

ASA's 2024 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 2024 *FAR for Flight Crew* book is current through July 6, 2023. With this Update, information is current through **May 7, 2024**.



TITLE 14: AERONAUTICS AND SPACE

PART 5

SAFETY MANAGEMENT SYSTEMS

- **Change Date:** April 26, 2024
- **Effective Date:** May 28, 2024
- **Source:** Amdt. 5–2, 89 FR 33104

The authority citation for Part 5 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 46105; Sec. 102, Pub. L. 116–260, 134 Stat. 2309; Sec. 215, Pub. L. 111–216, 124 Stat. 2366.

Revise Subpart A to read as follows:

Subpart A—General

Sec

- 5.1 Applicability.
- 5.3 Definitions.
- 5.5 General requirements.
- 5.7 Requirements for domestic, flag, and supplemental operations.
- 5.9 Requirements for commuter and on-demand operations or passenger-carrying flights for compensation or hire.
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- 5.17 Organizational system description.
- 5.19 Implementation plan.

Subpart A—General

§5.1 Applicability.

This part applies to all of the following:

- (a) Any person that holds or applies for a certificate issued under part 119 of this chapter authorizing the person to conduct operations under part 121 of this chapter.
- (b) Any person that holds or applies for a certificate issued under part 119 of this chapter authorizing the person to conduct operations under part 135 of this chapter.
- (c) Any person that holds or applies for a Letter of Authorization issued under §91.147 of this chapter.
- (d) Any person that holds both a type certificate and a production certificate issued under part 21 of this chapter for the same product.
- (e) Any person that holds a production certificate issued under part 21 of this chapter for a product for which the person is a licensee of the type certificate for the same product.
- (f) Any person that applies for a production certificate under part 21 of this chapter for a product for which the person is the holder or licensee of the type certificate for the same product.
- (g) Any person that holds a type certificate issued under part 21 of this chapter for a product, except for persons that hold only type certificates issued under §21.29 of this chapter, that allows another person to use the type certificate to manufacture the same product under a production certificate.

§5.3 Definitions.

Hazard means a condition or an object that could foreseeably cause or contribute to an incident or aircraft accident, as defined in 49 CFR 830.2.

Risk means the composite of predicted severity and likelihood of the potential effect of a hazard.

Risk control means a means to reduce or eliminate the effects of hazards.

Safety assurance means processes within the SMS that function systematically to ensure the performance and effectiveness of safety risk controls and that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Management System (SMS) means the formal, top-down, organization-wide approach to managing safety risk and

assuring the effectiveness of safety risk controls. It includes systematic procedures, practices, and policies for the management of safety risk.

Safety objective means a measurable goal or desirable outcome related to safety.

Safety performance means realized or actual safety accomplishment relative to the organization's safety objectives.

Safety policy means the person's documented commitment to safety, which defines its safety objectives and the accountabilities and responsibilities of its employees in regards to safety.

Safety promotion means a combination of training and communication of safety information to support the implementation and operation of an SMS in an organization.

Safety Risk Management means a process within the SMS composed of describing the system, identifying the hazards, and analyzing, assessing, and controlling risk.

§5.5 General requirements.

(a) SMS components. An SMS under this part must be appropriate to the size, scope, and complexity of the person's organization and include, at a minimum, all of the following components:

(1) Safety policy that meets the requirements of subpart B of this part.

(2) Safety risk management that meets the requirements of subpart C of this part.

(3) Safety assurance that meets the requirements of subpart D of this part.

(4) Safety promotion that meets the requirements of subpart E of this part.

(b) Continuing requirements. Any person required to develop and implement an SMS under this part must maintain the SMS in accordance with this part.

§5.7 Requirements for domestic, flag, and supplemental operations.

(a) Any person authorized to conduct operations under part 121 of this chapter that has an SMS acceptable to the FAA on or before May 28, 2024, must revise its SMS to meet the requirements of this part no later than May 28, 2025.

(b) Any person applying for authorization to conduct operations under part 121 of this chapter or with such application pending on or after May 28, 2024, must develop and implement an SMS that meets the requirements of this part.

(c) Any person required to develop and implement an SMS under this section must maintain the SMS as long as the person is authorized to conduct operations under part 121 of this chapter.

(d) Any person required to develop and implement an SMS under this section must make available to the Administrator, upon request, all necessary information and data that demonstrates that the person has an SMS that meets the requirements set forth in this part.

