

ASA's 2024 FAR-FC Update

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ASA's 2024 *FAR for Flight Crew* book is current through July 6, 2023. With this Update, information is current through **June 19, 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.
 - 5.11 Requirements for production certificate holders that are holders or licensees 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.
 - 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.
 - 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
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- **Change Date:** June 18, 2024
- **Effective Date:** July 18, 2024
- **Source:** Amdt. 91–375, 89 FR 51424

Amend §91.1063 by revising paragraphs (b)(2)(i) and (ii) to read as follows:

§91.1063 Testing and training: Applicability and terms used.

* * * * *

(b) * * *

(2) * * *

(i) Each program manager must include in upgrade ground training for pilots, instruction in at least the subjects identified in §121.419(a) of this chapter, as applicable to their assigned duties; and, for pilots serving in crews of two or more pilots, instruction and facilitated discussion in the subjects identified in §121.419(c) of this chapter.

(ii) Each program manager must include in upgrade flight training for pilots, flight training for the maneuvers and procedures required in §121.424(a), (c), (e), and (f) of this chapter; and, for pilots serving in crews of two or more pilots, the flight training required in §121.424(b) of this chapter.

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.

PART 121
**OPERATING REQUIREMENTS: DOMESTIC, FLAG,
AND SUPPLEMENTAL OPERATIONS**

(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).

► **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:** June 18, 2024
► **Effective Date:** July 18, 2024
► **Source:** Amdt. 121–392, 89 FR 51425

Amend §121.401 by revising paragraphs (a)(1) and (4), (c), and (e) and removing the undesignated text following paragraph (e) to read as follows:

§121.401 Training program: General.

(a) ***

(1) Establish and implement a training program that satisfies the requirements of this subpart and appendices E and F of this part and that ensures that each crewmember, aircraft dispatcher, flight instructor, check pilot, and check flight engineer is adequately trained to perform his or her assigned duties. Prior to implementa-

tion, the certificate holder must obtain initial and final FAA approval of the training program.

(4) Provide enough flight instructors and approved check pilots and check flight engineers to conduct the flight training and checks required under this part.

(c) Each instructor, supervisor, check pilot, or check flight engineer who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check under this part shall certify as to the proficiency and knowledge of the crewmember, aircraft dispatcher, flight instructor, check pilot, or check flight engineer concerned upon completion of that training or check. That certification shall be made a part of the crewmember's or dispatcher's record. When the certification required by this paragraph is made by an entry in a computerized recordkeeping system, the certifying instructor, supervisor, check pilot, or check flight engineer must be identified with that entry. However, the signature of the certifying instructor, supervisor, check pilot, or check flight engineer is not required for computerized entries.

(e) A person who progresses successfully through flight training; is recommended by his instructor, check pilot, or check flight engineer; and successfully completes the appropriate flight check for a check pilot, check flight engineer, or the Administrator need not complete the programmed hours of flight training for the particular airplane. However, whenever the Administrator finds that 20 percent of the flight checks given at a particular training base during the previous 6 months under this paragraph are unsuccessful, this paragraph may not be used by the certificate holder at that base until the Administrator finds that the effectiveness of the flight training there has improved.

Amend §121.402 by revising paragraph (b)(4) to read as follows:

§121.402 Training program: Special rules.

(b) ***

(4) Has sufficient instructors, check pilots, and check flight engineers qualified under the applicable requirements of §§121.411 or 121.412 to provide training, testing, and checking to persons subject to the requirements of this subpart.

Amend §121.403 by revising paragraph (b)(2) to read as follows:

§121.403 Training program: Curriculum.

(b) ***

(2) A list of all the training equipment approved under §121.408 as well as other training aids that the certificate holder will use.

Revise §121.404 to read as follows:

§121.404 Crew and dispatcher resource management training.

No certificate holder may use a person as a flightcrew member, flight attendant, or aircraft dispatcher unless that person has completed approved crew resource management (CRM) or dispatcher resource management (DRM) initial training, as applicable, with that certificate holder or with another certificate holder.

Amend §121.407 by revising paragraphs (a)(5) and (e) to read as follows:

§121.407 Training program: Approval of flight simulation training devices.

