

ASA's 2023 FAR-FC 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/AIM 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 Flight Crew book is current through June 7, 2022. With this Update, information is current through **July 27, 2023**.



TITLE 14: AERONAUTICS AND SPACE

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 §91.1001 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:

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

* * * * *

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 120 DRUG AND ALCOHOL TESTING PROGRAM

- **Change Date:** May 2, 2023
- **Effective Date:** June 1, 2023
- **Source:** Docket DOT–OST–2021–0093, 88 FR 27635

Revise §120.7 to read as follows:

§120.7 Definitions.

For the purposes of this part, the following definitions apply:

(a) **Accident** means an occurrence associated with the operation of an aircraft which takes place between the time any individual boards the aircraft with the intention of flight and all such individuals have disembarked, and in which any individual suffers death or serious injury, or in which the aircraft receives substantial damage.

(b) **Alcohol** means any substance specified in 49 CFR part 40.

(c) **Alcohol misuse** means any prohibited conduct referenced under subpart C or D of this part.

(d) **Contractor** is an individual or company that performs a safety-sensitive function by contract for an employer or another contractor.

(e) **Covered employee** means an individual who performs, either directly or by contract, a safety-sensitive function listed in §§120.105 and 120.215 for an employer (as defined in paragraph (g) of this section). For purposes of pre-employment testing only, the term “covered employee” includes an individual applying to perform a safety-sensitive function.

(f) **Employee** is an individual who is hired, either directly or by contract, to perform a safety-sensitive function for an employer, as defined in paragraph (g) of this section. An employee is also an individual who transfers into a position to perform a safety-sensitive function for an employer.

(g) **Employer** is a part 119 certificate holder with authority to operate under parts 121 and/or 135 of this chapter, an operator as defined in §91.147 of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U.S. Military. An employer may use a contract employee who is not included under that employer’s FAA-mandated drug and alcohol testing program to perform a safety-sensitive function only if that contract employee is included under the contractor’s FAA-mandated drug and alcohol testing program and is performing a safety-sensitive function on behalf of that contractor (i.e., within the scope of employment with the contractor.)

(h) **Hire** means retaining an individual for a safety-sensitive function as a paid employee, as a volunteer, or through barter or other form of compensation.

(i) **Performing** (a safety-sensitive function): an employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform such function.

(j) **Positive rate for random drug testing** means the number of verified positive results for random drug tests conducted under subpart E of this part, plus the number of refusals of random drug tests required by subpart E of this part, divided by the total number of random drug test results (i.e., positives, negatives, and refusals) under subpart E of this part.

(k) **Prohibited drug** means any of the drugs specified in 49 CFR part 40.

(l) **Refusal to submit to alcohol test** means that a covered employee has engaged in conduct including but not limited to that described in 49 CFR 40.261, or has failed to remain readily available for post-accident testing as required by subpart F of this part.

(m) **Refusal to submit to drug test** means that a covered employee engages in conduct including but not limited to that described in 49 CFR 40.191.

(n) **Safety-sensitive function** means a function listed in §§120.105 and 120.215.

(o) **Violation rate for random alcohol testing** means the number of 0.04, and above, random alcohol confirmation test results conducted under subpart F of this part, plus the number of refusals of random alcohol tests required by subpart F of this part, divided by the total number of random alcohol screening tests (including refusals) conducted under subpart F of this part.

Amend §120.111 in the first sentence of paragraph (d) by adding the word “covered” before the word “employee”. The amended text reads as follows:

§120.111 Administrative and other matters.

(d) **Refusal to submit to testing.** Each employer must notify the FAA within 2 working days of any covered employee who holds a certificate issued under part 61, part 63, or part 65 of this chapter who has refused to submit to a drug test required under this subpart. Notification must be sent to: Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue, SW., Washington, DC 20591, or by fax to (202) 267-5200.

Amend §120.119 in the first sentence of paragraph (b) by removing “appendix H” and adding in its place “appendix J”. The amended text reads as follows:

§120.119 Annual reports.