§5.9 Requirements for commuter and on-demand operations or passenger-carrying flights for compensation or hire.

(a) Any person authorized to conduct operations under part 135 of this chapter or that holds a Letter of Authorization issued under §91.147 of this chapter before May 28, 2024, must:

(1) Develop and implement an SMS that meets the requirements of this part no later than May 28, 2027.

(2) Submit to the FAA, a declaration of compliance with this part in a form and manner acceptable to the Administrator no later than May 28, 2027.

(b) Any person applying for authorization to conduct operations under part 135 of this chapter or a Letter of Authorization under §91.147 of this chapter, or with such application pending on or after May 28, 2024, must develop and implement an SMS that meets the requirements of this part.

(c) Any person required to develop and implement an SMS under this section must maintain the SMS as long as the person is authorized to conduct operations under either part 135 or §91.147 of this chapter.

(d) Any person required to develop and implement an SMS under this section must make available to the Administrator, upon request, all necessary information and data that demonstrates that the person has an SMS that meets the requirements set forth in this part.

(e) The following requirements do not apply to those organizations with a single pilot who is the sole individual performing all necessary functions in the conduct and execution related to, or in direct support of, the safe operation of the aircraft: §§5.21(a)(4), 5.21(a)(5), 5.21(c), 5.23(a)(2), 5.23(a)(3), 5.23(b), 5.25(b)(3), 5.25(c), 5.27(a), 5.27(b), 5.71(a)(7), 5.93, and 5.97(d) of this part.

§5.11 Requirements for production certificate holders that are holders or licensees of a type certificate for the same product.

Any person that holds a production certificate issued under part 21 of this chapter for a product for which the person is the holder or licensee of the type certificate for the same product on or before May 28, 2024, must:

(a) Develop and maintain an organizational system description in accordance with §5.17 of this subpart.

(b) Submit an implementation plan in accordance with §5.19 of this subpart for FAA approval in a form and manner acceptable to the Administrator no later than November 28, 2024.

(c) Develop an SMS that meets the requirements of this part.

(d) Implement the SMS in accordance with this part no later than May 28, 2027.

(e) Make available to the Administrator, upon request, all necessary information and data that demonstrates that the person has an SMS that meets the requirements set forth in this part.

(f) Maintain the SMS as long as the person is both a holder of a production certificate and a holder or licensee of a type certificate for the same product.

§5.13 Requirements for type certificate holders or licensees applying for a production certificate for the same product.

(a) This section applies to any holder or licensee of a type certificate for a product who either:

(1) Applies for a production certificate for that same product under part 21 of this chapter on or after May 28, 2024, or

(2) Has an application for a production certificate for that same product under part 21 of this chapter pending on May 28, 2024.

(b) Any person that meets paragraph (a) of this section must:

(1) Develop and maintain an organizational system description in accordance with §5.17 of this subpart.

(2) Submit an implementation plan in accordance with §5.19 of this subpart for FAA approval in a form and manner acceptable to the Administrator during the certification process.

(3) Develop an SMS that meets the requirements of this part.

(4) Implement the SMS in accordance with this part no later than 36 months after submission of the implementation plan.

(5) Make available to the Administrator, upon request, all necessary information and data that demonstrates that the person has an SMS that meets the requirements set forth in this part.

(6) Maintain the SMS as long as the person is both a holder of a production certificate and a holder or licensee of a type certificate for the same product.

§5.15 Requirements for type certificate holders that allow another person to use the type certificate to obtain a production certificate for the same product.

(a) This section applies to any person that holds a type certificate issued under part 21 of this chapter for a product, except for persons that hold only type certificates issued under §21.29 of this chapter, that allows another person to use the type certificate to manufacture the same product under a production certificate.

(b) Any person that meets paragraph (a) of this section and has a licensing agreement in accordance with §21.55 of this chapter on May 28, 2024, must:

(1) Develop and maintain an organizational system description in accordance with §5.17 of this subpart.

(2) Submit an implementation plan in accordance with §5.19 of this subpart for FAA approval in a form and manner acceptable to the Administrator no later than November 28, 2024.

(3) Develop an SMS that meets the requirements of this part.

(4) Implement the SMS in accordance with this part no later than May 28, 2027.

(5) Make available to the Administrator, upon request, all necessary information and data that demonstrates that the person has an SMS that meets the requirements set forth in this part.