(a) ***

(5) Have a daily discrepancy log kept with each discrepancy entered in that log by the appropriate instructor, check pilot, or check flight engineer at the end of each training or check flight.

(e) An FFS approved under this section must be used instead of the airplane to satisfy the pilot flight training requirements prescribed in the extended envelope training set forth in §121.423 of this part.

Amend §121.408 by:

- a. Revising paragraphs (d) introductory text and (d)(1), and
- b. Removing paragraph (f).

The revisions read as follows:

§121.408 Training equipment other than flight simulation training devices.

(d) All training equipment must have a record of discrepancies. The documenting system must be readily available for review by each instructor, check pilot, check flight engineer, or supervisor prior to conducting training or checking with that equipment.

(1) Each instructor, check pilot, check flight engineer or supervisor conducting training or checking, and each person conducting an inspection of the equipment who discovers a discrepancy, including any missing, malfunctioning, or inoperative components, must record a description of that discrepancy and the date that the discrepancy was identified.

Amend §121.409 by revising and republishing paragraph (b)(2)(ii) to read as follows:

§121.409 Training courses using flight simulation training devices.

(b) ***

(2) ***

(ii) Line-oriented flight training (LOFT) that—

- (A) Utilizes a complete flight crew;
- (B) Includes at least the maneuvers and procedures (abnormal and emergency) that may be expected in line operations;
- (C) Includes scenario-based or maneuver-based stall prevention training before, during or after the LOFT scenario for each pilot;
- (D) Is representative of two flight segments appropriate to the operations being conducted by the certificate holder;
- (E) Provides an opportunity to demonstrate workload management and pilot monitoring skills; and
- (F) Provides an opportunity for each pilot in command to demonstrate leadership and command skills.

Revise §121.411 to read as follows:

§121.411 Qualifications: Check pilots and check flight engineers.

(a) For the purposes of this part:

(1) A check pilot (airplane) or check flight engineer (airplane) is a person who is qualified, and permitted, to conduct flight checks or instruction in an airplane for a particular type airplane.

(2) A check pilot (FSTD) or check flight engineer (FSTD) is a person who is qualified to conduct flight checks or instruction-only in an FSTD for a particular type airplane.

(3) Check pilots and check flight engineers are those persons who perform the functions described in §121.401(a)(4).

(b) No certificate holder may use a person, nor may any person serve as a check pilot or check flight engineer in a training program established under this subpart unless, with respect to the airplane type involved, that person—

(1) Holds the pilot certificates and ratings required to serve as a pilot in command or a flight engineer certificate, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command or flight engineer, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or flight checks that are required to serve as a pilot in command or flight engineer, as applicable, in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of §121.413; and

(5) Has been approved by the Administrator for the check pilot or check flight engineer duties involved.

(c) Completion of the requirements in paragraphs (b)(2), (3), and (4) of this section, as applicable, shall be entered in the individual's training record maintained by the certificate holder.

(d) A check pilot (FSTD) and check flight engineer (FSTD) must accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type airplane involved within the 12-month period preceding the performance of any check pilot or check flight engineer duty in an FSTD; or

(2) Satisfactorily complete an approved line-observation program within the period prescribed by that program and that must precede the performance of any check pilot or check flight engineer duty in an FSTD.

(e) The flight segments or line-observation program required in paragraph (d) of this section are considered to be completed in the month required if completed in the calendar month before or in the calendar month after the month in which it is due.

(f) A person who serves as a required flightcrew member while performing check pilot or check flight engineer duties must also meet the requirements of this chapter for the duty position in which they are serving.

Revise §121.412 to read as follows:

§121.412 Qualifications: Flight instructors.

(a) For the purposes of this part:

(1) A flight instructor (airplane) is a person who is qualified to instruct in an airplane for a particular type airplane.

(2) A flight instructor (FSTD) is a person who is qualified to instruct only in an FSTD for a particular type airplane.

(3) Flight instructors are those instructors who perform the functions described in §121.401(a)(4).

(b) No certificate holder may use a person nor may any person serve as a flight instructor in a training program established under this subpart unless, with respect to the airplane type involved, that person—

(1) Holds the pilot certificates and rating required to serve as a pilot in command or a flight engineer certificate, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command or flight engineer, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or flight checks that are required to serve as a pilot in command or flight engineer, as applicable, in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of §121.414.