(b) As an employer, you must use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at 49 CFR 40.26 and appendix J to 49 CFR part 40). You may also use the electronic version of the MIS form provided by DOT. The Administrator may designate means (e.g., electronic program transmitted via the Internet) other than hard-copy, for MIS form submission. For information on where to submit MIS forms and for the electronic version of the form, see: http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol

Amend §120.219 in the first sentence of paragraph (b)(2) by removing “appendix H” and adding in its place “appendix J”. The amended text reads as follows:

§120.219 Handling of test results, record retention, and confidentiality.

(b) ***

(2) As an employer, you must use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at 49 CFR 40.26 and appendix J to 49 CFR part 40). You may also use the electronic version of the MIS form provided by the DOT. The Administrator may designate means (e.g., electronic program transmitted via the Internet) other than hard-copy, for MIS form submission. For information on where to submit MIS forms and for the electronic version of the form, see: http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/.

Amend §120.221 in the first sentence of paragraph (d) by adding the word “covered” before the word “employee”. The amended text reads as follows:

§120.221 Consequences for employees engaging in alcohol-related conduct.

(d) **Notice of refusals.** Each covered employer must notify the FAA within 2 working days of any covered employee who holds a certificate issued under part 61, part 63, or part 65 of this chapter who has refused to submit to an alcohol test required under this subpart. Notification must be sent to: Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue, SW., Washington, DC 20591, or by fax to (202) 267-5200.

PART 121

OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

► **Change Date:** July 26, 2023

► **Effective Date:** July 26, 2023

► **Source:** Amdt. 121–390, 88 FR 48090

Amend §121.1 by revising paragraphs (c) and (g) to read as follows:

§121.1 Applicability.

(c) Each person who applies for provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum segment under subpart Y of this part, and each person employed or used by an air carrier or commercial operator under this part to perform training, qualification, or evaluation functions under an Advanced Qualification Program under subpart Y of this part.

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

► **Change Date:** May 30, 2023

► **Effective Date:** June 29, 2023

► **Source:** Amdt. 121–388, 88 FR 34443

Amend §121.135 by:

- a. Revising paragraph (a) introductory text;
- b. Adding the word “and” at the end of paragraph (a)(2);
- c. Removing paragraph (a)(3); and
- d. Redesignating paragraph (a)(4) as paragraph (a)(3).

The revision reads as follows:

§121.135 Manual contents.

(a) 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. Each manual required by §121.133 must:

- (2) Be in a form that is easy to revise; and
- (3) Not be contrary to any applicable Federal regulation and, in the case of a flag or supplemental operation, any applicable foreign regulation, or the certificate holder’s operations specifications or operating certificate.

Revise §121.139 to read as follows:

§121.139 Manual accessibility: Supplemental operations.

Each certificate holder conducting supplemental operations 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. The information and instructions contained in the manual must be displayed clearly and be retrievable in the English language.

► **Change Date:** June 26, 2023

► **Effective Date:** August 25, 2023

► **Source:** Amdt. 121–389, 88 FR 41308

In §121.313, add paragraph (l) to read as follows:

§121.313 Miscellaneous equipment.

(l) For airplanes required by paragraph (f) of this section to have a door between the passenger and pilot or crew rest compartments, and for passenger-carrying transport category airplanes that have a door installed between the pilot compartment and any other occupied compartment, that were manufactured after August 25, 2025, an installed physical secondary barrier (IPSB) that meets the requirements of §25.795(a)(4) of this chapter in effect on August 25, 2023.

► **Change Date:** July 26, 2023

► **Effective Date:** July 26, 2023

► **Source:** Amdt. 121–390, 88 FR 48090

Amend §121.470 in paragraphs (a) and (b) by removing the word “airplanes” and adding in its place the word “aircraft”.

Amend §121.480 in paragraph (a) by removing the word “airplanes” and adding in its place the word “aircraft”.

Amend §121.500 in paragraph (a) by removing the word “airplanes” and adding in its place the word “aircraft”.