(6) Maintain the SMS as long as the person continues to meet paragraph (a) of this section.

(c) Any person that meets paragraph (a) of this section and enters into a licensing agreement in accordance with §21.55 of this chapter after May 28, 2024, must:

(1) Develop and maintain an organizational system description in accordance with §5.17 of this subpart.

(2) Submit an implementation plan in accordance with §5.19 of this subpart for FAA approval in a form and manner acceptable to the Administrator when providing written licensing agreements in accordance with §21.55 of this chapter.

(3) Develop an SMS that meets the requirements of this part.

(4) Implement the SMS in accordance with this part no later than 36 months after submission of the person's implementation plan.

(5) Make available to the Administrator, upon request, all necessary information and data that demonstrates that the person has an SMS that meets the requirements set forth in this part.

(6) Maintain the SMS as long as the person continues to meet paragraph (a) of this section.

§5.17 Organizational system description.

An organizational system description developed and maintained under this part must include a summary of the following information about the safety of the aviation products or services provided by the person:

(a) The person's aviation-related processes, procedures, and activities.

(b) The function and purpose of the aviation products or services.

(c) The operating environment.

(d) The personnel, equipment, and facilities necessary for operation.

§5.19 Implementation plan.

(a) An implementation plan filed under this part must be based on the organizational system description as defined in §5.17 and describe the means of compliance (including, but not limited to, new or existing policies, processes, or procedures) used to meet the requirements of this part.

(b) A person required to submit an implementation plan under this part must make available to the Administrator, upon request, all necessary information and data that demonstrates that the SMS has been or will be implemented in accordance with the implementation plan.

Amend §5.21 by:

a. Revising paragraph (a) introductory text and paragraphs (a)(1) and (2);

b. Adding paragraph (a)(7); and

c. Revising paragraphs (c) and (d).

The revisions and addition read as follows:

§5.21 Safety policy.

(a) Any person required to have an SMS under this part must have a safety policy that includes at least the following:

(1) The person's safety objectives.

(2) The person's commitment to fulfill the safety objectives.
* * * * *

(7) A code of ethics that is applicable to all employees, including management personnel and officers, which clarifies that safety is the organization's highest priority.
* * * * *

(c) The safety policy must be documented and communicated throughout the person's organization.

(d) The safety policy must be regularly reviewed by the accountable executive to ensure it remains relevant and appropriate to the person.

Amend §5.23 by revising paragraph (a) introductory text, paragraphs (a)(3) and (b) to read as follows:

§5.23 Safety accountability and authority.

(a) Any person required to have an SMS under this part must define in its safety policy the accountability for safety of the following individuals:
* * * * *

(3) Employees relative to the person's safety performance.

(b) The person must identify the levels of management with the authority to make decisions regarding safety risk acceptance.

Revise §5.25 to read as follows:

§5.25 Designation and responsibilities of required safety management personnel.

(a) **Designation of the accountable executive.** Any person required to have an SMS under this part must identify an accountable executive who, irrespective of other functions, satisfies the following:

(1) Is the final authority over operations authorized to be conducted under the person's certificate(s) or Letter(s) of Authorization.

(2) Controls the financial resources required for the operations to be conducted under the person's certificate(s) or Letter(s) of Authorization.

(3) Controls the human resources required for the operations authorized to be conducted under the person's certificate(s) or Letter(s) of Authorization.

(4) Retains ultimate responsibility for the safety performance of the operations conducted under the person's certificate(s) or Letter(s) of Authorization.

(b) Responsibilities of the accountable executive. The accountable executive must accomplish the following:

(1) Ensure that the SMS is properly implemented and is performing across all pertinent areas.

(2) Develop and sign the safety policy.

(3) Communicate the safety policy throughout the person's organization.

(4) Regularly review the safety policy to ensure it remains relevant and appropriate to the person.

(5) Regularly review the safety performance and direct actions necessary to address substandard safety performance in accordance with §5.75.

(c) Designation of management personnel. The accountable executive must designate sufficient management personnel who, on behalf of the accountable executive, are responsible for the following:

(1) Coordinate implementation, maintenance, and integration of the SMS throughout the person's organization.

(2) Facilitate hazard identification and safety risk analysis.

(3) Monitor the effectiveness of safety risk controls.

(4) Ensure safety promotion throughout the person's organization as required in subpart E of this part.

(5) Regularly report to the accountable executive on the performance of the SMS and on any need for improvement.