(c) Completion of the requirements in paragraphs (b) (2), (3), and (4) of this section, as applicable, shall be entered in the individual's training record maintained by the certificate holder.

(d) A flight instructor (FSTD) must accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type of airplane within the 12-month period preceding the performance of any flight instructor duty in an FSTD; or

(2) Satisfactorily complete an approved line-observation program within the period prescribed by that program preceding the performance of any flight instructor duty in an FSTD.

(e) The flight segments or line-observation program required in paragraph (d) of this section is considered completed in the month required if completed in the calendar month before, or the calendar month after the month in which it is due.

(f) A person who serves as a required flightcrew member while performing flight instructor duties must also meet the requirements of this chapter for the duty position in which they are serving.

Revise §121.413 to read as follows:

§121.413 Initial, transition and recurrent training and checking requirements: Check pilots and check flight engineers.

(a) No certificate holder may use a person nor may any person serve as a check pilot or check flight engineer unless—

(1) That person has satisfactorily completed initial or transition check pilot or check flight engineer training, as applicable; and

(2) Within the preceding 24 calendar months, that person satisfactorily conducts a check or supervises operating experience under the observation of an FAA inspector or an aircrew designated examiner employed by the operator. The observation check may be accomplished in part or in full in an airplane and in an FSTD.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before, or the calendar month after, the month in which it is due.

(c) The initial ground training for check pilots or check flight engineers must include the following, as applicable:

(1) Check pilot or check flight engineer duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The appropriate methods, procedures, and techniques for conducting the required checks.

(4) Proper evaluation of student performance, including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The appropriate corrective action in the case of unsatisfactory checks.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(7) For check pilots or check flight engineers who conduct training or checking in an FSTD, the following subjects specific to the device(s) for the airplane type:

- (i) Proper operation of the controls and systems;
- (ii) Proper operation of environmental and fault panels;
- (iii) Data and motion limitations of simulation; and
- (iv) The minimum airplane simulator equipment required by this part or part 60 of this chapter for each maneuver and procedure completed in an FSTD.

(d) The transition ground training for check pilots or check flight engineers must include the following:

(1) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the airplane to which the check pilot or check flight engineer is transitioning.

(2) For check pilots or check flight engineers who conduct training or checking in an FSTD, the following subjects specific to the device(s) for the airplane type to which the check pilot or check flight engineer is transitioning:

- (i) Proper operation of the controls and systems;
- (ii) Proper operation of environmental and fault panels;
- (iii) Data and motion limitations of simulation; and
- (iv) The minimum airplane simulator equipment required by this part or part 60 of this chapter for each maneuver and procedure completed in an FSTD.

(e) The initial and transition flight training for check pilots (airplane) and check flight engineers (airplane) must include the following:

(1) The safety measures for emergency situations that are likely to develop during a check.

(2) The potential results of improper, untimely, or non-execution of safety measures during a check.

(3) For check pilots (airplane)—

(i) Training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence to conduct the pilot flight checks required by this part; and

(ii) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during a check.

(4) For check flight engineers (airplane), training to ensure competence to perform assigned duties.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part inflight and in an FSTD, as appropriate.

(g) The initial and transition flight training for check pilots or check flight engineers who conduct training or checking in an FSTD must include the following:

(1) Training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks required by this part. This training and practice must be accomplished in an FSTD.

(2) Training in the operation of FSTDs to ensure competence to conduct the flight checks required by this part.

(h) Recurrent ground training for check pilots or check flight engineers who conduct training or checking in an FSTD must be completed every 12 calendar months and must include the subjects required in paragraph (c)(7) of this section.

Amend §121.414 by:

- a. Revising the section heading;
- b. Revising paragraphs (a)(2), (c)(8) introductory text and (c)(8)(iv), (d)(2) introductory text and (d)(2)(iv), (f), (g), and (h), and
- c. Removing paragraph (i).

The revisions read as follows:

§121.414 Initial, transition and recurrent training and checking requirements: Flight instructors.

(a) * * *

(2) Within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an FAA inspector, an operator check pilot, a check flight engineer, or an aircrew designated examiner employed by the operator, as appropriate. The observation check may be accomplished in part or in full in an airplane and an FSTD.