► **Change Date:** May 30, 2023

► **Effective Date:** June 29, 2023

► **Source:** Amdt. 121–388, 88 FR 34443

In §121.584, add paragraph (a)(3) to read as follows:

§121.584 Requirement to view the area outside the flightdeck door.

(a) ***

(3) If the airplane is in flight, any installed physical secondary barrier (IPSB) required by §121.313(l) has been deployed; and

► **Change Date:** December 9, 2022

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

► **Source:** Amdt. 121–387, 87 FR 75846

Amend §121.310 in paragraph (b)(2)(iii) by removing the words “turbopropeller powered” and adding in their place the words “turbopropeller-powered”.

Amend §121.311 in paragraph (b)(2)(ii)(C) introductory text by removing the citation “(B)(2)(ii)(A)” and adding in its place the citation “(b)(2)(ii)(A)”.

Amend §121.359 in paragraph (h) by adding the phrase “49 CFR” before both instances of the phrase “part 830”.

Amend §121.391 in paragraph (d) by removing the word “exists” and adding in its place the word “exits”.

- **Change Date:** September 21, 2022
- **Effective Date:** October 21, 2022
- **Source:** Amdt. 121–385, 87 FR 57590

Amend §121.436 by revising paragraphs (a)(3), (c), and (d) and adding paragraph (e) to read as follows:

§121.436 Pilot Qualification: Certificates and experience requirements.

- (a) * * *
- (3) If serving as pilot in command in part 121 operations, has 1,000 hours as:
- (i) Second in command in operations under this part;
 - (ii) Pilot in command in operations under §91.1053(a)(2)(i) of this chapter;
 - (iii) Pilot in command in operations under §135.243(a)(1) of this chapter;
 - (iv) Pilot in command in eligible on-demand operations that require the pilot to satisfy §135.4(a)(2)(ii)(A) of this chapter; or
 - (v) Any combination thereof.
- * * * * *

(c) For the purpose of satisfying the flight hour requirement in paragraph (a)(3) of this section, a pilot may credit 500 hours of military flight time provided the flight time was obtained—

(1) As pilot in command in a multiengine, turbine-powered, fixed-wing airplane or powered-lift aircraft, or any combination thereof; and

(2) In an operation requiring more than one pilot.

(d) For the purpose of satisfying the flight hour requirement in paragraph (a)(3) of this section, a pilot may credit flight time obtained as pilot in command in operations under this part prior to July 31, 2013.

(e) For those pilots who were employed as pilot in command in part 121 operations on July 31, 2013, compliance with the requirements of paragraph (a)(3) of this section is not required.

- **Change Date:** October 12, 2022
- **Effective Date:** November 14, 2022; Compliance required on January 10, 2023
- **Source:** Amdt. 121–386, 87 FR 61465

The authority citation for Part 121 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40119, 41706, 42301 preceding note added by Pub. L. 112–95, sec. 412, 126 Stat. 89, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44729, 44732; 46105; Pub. L. 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note); Pub. L. 112–95, 126 Stat. 62 (49 U.S.C. 44732 note); Pub. L. 115–254, 132 Stat. 3186 (49 U.S.C. 44701 note).

Amend §121.467 by revising paragraphs (b)(2) and (3) to read as follows:

§121.467 Flight attendant duty period limitations and rest requirements: Domestic, flag, and supplemental operations.

* * * * *

(b) * * *

(2) A flight attendant scheduled to a duty period of 14 hours or less as provided under paragraph (b)(1) of this section must be given a scheduled rest period of at least 10 consecutive hours. This rest period must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(3) The rest period required under paragraph (b)(2) of this section may not be reduced to less than 10 consecutive hours.

* * * * *

- **Change Date:** December 9, 2022
- **Effective Date:** December 9, 2022
- **Source:** Amdt. 121–387, 87 FR 75846

Amend §121.523 in paragraph (c) by removing the second instance of the word “duty” in the third sentence and adding in its place the word “during”. The amended text reads as follows:

§121.523 Flight time limitations: Crew of three or more pilots and additional airmen as required.