Revise §5.27 to read as follows:

§5.27 Coordination of emergency response planning.

Where emergency response procedures are necessary, any person required to have an SMS under this part must develop, and the accountable executive must approve as part of the safety policy, an emergency response plan that addresses at least the following:

(a) Delegation of emergency authority throughout the person's organization.

(b) Assignment of employee responsibilities during the emergency.

(c) Coordination of the emergency response plans with the emergency response plans of other organizations it must interface with during the provision of its services.

Amend §5.51 by revising the introductory text to read as follows:

§5.51 Applicability.

Any person required to have an SMS under this part must apply safety risk management to the following:

* * * * *

Amend §5.53 by:

a. Revising paragraph (a);

b. Adding paragraph (b)(5); and

c. Revising paragraph (c).

The revisions and addition read as follows:

§5.53 System analysis and hazard identification.

(a) When applying safety risk management, any person required to have an SMS under this part must analyze the systems identified in §5.51. Those system analyses must be used to identify hazards under paragraph (c) of this section and in developing and implementing risk controls related to the system under §5.55(c).

(b) * * *

(5) The interfaces of the system.

(c) Any person required to have an SMS under this part must develop and maintain processes to identify hazards within the context of the system analysis.

Revise §5.55 to read as follows:

§5.55 Safety risk assessment and control.

Any person required to have an SMS under this part must:

(a) Develop and maintain processes to analyze safety risk associated with the hazards identified in §5.53(c).

(b) Define a process for conducting risk assessment that allows for the determination of acceptable safety risk.

(c) Develop and maintain processes to develop safety risk controls that are necessary as a result of the safety risk assessment process under paragraph (b) of this section.

(d) Evaluate whether the risk will be acceptable with the proposed safety risk control applied before the safety risk control is implemented.

Add §5.57 to Subpart C to read as follows:

§5.57 Notification of hazards to interfacing persons.

If a person required to have an SMS under this part identifies a hazard in the operating environment, the person must provide notice of the hazard to any interfacing person that, to the best of the person's knowledge, could address the hazard or mitigate the risk. For the purpose of this section, interfacing persons are those that contribute to the safety of the certificate or Letter of Authorization holder's aviation-related products and services.

Revise and republish §5.71 to read as follows:

§5.71 Safety performance monitoring and measurement.

(a) Any person required to have an SMS under this part must develop and maintain processes and systems to acquire data with respect to its operations, products, and services to monitor the safety performance of the organization. These processes and systems must include, at a minimum, the following:

(1) Monitoring of operational processes.

(2) Monitoring of the operational environment to detect changes.

(3) Auditing of operational processes and systems.

(4) Evaluations of the SMS and operational processes and systems.

(5) Investigations of incidents and accidents.

(6) Investigations of reports regarding potential non-compliance with regulatory standards or other safety risk controls established by the person through the safety risk management process established in subpart C of this part.

(7) A confidential employee reporting system in which employees can report hazards, issues, concerns, occurrences, incidents, as well as propose solutions and safety improvements, without concern of reprisal for reporting.

(8) Investigations of hazard notifications that have been received from external sources.

(b) Any person required to have an SMS under this part must develop and maintain processes that analyze the data acquired through the processes and systems identified under paragraph (a) of this section and any other relevant data with respect to its operations, products, and services.

(c) Any person that holds both a type certificate and a production certificate issued under part 21 of this chapter for the same product must submit a summary of the confidential employee reports received under paragraph (a)(7) of this section to the Administrator once every 6 months.

Amend §5.73 by revising paragraph (a) introductory text, and paragraphs (a)(1) and (b) to read as follows:

§5.73 Safety performance assessment.

(a) Any person required to have an SMS under this part must conduct assessments of its safety performance against its safety objectives, which include reviews by the accountable executive, to:

(1) Ensure compliance with the safety risk controls established by the person.

* * * * *

(b) Upon completion of the assessment, if ineffective controls or new hazards are identified under paragraphs (a)(2) through (5) of this section, the person must use the safety risk management process described in subpart C of this part.

Revise §5.75 to read as follows:

§5.75 Continuous improvement.

Any person required to have an SMS under this part must establish and implement processes to correct safety performance deficiencies identified in the assessments conducted under §5.73.

Revise §5.91 to read as follows:

§5.91 Competencies and training.