* * * * *

(c) * * *

(8) For flight instructors who conduct training in an FSTD, the following subjects specific to the device(s) for the airplane type:

* * * * *

(iv) The minimum airplane simulator equipment required by this part 121 or part 60 of this chapter for each maneuver and procedure completed in an FSTD.

(d) * * *

(2) For flight instructors who conduct training in an FSTD, the following subjects specific to the device(s) for the airplane type to which the flight instructor is transitioning:

* * * * *

(iv) The minimum airplane simulator equipment required by this part or part 60 of this chapter for each maneuver and procedure completed in an FSTD.

* * * * *

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part inflight and in an FSTD, as appropriate.

(g) The initial and transition flight training for flight instructors who conduct training in an FSTD must include the following:

(1) Training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this part. This training and practice must be accomplished in full or in part in an FSTD.

(2) Training in the operation of FSTDs to ensure competence to conduct the flight instruction required by this part.

(h) Recurrent flight instructor ground training for flight instructors who conduct training in an FSTD must be completed every 12 calendar months and must include the subjects required in paragraph (c)(8) of this section.

Amend §121.415 by:

- a. Revising paragraph (e), and
- b. Removing paragraph (k).

The revision reads as follows:

§121.415 Crewmember and dispatcher training program requirements.

* * * * *

(e) Upgrade training as specified in §§121.420 and 121.426 for a particular type airplane may be included in the training program for flightcrew members who have qualified and served as second in command pilot on that airplane.

* * * * *

Amend §121.419 by:

- a. Revising paragraphs (c) and (f); and
- b. Removing paragraph (g).

The revisions read as follows:

§121.419 Pilots and flight engineers: Initial, transition, conversion and upgrade ground training.

(c) In addition to the requirements in paragraph (a) or (b) of this section, as applicable, initial ground training for pilots in command must include instruction and facilitated discussion on the following:

(f) Initial programmed hours applicable to pilots as specified in paragraphs (d) and (e) of this section must include 2 additional hours to meet the requirements in paragraphs (a)(2)(xi) and (xii) of this section.

Amend §121.420 by removing paragraph (c).

Amend §121.423 by removing paragraph (f).

Amend §121.424 by:

- a. Revising paragraph (b), and
- b. Removing paragraphs (f) and (g).

The revision reads as follows:

§121.424 Pilots: Initial, transition, conversion, and upgrade flight training.

(b) In addition to the requirements in paragraph (a) of this section, initial flight training for pilots in command must include sufficient scenario-based training incorporating CRM and leadership and command skills to ensure the pilot's proficiency as pilot in command. The training required by this paragraph (b) may be completed inflight or in an FSTD.

Amend §121.426 by removing paragraph (d).

Amend §121.427 by revising paragraphs (e)(1)(ii)(B) and (f) to read as follows:

§121.427 Recurrent training.

(e) ***

(1) ***

(ii) ***

(B) Satisfactory completion of a proficiency check may be substituted for recurrent flight training as permitted in §121.433(c) and (d).

(f) Recurrent programmed hours applicable to pilots as specified in paragraph (c)(1) of this section must include 30 additional minutes to meet the requirements in paragraph (e)(1)(i) of this section.

Amend §121.429 by revising the introductory text of paragraph (a) to read as follows:

§121.429 Pilots in command: Leadership and command and mentoring training.

(a) No certificate holder may use a pilot as pilot in command in an operation under this part unless the pilot has completed the fol-

lowing ground training in accordance with the certificate holder's approved training program:

Amend §121.433 by revising paragraph (d) and removing paragraph (e) to read as follows:

§121.433 Training required.

(d) Notwithstanding paragraph (c)(2) of this section, a proficiency check as provided in §121.441 may not be substituted for the extended envelope training required by §121.423 or training in those maneuvers and procedures set forth in a certificate holder's approved low-altitude windshear flight training program when that program is included in a recurrent flight training course as required by §121.409(d).

Amend §121.434 by revising the introductory text of paragraph (d) to read as follows:

§121.434 Operating experience, operating cycles, and consolidation of knowledge and skills.