* * * * *

(c) No certificate holder conducting supplemental operations may schedule any flight crewmember to be on continuous duty for more than 30 hours. Such a crewmember is considered to be on continuous duty from the time he reports for duty until the time he is released from duty for a rest period of at least 10 hours on the ground. If a flight crewmember is on continuous duty for more than 24 hours (whether scheduled or not) during any scheduled duty period, he must be given at least 16 hours for rest on the ground after completing the last flight scheduled for that scheduled duty period before being assigned any further flight duty.

* * * * *

Amend §121.703 in paragraph (f) by removing the citation “14 CFR part 830” and adding in its place the citation “49 CFR part 830”.

Amend §121.909 in paragraph (a) by removing the phrase “made, through the FAA office responsible for approval of the certificate holder’s operations specifications, to the Manager of the Air Transportation Division” and adding in its place the phrase “made to the responsible Flight Standards office”. The amended text reads as follows:

§121.909 Approval of Advanced Qualification Program.

(a) **Approval process.** Application for approval of an AQP curriculum under this subpart is made to the responsible Flight Standards office.

* * * * *

Amend §121.923 in paragraph (a)(2) by removing the phrase “made, through the FAA office directly responsible for oversight of the training provider, to the Manager of the Air Transportation Division” and adding in its place the phrase “made to the responsible Flight Standards office”. The amended text reads as follows:

§121.923 Approval of training, qualification, or evaluation by a person who provides training by arrangement.

(a) ***

(2) The training provider’s AQP training and qualification curriculums, curriculum segments, or portions of curriculum segments must be provisionally approved by the FAA. A training provider may apply for provisional approval independently or in conjunction with a certificate holder’s application for AQP approval. Application for provisional approval must be made to the responsible Flight Standards office.

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 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:

- a. Revising paragraphs (f) and (g); and
- b. 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”.

TITLE 49: TRANSPORTATION

PART 175

CARRIAGE BY AIRCRAFT

- **Change Date:** December 27, 2022
- **Effective Date:** January 26, 2023
- **Source:** Docket No. PHMSA–2021–0091 (HM–260B), 87 FR 79784

In §175.1, revise the section heading and paragraph (a) to read as follows:

§175.1 Purpose, scope and applicability.

(a) This part prescribes the requirements that apply to the transportation of hazardous materials in commerce aboard (including attached to or suspended from) an aircraft. The requirements in this part are in addition to other requirements contained in parts 171, 172, 173, 178, and 180 of this subchapter.

- **Change Date:** July 26, 2022
- **Effective Date:** August 25, 2022; Voluntary compliance date: January 1, 2021; Delayed compliance date: July 26, 2023.
- **Source:** Docket No. PHMSA–2019–0030 (HM–215P), 87 FR 44997

In §175.8, add paragraph (b)(5) to read as follows:

§175.8 Exceptions for operator equipment and items of replacement.

(b) ***

(5) Alcohol-based hand sanitizers and alcohol-based cleaning products that are accessible to crewmembers in the passenger cabin during the flight or series of flights for the purposes of passenger and crew hygiene. Conditions for the carriage and use must be described in an operations manual and/or other appropriate manuals.

In §175.9, revise paragraph (b)(5)(ii) to read as follows:

§175.9 Special aircraft operations.

(b) ***

(5) ***

(ii) Each type of battery used is either nonspillable, lithium metal, or lithium ion. Lithium metal or lithium ion batteries must meet the provisions of §173.185(a) of this subchapter. Spare batteries—of any type—must be individually protected to prevent short circuits when not in use;

■ **Change Date:** December 27, 2022

■ **Effective Date:** January 26, 2023

■ **Source:** Docket No. PHMSA–2021–0091 (HM–260B), 87 FR 79784

In §175.9, revise paragraph (a) and paragraph (b)(6) introductory text to read as follows:

§175.9 Special aircraft operations.