Any person required to have an SMS under this part must provide training to each individual identified in §5.23 of this part to ensure the individuals attain and maintain the competencies necessary to perform their duties relevant to the operation and performance of the SMS.

Amend §5.93 by revising the introductory text to read as follows:

§5.93 Safety communication.

Any person required to have an SMS under this part must develop and maintain means for communicating safety information that, at a minimum:

* * * * *

Amend §5.95 by revising the introductory text to read as follows:

§5.95 SMS documentation.

Any person required to have an SMS under this part must develop and maintain the following SMS documentation:

* * * * *

Revise §5.97 to read as follows:

§5.97 SMS records.

Any person required to have an SMS under this part must:

(a) Maintain records of outputs of safety risk management processes as described in subpart C of this part. Such records must be retained for as long as the control remains relevant to the operation.

(b) Maintain records of outputs of safety assurance processes as described in subpart D of this part. Such records must be retained for a minimum of 5 years.

(c) Maintain a record of all training provided under §5.91 for each individual. Such records must be retained for as long as the individual is employed by the person.

(d) Retain records of all communications provided under §5.93 or §5.57 for a minimum of 24 consecutive calendar months.

PART 63

CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

► **Change Date:** April 1, 2024

► **Effective Date:** May 31, 2024

► **Source:** Amdt. 63–46, 89 FR 22519

Revise §63.39 to read as follows:

§63.39 Skill requirements.

(a) An applicant for a flight engineer certificate with a class rating must pass a practical test in the class of airplane for which a rating is sought. To pass the practical test for a flight engineer certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation specified in the Flight Engineer Practical Test Standards for Reciprocating Engine, Turbopropeller, and Turbojet Powered Aircraft (incorporated by reference, see paragraph (c) of this section). The test may only be given in an airplane specified in §63.37(a).

(b) The applicant must—

(1) Show that the applicant can satisfactorily perform preflight inspection, servicing, starting, pretakeoff, and postlanding procedures;

(2) In flight, show that the applicant can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances; and

(3) In flight, in an airplane simulator, or in an approved flight engineer training device, show that the applicant can satisfactorily perform emergency duties and procedures and recognize and take appropriate action for malfunctions of the airplane, engines, propellers (if appropriate), systems and appliances.

(c) FAA-S-8081-21A, Flight Engineer Practical Test Standards for Reciprocating Engine, Turbopropeller, and Turbojet Powered Aircraft, November 2023, is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Federal Aviation Administration (FAA) and the National Archives and Records Administration (NARA). Contact FAA, Training and Certification Group, 202-267-1100, ACSPTSinquiries@faa.gov, www.faa.gov/training_testing. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from FAA, 800 Independence Avenue SW, Washington, DC 20591, 866-835-5322, www.faa.gov/training_testing.

PART 65

CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

- **Change Date:** April 1, 2024
- **Effective Date:** May 31, 2024
- **Source:** Amdt. 65–64, 89 FR 22520

Amend §65.23 by revising the introductory text and paragraph (a) to read as follows:

§65.23 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR Part 51. This material is available for inspection at the Federal Aviation Administration (FAA) and at the National Archives and Records Administration (NARA). Contact FAA, Certification and Training Group, 202-267-1100, ACSPTSinquiries@faa.gov. For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to www.archives.gov/federal-register/cfr/ibr-locations. The material may be obtained from the source in the following paragraph of this section.

(a) Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, 866-835-5322, www.faa.gov/training_testing.

(1) FAA-S-8081-10E, Aircraft Dispatcher Practical Test Standards, November 2023; IBR approved for §65.59.

(2) FAA-S-8081-25C, Parachute Rigger Practical Test Standards, November 2023; IBR approved for §§65.115, 65.119, and 65.123.

(3) FAA-S-ACS-1, Aviation Mechanic General, Airframe, and Powerplant Airman Certification Standards, November 1, 2021; IBR approved for §§65.75 and 65.79.

* * * * *

Revise §65.59 to read as follows:

§65.59 Skill requirements.

An applicant for an aircraft dispatcher certificate must pass a practical test given by the Administrator, with respect to any one type of large aircraft used in air carrier operations. To pass the practical test for an aircraft dispatcher certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation specified in the Aircraft Dispatcher Practical Test Standards (incorporated by reference, see §65.23).

Amend §65.115 by revising paragraphs (a) and (c) to read as follows:

§65.115 Senior parachute rigger certificate: Experience, knowledge, and skill requirements.