(d) A flight engineer must perform the duties of a flight engineer under the supervision of a check flight engineer or a qualified flight engineer for at least the following number of hours:

Amend §121.439 by revising paragraphs (b)(1) and (e) to read as follows:

§121.439 Pilot qualification: Recent experience.

(b) ***

(1) Under the supervision of a check pilot, make at least three takeoffs and landings in the type airplane in which that person is to serve or in a Level B or higher FFS.

(e) A check pilot who observes the takeoffs and landings prescribed in paragraph (b)(1) of this section shall certify that the person being observed is proficient and qualified to perform flight duty in operations under this part and may require any additional maneuvers that are determined necessary to make this certifying statement.

Amend §121.440 by revising paragraphs (b)(1) and (c)(1) to read as follows:

§121.440 Line checks.

(b) ***

(1) Be given by a check pilot who is currently qualified on both the route and the airplane; and

(c) ***

(1) Be given by a check pilot who is currently qualified on the airplane; and

Amend §121.441 by revising paragraphs (a)(1)(i) and (ii) and (b) (2) to read as follows:

§121.441 Proficiency checks.

- (a) * * *
- (1) * * *
- (i) A proficiency check within the preceding 12 calendar months in the aircraft type in which the person is to serve and,
- (ii) In addition, within the preceding 6 calendar months, either a proficiency check or the approved FFS course of training.
- * * * * *
- (b) * * *
- (2) It must be given by the Administrator or a check pilot.
- * * * * *

Amend §121.445 by revising paragraph (d)(2) to read as follows:

§121.445 Pilot in command airport qualification: Special areas and airports.

- * * * * *
- (d) * * *
- (2) By flying over a route or area as pilot in command under the supervision of a check pilot using the special type of navigation system.
- * * * * *

■ **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:** June 18, 2024
 ■ **Effective Date:** July 18, 2024
 ■ **Source:** Amdt. 121–392, 89 FR 51428

Revise §121.544 to read as follows:

§121.544 Pilot monitoring.

Each pilot who is seated at the pilot controls of the aircraft while not flying the aircraft must accomplish pilot monitoring duties as appropriate in accordance with the certificate holder’s procedures contained in the manual required by §121.133.

Amend §121.915 by revising paragraph (b)(2)(iii) to read as follows:

§121.915 Continuing qualification curriculum.

- * * * * *
- (b) * * *
- (2) * * *
- (iii) During the line checks required under paragraph (b)(2)(i) and (ii) of this section, each person performing duties as a pilot in command, second in command, or flight engineer for that flight must be individually evaluated to determine whether the person remains adequately trained and currently proficient with respect to the particular aircraft, crew position, and type of operation in which he or she serves; and the person has sufficient knowledge and skills to operate effectively as part of a crew. The evaluator must be a check pilot, check flight engineer, an APD, or an FAA inspector and must hold the certificates and ratings required of the pilot in command.
- * * * * *

Amend §121.919 by revising paragraph (e) to read as follows:

§121.919 Certification.

- * * * * *
- (e) The applicant has been trained to proficiency on the certificate holder’s approved AQP Qualification Standards as witnessed by an instructor, check pilot, check flight engineer, or APD and has passed an LOE administered by an APD or the FAA.

Amend Appendix E to Part 121 by:
 a. Revising paragraphs I.(c) and (d) in the table;
 b. Revising paragraphs II.(c) and (f) in the table; and
 c. Revising paragraphs IV.(d) and (j) in the table.
 The revisions read as follows:

**APPENDIX E TO PART 121—
 FLIGHT TRAINING REQUIREMENTS**

* * * * *

Maneuvers/Procedures	Inflight	Static Airplane	FFS	FTD
* * * * *				
I. * * *				
(c) Taxiing. This maneuver includes the following:				
(1) Taxiing, sailing, and docking procedures in compliance with instructions issued by ATC or by the person conducting the training.	I, T, U, C			
(2) Use of airport diagram (surface movement chart)	I, T, U, C			
(3) Obtaining appropriate clearance before crossing or entering active runways.	I, T, U, C			
(4) Observation of all surface movement guidance control markings and lighting.	I, T, U, C			

(continued)

