its operations in accordance with the requirements of part 125 of this chapter; and

(b) Each person who conducts noncommon carriage (except as provided in §91.501(b) of this chapter) or private carriage operations for compensation or hire with any airplane or powered-lift having a passenger-seat configuration of less than 20 seats, excluding each crewmember seat, and a payload capacity of less than 6,000 pounds, must—

Amend §119.49 by revising paragraphs (a)(12), (b)(12), and (c)(11) to read as follows:

§119.49 Contents of operations specifications.

- (a) ***
(12) Any authorized deviation or exemption from any requirement of this chapter that applies to the certificate holder.

- (b) ***
(12) Any authorized deviation or exemption from any requirement of this chapter that applies to the certificate holder.

- (c) ***
(11) Any authorized deviation or exemption from any requirement of this chapter that applies to the certificate holder.

Amend §119.65 by revising paragraphs (a)(3) and (b)(2) to read as follows:

§119.65 Management personnel required for operations conducted under part 121 of this chapter.

- (a) ***
(3) Chief Pilot for each category of aircraft the certificate holder uses, as listed in §61.5(b)(1) of this chapter.

- (b) ***
(2) The number and type of aircraft used; and

Revise §119.67 to read as follows:

§119.67 Management personnel: Qualifications for operations conducted under part 121 of this chapter.

- (a) **Director of Operations.** To serve as Director of Operations under §119.65(a), a person must hold an airline transport pilot certificate and—
- (1) If the certificate holder uses large aircraft, at least 3 years of supervisory or managerial experience within the last 6 years in large aircraft, in a position that exercised operational control over any operations conducted under part 121 or 135 of this chapter.
- (2) If the certificate holder uses large aircraft, at least 3 years of experience as pilot in command under part 121 or 135 of this chapter in large aircraft in at least one of the categories of aircraft the certificate holder uses, as listed in §61.5(b)(1) of this chapter. In the case of a person becoming Director of Operations for the first time, he or she must have accumulated this experience as pilot in command within the past 6 years.
- (3) If the certificate holder uses only small aircraft in its operations, the experience required in paragraphs (a)(1) and (2) of this section may be obtained in either large or small aircraft.

(b) **Chief Pilot.** To serve as Chief Pilot under §119.65(a), a person must:

- (1) Hold an airline transport pilot certificate with appropriate ratings in the category of aircraft that the certificate holder uses in its operations under part 121 of this chapter and over which the Chief Pilot exercises responsibility; and
- (2) Have at least 3 years of experience as pilot in command in the same category of aircraft that the certificate holder uses, as listed in §61.5(b) of this chapter. The experience as pilot in command described in this paragraph (b)(2) must:
- (i) Have occurred within the past 6 years, in the case of a person becoming a Chief Pilot for the first time.
- (ii) Have occurred in large aircraft operated under part 121 or 135 of this chapter. If the certificate holder uses only small aircraft in its operation, this experience may be obtained in either large or small aircraft.
- (iii) Be in the same category of aircraft over which the Chief Pilot exercises responsibility.

(c) **Director of Maintenance.** To serve as Director of Maintenance under §119.65(a), a person must:

- (1) Hold a mechanic certificate with airframe and powerplant ratings;
- (2) Have 1 year of experience in a position responsible for returning aircraft to service;
- (3) Have at least 1 year of experience in a supervisory capacity under either paragraph (c)(4)(i) or (ii) of this section maintaining the same category and class of aircraft as the certificate holder uses; and

(4) Have 3 years of experience within the past 6 years in one or a combination of the following—

- (i) Maintaining large aircraft with 10 or more passenger seats, including, at the time of appointment as Director of Maintenance, experience in maintaining the same category and class of aircraft as the certificate holder uses; or
- (ii) Repairing aircraft in a certificated airframe repair station that is rated to maintain aircraft in the same category and class of aircraft as the certificate holder uses.

(d) **Chief Inspector.** To serve as Chief Inspector under §119.65(a), a person must:

- (1) Hold a mechanic certificate with both airframe and powerplant ratings, and have held these ratings for at least 3 years;
- (2) Have at least 3 years of maintenance experience on different types of large aircraft with 10 or more passenger seats with an air carrier or certificated repair station, 1 year of which must have been as maintenance inspector; and
- (3) Have at least 1 year of experience in a supervisory capacity maintaining the same category and class of aircraft as the certificate holder uses.

(e) **Deviation.** A certificate holder may request a deviation to employ a person who does not meet the appropriate airman experience, managerial experience, or supervisory experience requirements of this section if the Manager of the Air Transportation Division or the Manager of the Aircraft Maintenance Division, as appropriate, finds that the person has comparable experience and can effectively perform the functions associated with the position in accordance with the requirements of this chapter and the procedures outlined in the certificate holder's manual. Deviations under this paragraph (e) may be issued after consideration of the size and scope of the operation and the qualifications of the intended personnel. The Administrator may, at any time, terminate any grant of deviation authority issued under this paragraph (e).