* * * * *

(a) Present evidence satisfactory to the Administrator that the applicant has packed at least 20 parachutes of each type for which the applicant seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated parachute rigger holding a rating for that type or a person holding an appropriate military rating;

* * * * *

(c) Pass an oral and practical test showing the applicant's ability to pack and maintain at least one type of parachute in common use, appropriate to the type rating the applicant seeks. To pass

the oral and practical test for a senior parachute rigger certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation applicable to a senior parachute rigger specified in the Parachute Rigger Practical Test Standards (incorporated by reference, see §65.23), appropriate to the type rating sought.

- **Change Date:** April 1, 2024; April 22, 2024
- **Effective Date:** May 31, 2024
- **Source:** Amdt. 65–64, 89 FR 22520; Amdt. 65–64A, 89 FR 29252

Amend §65.119 by revising paragraphs (a) and (c) to read as follows:

§65.119 Master parachute rigger certificate: Experience, knowledge, and skill requirements.

* * * * *

(a) Present evidence satisfactory to the Administrator that the applicant has had at least 3 years of experience as a parachute rigger and has satisfactorily packed at least 100 parachutes of each of two types in common use, in accordance with the manufacturer's instructions—

(1) While a certificated and appropriately rated senior parachute rigger; or

(2) While under the supervision of a certificated and appropriately rated parachute rigger or a person holding appropriate military ratings.

(3) An applicant may combine experience specified in paragraphs (a)(1) and (2) of this section to meet the requirements of this paragraph (a).

* * * * *

(c) Pass an oral and practical test showing the applicant's ability to pack and maintain two types of parachutes in common use, appropriate to the type ratings the applicant seeks. To pass the oral and practical test for a master parachute rigger certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation applicable to a master parachute rigger specified in the Parachute Rigger Practical Test Standards (incorporated by reference, see §65.23), as appropriate to the type rating sought.

- **Change Date:** April 1, 2024
- **Effective Date:** May 31, 2024
- **Source:** Amdt. 65–64, 89 FR 22520

Revise §65.123 to read as follows:

§65.123 Additional type ratings: Requirements.

A certificated parachute rigger who applies for an additional type rating must—

(a) Present evidence satisfactory to the Administrator that the applicant has packed at least 20 parachutes of the type for which the applicant seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated parachute rigger holding a rating for that type or a person holding an appropriate military rating; and

(b) Pass a practical test, to the satisfaction of the Administrator, showing the applicant's ability to pack and maintain the type of parachute, appropriate to the type rating sought. To pass the practical test for an additional type rating, the applicant must satisfactorily demonstrate the objectives in the area of operation specified in the Parachute Rigger Practical Test Standards (incorporated by reference, see §65.23), applicable to the type rating sought.

PART 91

GENERAL OPERATING AND FLIGHT RULES

■ **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

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.

■ **Change Date:** April 26, 2024
■ **Effective Date:** May 28, 2024
■ **Source:** Amdt. 119–21, 89 FR 33109

Revise §119.8 to read as follows:

§119.8 Safety Management Systems.

Certificate holders authorized to conduct operations under part 121 or 135 of this chapter must have a safety management system that meets the requirements of part 5 of this chapter.

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

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:** 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:** February 16, 2024

■ **Effective Date:** April 16, 2024

■ **Source:** Amdt. 121–391, 89 FR 12663

Amend §121.141 by revising paragraph (b) introductory text to read as follows:

§121.141 Airplane flight manual.

(b) In each airplane required to have an airplane flight manual in paragraph (a) of this section, the certificate holder shall carry either the manual required by §121.133, if it contains the information required for the applicable flight manual and this information is clearly identified as flight manual requirements, or an approved Airplane Manual. If the certificate holder elects to carry the manual required by §121.133, the certificate holder may revise the operating procedures sections and modify the presentation of performance data, except for the information required by §38.23 of this chapter identifying compliance with the fuel efficiency requirements of part 38 of this chapter, from the applicable flight manual if the revised operating procedures and modified performance data presentation are—

■ **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”.

TITLE 49: TRANSPORTATION

PART 175

CARRIAGE BY AIRCRAFT

■ **Change Date:** April 10, 2024

■ **Effective Date:** May 10, 2024

■ **Source:** 89 FR 25488

In §175.1, add paragraph (e) to read as follows:

§175.1 Purpose, scope, and applicability.