Maneuvers/Procedures	Inflight	Static Airplane	FFS	FTD
(d) Pre-takeoff procedures that include powerplant checks, receipt of takeoff clearance and confirmation of aircraft location, and FMS entry (if appropriate) for departure runway prior to crossing hold short line for takeoff.			I, T, U, C	

II. ***				
(c) Crosswind takeoffs, including crosswind takeoffs with gusts if practicable under the existing meteorological, airport, and traffic conditions.	I, T, U, C			

(f) Night takeoffs. For pilots in transition training, this requirement may be met during the operating experience required under §121.434 by performing a normal takeoff at night when a check pilot serving as PIC is occupying a pilot station.	I, T, U, C			

IV. ***				
(d) Crosswind landing, including crosswind landings with gusts if practicable under the existing meteorological, airport, and traffic conditions.	I, T, U, C			

(j) Night landings. For pilots in transition training, this requirement may be met during the operating experience required under §121.434 by performing a normal landing at night when a check pilot serving as PIC is occupying a pilot station.	I, T, U, C			

Amend Appendix F to Part 121 by:

- a. Revising paragraph I.(c) and (d) in the table;
 - b. Revising paragraph II.(c)(2) in the table;
 - c. Revising paragraph V.(c) and the text in the row beneath paragraph V.(d)(2) in the table.
- The revisions read as follows:

APPENDIX F TO PART 121— PROFICIENCY CHECK REQUIREMENTS

Maneuvers/Procedures	Required		Permitted		
	Simulated instrument conditions	Inflight	FFS	FTD	Waiver provisions of §121.441(d)

I. ***					
(c) Taxiing. This maneuver includes the following: (1) Taxiing, sailing, or docking procedures in compliance with instructions issued by ATC or by the person conducting the check. (2) Use of airport diagram (surface movement chart). (3) Obtaining appropriate clearance before crossing or entering active runways. (4) Observation of all surface movement guidance control markings and lighting. SIC proficiency checks for a type rating must include taxiing. However, other SIC proficiency checks need only include taxiing to the extent practical from the seat position assigned to the SIC.		B			
(d) Pre-takeoff procedures that include powerplant checks, receipt of takeoff clearance and confirmation of aircraft location, and FMS entry (if appropriate), for departure runway prior to crossing hold short line for takeoff.			B		

II. ***					
(c) Crosswind. One crosswind takeoff with gusts, if practicable, under the existing meteorological, airport, and traffic conditions.		B*			

V. ***					
(c) Crosswind landing with gusts, if practicable under existing meteorological, airport, and traffic conditions.		B*			

(continued)

Maneuvers/Procedures	Required		Permitted		
	Simulated instrument conditions	Inflight	FFS	FTD	Waiver provisions of §121.441(d)
(d) ***					
Notwithstanding the requirements of subparagraphs (d)(1) and (2) of this paragraph, for an SIC proficiency check, except for an SIC proficiency check for a type rating, the simulated loss of power may be only the most critical powerplant. In addition, a PIC may omit the maneuver required by subparagraph (d)(1) or (d)(2) of this paragraph during a required proficiency check or FFS course of training if the PIC satisfactorily performed that maneuver during the preceding proficiency check, or during the preceding approved FFS course of training under the observation of a check pilot, whichever was completed later.					

In appendix H to Part 121 amend the section Advanced Simulation Training Program by revising the introductory text and paragraphs 3., 4., 5., and 6. o read as follows:

APPENDIX H TO PART 121—ADVANCED SIMULATION

ADVANCED SIMULATION TRAINING PROGRAM

For a certificate holder to conduct Level C or D training under this appendix, all required FFS instruction and checks must be conducted under an advanced simulation training program approved by the Administrator for the certificate holder. This program must also ensure that all instructors, check pilots, and check flight engineers used in Appendix H training and checking are highly qualified to provide the training required in the training program. The advanced simulation training program must include the following:

3. Documentation that each instructor and check pilot has served for at least 1 year in that capacity in a certificate holder’s approved program or has served for at least 1 year as a pilot in command or second in command in an airplane of the group in which that pilot is instructing or checking.

4. A procedure to ensure that each instructor, check pilot, and check flight engineer-actively participates in either an approved regularly scheduled line flying program as a flightcrew member or an approved line observation program in the same airplane type for which that person is instructing or checking.