(a) This section applies to rotorcraft external load operations transporting hazardous material on board, attached to, or suspended from an aircraft. Operators must have all applicable requirements prescribed in 14 CFR part 133 approved by the FAA Administrator prior to accepting or transporting hazardous material. In addition, rotorcraft external load operations must be approved by the Associate Administrator prior to the initiation of such operations.

(b) ***

(6) Hazardous materials that are loaded and carried on or in cargo only aircraft, and that are to be dispensed or expended during flight for weather control, environmental restoration or protection, forest preservation and protection, flood control, avalanche control, landslide clearance, or ice jam control purposes, when the following requirements are met:

■ **Change Date:** July 26, 2022

■ **Effective Date:** August 25, 2022; Voluntary compliance date: January 1, 2021; Delayed compliance date: July 26, 2023.

■ **Source:** Docket No. PHMSA–2019–0030 (HM–215P), 87 FR 44998

In §175.10, revise paragraphs (a)(1) and (11) to read as follows:

§175.10 Exceptions for passengers, crewmembers, and air operators.

(a) ***

(1)(i) Non-radioactive medicinal and toilet articles for personal use (including aerosols) carried in carry-on and checked baggage. Release devices on aerosols must be protected by a cap or other suitable means to prevent inadvertent release;

(ii) Other aerosols in Division 2.2 (nonflammable gas) with no subsidiary risk carried in carry-on or checked baggage. Release devices on aerosols must be protected by a cap or other suitable means to prevent inadvertent release;

(iii) The aggregate quantity of these hazardous materials carried by each person may not exceed 2 kg (70 ounces) by mass or 2 L (68 fluid ounces) by volume and the capacity of each container may not exceed 0.5 kg (18 ounces) by mass or 500 ml (17 fluid ounces) by volume; and

(iv) The release of gas must not cause extreme annoyance or discomfort to crew members so as to prevent the correct performance of assigned duties.

(11) No more than two self-inflating personal safety devices, intended to be worn by a person such as a life jacket or vest, fitted with no more than two small gas cartridges per device (containing no hazardous material other than a Division 2.2 gas) for inflation purposes plus no more than two spare cartridges per device. The personal safety device(s) and spare cartridges may be carried in carry-on or checked baggage, with the approval of the aircraft operator, and must be packed in such a manner that they cannot be accidentally activated.

In §175.75, revise paragraph (b) and Notes 1 and 2 to the Quantity and Loading Table in paragraph (f) to read as follows:

§175.75 Quantity limitations and cargo location.

(b) **Hazardous materials stowage.**

(1) Except as otherwise provided in this subchapter, no person may carry a hazardous material in the cabin of a passenger-carrying aircraft or on the flight deck of any aircraft, and the hazardous material must be located in a place that is inaccessible to persons other than crew members.

(2) Hazardous materials may be carried in a main deck cargo compartment of a passenger aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for: a Class B aircraft cargo compartment in 14 CFR 25.857(b); or a Class C aircraft cargo compartment in 14 CFR 25.857(c).

(3) A package bearing a “KEEP AWAY FROM HEAT” handling marking must be protected from direct sunshine and stored in a cool and ventilated place, away from sources of heat.

(4) Except as provided in paragraph (f) of this section, a package containing a hazardous material acceptable for cargo-only aircraft must be loaded in an accessible manner.

(f) ***

Note 1 to §175.75(f): The following materials are not subject to this loading restriction—

- a. Class 3, PG III (unless the substance is also labeled CORROSIVE).
- b. Division 6.1 (unless the substance is also labeled for any hazard class or division except FLAMMABLE LIQUID).
- c. Division 6.2.
- d. Class 7 (unless the hazardous material meets the definition of another hazard class).
- e. Class 9, Limited Quantity, or Excepted Quantity material.
- f. Articles of Identification Numbers UN0012, UN0014, or UN0055 also meeting the requirements of §173.63(b).
- g. Articles of Identification Numbers UN3528 or UN3529.

Note 2 to §175.75(f): Aboard cargo-only aircraft, packages required to be loaded in a position that is considered to be accessible include those loaded in a Class C cargo compartment.