(e) In addition to the requirements of this part, air carriers that are certificate holders authorized to conduct operations in accordance with 14 CFR part 121 are also required to have a Safety Management System that meets the conditions of 14 CFR part 5 and is acceptable to the Federal Aviation Administration (FAA) Administrator.

In §175.10, revise paragraph (a) introductory text, (a)(14) introductory text, (a)(15)(v)(A), (a)(15)(vi)(A), (a)(17)(ii)(C), (a)(18) introductory text, and (a)(26) introductory text to read as follows:

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

(a) This subchapter does not apply to the following hazardous materials when carried by aircraft passengers or crewmembers provided the requirements of §§171.15 and 171.16 of this subchapter (see paragraph (c) of this section) and the requirements of this section are met. The most appropriate description of the hazardous material item or article must be selected and the associated conditions for exception must be followed:

(14) Battery powered heat-producing devices (*e.g.*, battery-operated equipment such as diving lamps and soldering equipment) as checked or carry-on baggage and with the approval of the operator of the aircraft. The heating element, the battery, or other component (*e.g.*, fuse) must be isolated to prevent unintentional activation during transport. Any battery that is removed must be carried in accordance with the provisions for spare batteries in paragraph (a)(18) of this section. Each lithium battery must be of a type that meets the requirements of each test in the UN Manual of Tests and Criteria, Part III, Subsection 38.3 (IBR, *see* §171.7 of this subchapter), and each installed or spare lithium battery:

(15) ***

(v) ***

(A) Adequately protected against damage by design of the wheelchair or mobility aid and securely attached to the wheelchair or mobility aid; or

(vi) ***

(A) Adequately protected against damage by design of the wheelchair or mobility aid and securely attached to the wheelchair or mobility aid; or

(17) ***

(ii) ***

(C) The battery is adequately protected against damage by design of the wheelchair or mobility aid and securely attached to the wheelchair or other mobility aid; and

(18) Except as provided in §173.21 of this subchapter, portable electronic devices (*e.g.*, watches, calculating machines, cameras, cellular phones, laptop and notebook computers, camcorders, medical devices, etc.), containing dry cells or dry batteries (including lithium cells or batteries) and spare dry cells or batteries for these devices, when carried by passengers or crew members for personal use. Portable electronic devices powered by lithium

batteries may be carried in either checked or carry-on baggage. When carried in checked baggage, portable electronic devices powered by lithium batteries must be completely switched off (*i.e.*, not in sleep or hibernation mode) and protected to prevent unintentional activation or damage, except portable electronic devices powered by lithium batteries with lithium content not exceeding 0.3 grams for lithium metal batteries and 2.7 Wh for lithium ion batteries are not required to be switched off. Spare lithium batteries must be carried in carry-on baggage only. Each installed or spare lithium battery must be of a type proven to meet the requirements of each test in the UN Manual of Tests and Criteria, Part III, Subsection 38.3, and each spare lithium battery must be individually protected so as to prevent short circuits (*e.g.*, by placement in original retail packaging, by otherwise insulating terminals by taping over exposed terminals, or placing each battery in a separate plastic bag or protective pouch). In addition, each installed or spare lithium battery:

(26) Baggage equipped with lithium batteries must be carried as carry-on baggage unless the lithium batteries are removed from the baggage. Each lithium battery must be of a type which meets the requirements of each test in the UN Manual of Tests and Criteria, Part III, Subsection 38.3 (IBR, *see* §171.7 of this subchapter). Additionally, removed batteries must be carried in accordance with the provision for spare batteries prescribed in paragraph (a)(18) of this section. Baggage equipped with lithium batteries may be carried as checked baggage and electronic features may remain active if the batteries do not exceed:

In §175.33, revise paragraph (a)(13)(iii) to read as follows:

§175.33 Shipping paper and information to the pilot-in-command.

(a) ***

(13) ***

(iii) UN3481 and UN3091 are not required to appear on the information provided to the pilot-in-command when prepared in accordance with §173.185(c).

PART 1544

AIRCRAFT OPERATOR SECURITY: AIR CARRIERS AND COMMERCIAL OPERATORS

► **Change Date:** May 1, 2024

► **Effective Date:** July 30, 2024

► **Source:** Amdt. 1552–1, 89 FR 35626

Remove and reserve §1544.3.

§1544.3 [Removed and Reserved]