5. A procedure to ensure that each instructor, check pilot, and check flight engineer-is given a minimum of 4 hours of training each year to become familiar with the certificate holder’s advanced simulation training program, or changes to it, and to emphasize their respective roles in the program. Training for instructors, check pilots, and check flight engineers must include training policies and procedures, instruction methods and techniques, operation of FFS controls (including environmental and trouble panels), limitations of the FFS, and minimum equipment required for each course of training.

6. A special Line-Oriented Flight Training (LOFT) program to facilitate the transition from the FFS to line flying. This LOFT program must consist of at least a 4-hour course of training for each flightcrew. It also must contain at least two representative flight segments of the certificate holder’s operations. One of the flight segments must contain strictly normal operating procedures from

pushback at one airport to arrival at another. Another flight segment must contain training in appropriate abnormal and emergency flight operations. The LOFT must provide an opportunity for the pilot to demonstrate workload management and pilot monitoring skills.

PART 135

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

► **Change Date:** June 18, 2024

► **Effective Date:** July 18, 2024

► **Source:** Amdt. 135–145, 89 FR 51430

Amend §135.3 by revising paragraphs (d)(1) and (2) to read as follows:

§135.3 Rules applicable to operations subject to this part.

(d) ***

(1) *Upgrade training.*

(i) Each certificate holder must include in upgrade ground training for pilots, instruction in at least the subjects identified in §121.419(a) of this chapter, as applicable to their assigned duties; and, for pilots serving in crews of two or more pilots, instruction and facilitated discussion in the subjects identified in §121.419(c) of this chapter.

(ii) Each certificate holder must include in upgrade flight training for pilots, flight training for the maneuvers and procedures required in §121.424(a), (c), (e), and (f) of this chapter; and, for pilots serving in crews of two or more pilots, the flight training required in §121.424(b) of this chapter.

(2) *Initial and recurrent leadership and command and mentoring training.* Certificate holders are not required to include leadership and command training in §§121.409(b)(2)(ii)(F), 121.419(c)(1), 121.424(b) and 121.427(d)(1) of this chapter and mentoring training in §§121.419(c)(2) and 121.427(d)(1) of this chapter in initial and recurrent training for pilots in command who serve in operations that use only one pilot.

Revise §135.113 to read as follows:

§135.113 Passenger occupancy of pilot seat.

No certificate holder may operate an aircraft type certificated after October 15, 1971, that has a passenger seating configuration, excluding any pilot seat, of more than eight seats if any person other than the pilot in command, a second in command, a company check pilot, or an authorized representative of the Administrator, the National Transportation Safety Board, or the United States Postal Service occupies a pilot seat.

Amend §135.297 by revising paragraph (c)(2) to read as follows:

§135.297 Pilot in command: Instrument proficiency check requirements.

(c) ***

(2) The instrument proficiency check must be given by an authorized check pilot or by the Administrator.

Amend §135.321 by revising paragraph (a)(2) to read as follows:

§135.321 Applicability and terms used.

(a) ***

(2) Each certificate holder for establishing and maintaining an approved training program for crewmembers, check pilots and instructors, and other operations personnel employed or used by that certificate holder; and

Amend §135.323 by revising paragraphs (a)(1) and (4), and (c) to read as follows:

§135.323 Training program: General.

(a) ***

(1) Establish and implement a training program that satisfies the requirements of this subpart and that ensures that each crewmember, aircraft dispatcher, flight instructor, and check pilot is adequately trained to perform his or her assigned duties. Prior to implementation, the certificate holder must obtain initial and final FAA approval of the training program.

(4) Provide enough flight instructors, check pilots, and FSTD instructors to conduct required flight training and flight checks and FSTD training courses allowed under this subpart.

(c) Each instructor, supervisor, or check pilot who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check under this part shall certify as to the proficiency and knowledge of the crewmember, flight instructor, or check pilot concerned upon completion of that training or check. That certification shall be made a part of the crewmember's record. When the certification required by this paragraph is made by an entry in a computerized record-keeping system, the certifying instructor, supervisor, or check pilot, must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check pilot is not required for computerized entries.