PART 121

OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

- **Change Date:** December 9, 2022
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 121–387, 87 FR 75847

Amend §121.1115 by revising table 2 to read as follows:

§121.1115 Limit of validity.

(f) ***

TABLE 2—AIRPLANES EXCLUDED FROM SECTION 26.21

| Airplane model | Default LOV [flight cycles (FC) or flight hours (FH)] |
|----------------|--|
| ***** | |
| Bombardier: | |
| ***** | |
| BD-700 | 15,000 FC |

PART 125

CERTIFICATION AND OPERATIONS: AIRCRAFT HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE; AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

- **Change Date:** July 26, 2023
- **Effective Date:** July 26, 2023
- **Source:** Amdt. 125–74, 88 FR 48090

The heading for Part 125 is revised to read as set forth above.

Amend §125.1 by revising paragraphs (a), (b) introductory text, (b)(4), (c), and (e) to read as follows:

§125.1 Applicability.

(a) Except as provided in paragraphs (b) through (d) of this section, this part prescribes rules governing the operations of U.S.-registered civil airplanes and powered-lift, when those aircraft have a seating configuration of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more when common carriage is not involved.

(b) The rules of this part do not apply to the operations of aircraft specified in paragraph (a) of this section, when—

(4) They are being operated under part 91 of this chapter by an operator certificated to operate those aircraft under the rules of part 121, 135, or 137 of this chapter, they are being operated under the applicable rules of part 121 or 135 of this chapter by an applicant for a certificate under part 119 of this chapter or they are being operated by a foreign air carrier or a foreign person engaged in common carriage solely outside the United States under part 91 of this chapter;

(c) This part, except §125.247, does not apply to the operation of aircraft specified in paragraph (a) of this section when they are operated outside the United States by a person who is not a citizen of the United States.

(e) This part also establishes requirements for operators to take actions to support the continued airworthiness of each aircraft.

Amend §125.23 by revising the introductory text to read as follows:

§125.23 Rules applicable to operations subject to this part.

Each person operating an aircraft in operations under this part shall—

- **Change Date:** May 30, 2023

- **Effective Date:** June 29, 2023

- **Source:** Amdt. 125–73, 88 FR 34443

Amend §125.71 by revising paragraph (f) to read as follows:

§125.71 Preparation.

(f) The information and instructions contained in the manual must be displayed clearly and be retrievable in the English language.

Amend §125.73 by revising the introductory text to read as follows:

§125.73 Contents.

Each manual accessed in paper format must display the date of last revision on each page. Each manual accessed in electronic format must display the date of last revision in a manner in which a person can immediately ascertain it. The manual must include:

- **Change Date:** December 9, 2022

- **Effective Date:** December 9, 2022

- **Source:** Amdt. 125–72, 87 FR 75847

Amend §125.285 in paragraph (d) by removing the citation “(c)(3)” and adding in its place the citation “(c)(2)”.

PART 135

OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

- **Change Date:** May 30, 2023

- **Effective Date:** June 29, 2023

- **Source:** Amdt. 135–144, 88 FR 34443

Amend §135.21 by:

- Revising paragraphs (f) and (g); and
- Removing paragraph (h).

The revisions read as follows:

§135.21 Manual requirements.

(f) The certificate holder must ensure the appropriate parts of the manual are accessible to flight, ground, and maintenance personnel at all times when such personnel are performing their assigned duties.

(g) The information and instructions contained in the manual must be displayed clearly and be retrievable in the English language.

Amend §135.23 by revising the introductory text to read as follows:

§135.23 Manual contents.

Each manual accessed in paper format must display the date of last revision on each page. Each manual accessed in electronic format must display the date of last revision in a manner in which a person can immediately ascertain it. The manual must include:
* * * * *

- **Change Date:** December 9, 2022
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 135–143, 87 FR 75848

Amend §135.415 in paragraph (f) by adding the words “49 CFR” before the words “part 830”.

PART 183

REPRESENTATIVES OF THE ADMINISTRATOR

- **Change Date:** December 9, 2022
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 183–18, 87 FR 75848

Amend §183.11 in paragraph (d) by:

- a. Removing the words “Associate Administrator for Air Traffic” and adding in their place the words “Associate Administrator for Aviation Safety”; and
- b. Adding the word “Designated” before the phrase “Air Traffic Control Tower Operator Examiners”.

The amended text reads as follows:

§183.11 Selection.

* * * * *

(d) Associate Administrator for Aviation Safety, may select Designated Air Traffic Control Tower Operator Examiners.

* * * * *

Amend §183.25 by revising paragraph (c) to read as follows:

§183.25 Technical personnel examiners.

* * * * *

(c) A designated air traffic control tower operator examiner may—

(1) Accept applications for, and conduct, written and practical tests necessary for issuing control tower operator certificates under part 65 of this chapter; and

(2) In the discretion of the Associate Administrator for Aviation Safety issue temporary control tower operator certificates to qualified applicants.

* * * * *