Amend §135.324 by revising paragraph (b)(4) to read as follows:

§135.324 Training program: Special rules.

(b) ***

(4) Has sufficient instructor and check pilots qualified under the applicable requirements of §§135.337 through 135.340 to provide training, testing, and checking to persons subject to the requirements of this subpart.

Revise §135.337 to read as follows:

§135.337 Qualifications: Check pilots.

(a) For the purposes of this part:

(1) A check pilot (aircraft) is a person who is qualified to conduct flight checks in an aircraft for a particular type aircraft.

(2) A check-pilot (FSTD) is a person who is qualified to conduct flight checks only in an FSTD for a particular type aircraft.

(3) Check pilots are those persons who perform the functions described in §§135.321(a) and 135.323(a)(4) and (c).

(b) No certificate holder may use a person, nor may any person serve as a check pilot in a training program established under this subpart unless, with respect to the aircraft type involved, that person—

(1) Holds the pilot certificates and ratings required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of §135.339;

(5) Has been approved by the Administrator for the check pilot duties involved.

(c) Completion of the requirements in paragraphs (b)(2), (3), and (4) of this section, as applicable, shall be entered in the individual's training record maintained by the certificate holder.

(d) A check pilot (FSTD) must accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved within the 12-month period preceding the performance of any check-pilot duty in an FSTD; or

(2) Satisfactorily complete an approved line-observation program within the period prescribed by that program and that must precede the performance of any check pilot duty in an FSTD.

(e) The flight segments or line-observation program required in paragraph (d) of this section are considered to be completed in the month required if completed in the calendar month before or the calendar month after the month in which they are due.

(f) A person who serves as a required flightcrew member while performing check pilot duties must also meet the requirements of this chapter for the duty position in which they are serving.

Revise §135.338 to read as follows:

§135.338 Qualifications: Flight instructors.

(a) For the purposes of this part:

(1) A flight instructor (aircraft) is a person who is qualified to instruct in an aircraft for a particular type, class, or category aircraft.

(2) A flight instructor (FSTD) is a person who is qualified to instruct only in an FSTD for a particular type, class, or category aircraft.

(3) Flight instructors are those instructors who perform the functions described in §§135.321(a) and 135.323(a)(4) and (c).

(b) No certificate holder may use a person, nor may any person serve as a flight instructor in a training program established under this subpart unless, with respect to the type, class, or category aircraft involved, that person—

(1) Holds the pilot certificates and ratings required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of §135.340.

(c) Completion of the requirements in paragraphs (b)(2), (3), and (4) of this section shall be entered in the individual's training record maintained by the certificate holder.

(d) A flight instructor (FSTD) must accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved within the 12-month period preceding the performance of any flight instructor duty in an FSTD; or

(2) Satisfactorily complete an approved line-observation program within the period prescribed by that program preceding the performance of any flight instructor duty in an FSTD.

(e) The flight segments or line-observation program required in paragraph (d) of this section are considered completed in the month required if completed in the calendar month before, or in the calendar month after, the month in which they are due.

(f) A person who serves as a required flightcrew member while performing flight instructor duties must also meet the requirements of this chapter for the duty position in which they are serving.

Amend §135.339 by revising paragraphs (a) introductory text, (a)(1), (c) introductory text, (c)(1), (d), (e) introductory text and (g) introductory text to read as follows:

§135.339 Initial and transition training and checking: Check pilots.

(a) No certificate holder may use a person nor may any person serve as a check pilot unless—

(1) That person has satisfactorily completed initial or transition check pilot training; and

(c) The initial ground training for check pilots must include the following:

(1) Check pilot duties, functions, and responsibilities.

(d) The transition ground training for check pilots must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the check pilot is in transition.

(e) The initial and transition flight training for check pilots (aircraft) must include the following—

(g) The initial and transition flight training for check pilots (FSTD) must include the following:

Amend §135.340 by revising paragraph (a)(2) and paragraph (g) introductory text to read as follows:

§135.340 Initial and transition training and checking: Flight instructors.

(a) ***

(2) Within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an FAA inspector, an operator check pilot, or an aircrew designated examiner employed by the operator. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.

(g) The initial and transition flight training for a flight instructor (FSTD) must include the following:

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]