

The FAA agrees with the comment that refresher training could be conducted by a check pilot or qualified flight instructor and has changed this final rule accordingly.

The requirement specifies types of aircraft operated by the part 121 certificate holder; it does not include military reserve aircraft or any other aircraft not operated under part 121.

*Section 121.434(h)(4)—Extension of Consolidation Period From 120 to 150 Days*

New paragraph (h)(4) allows the consolidation period to be extended from 120 days to 150 days if the pilot satisfactorily completes refresher training or a check pilot determines that the pilot has retained an adequate level of proficiency after observing the pilot in a supervised line operating flight.

Four comments were received on this requirement. Alaska Airlines does not believe that any limit on the consolidation period will affect safety or proficiency. As long as a student is determined to be continually proficient through reevaluation by a qualified check pilot, there is no need to limit the length of the consolidation period. Another commenter recommends that the consolidation period be extendable to 180 days, not 150 days.

RAA recommends that carriers have the option of selecting a five-month period for consolidation, rather than 120 days, because most carriers observe a monthly cycle. If consolidation were to start at the beginning of a month, carriers would be limited in the number of flying assignments they could make to new PICs and SICs. RAA states that as many as 25 or 30 days could be lost under this circumstance and that a five-month option would give carriers a greater ability to make assignments to achieve the consolidation objective.

NTSB believes that the 120-day consolidation period is feasible under virtually all circumstances but also supports an extension to 150 days if the required 100 hours of operating flight time cannot be completed in 120 days. However, NTSB stresses that such extensions should be approved only under extenuating circumstances and in strict compliance with the additional requirements of the proposed rule as a whole. Otherwise, the intended consolidation and stabilization of a pilot's newly acquired knowledge and skills would be compromised.

*FAA Response*

The FAA has determined that extending the consolidation period beyond 150 days is not in the interest of consolidating a newly trained pilot's

skills and knowledge. Once training and checking are completed, the pilot needs to practice recently learned skills in line operations in order to master the skills.

The FAA finds that 180 days would be too long to achieve 100 hours of consolidation.

The problem raised by RAA is a scheduling problem; requiring 100 hours of line operating flight time within a 120-day period should not present a problem that cannot be managed since the average pilot flies approximately 60–70 hours per month.

The FAA recognizes that consolidation of skills within 120 days is preferable to an extension; however, for those instances, for any reason, when a pilot has had less than 100 hours in 120 days, it does not seem reasonable to require that the pilot repeat the entire qualification program. A refresher training course should be sufficient to compensate for the lapsed time.

*Section 121.434(h)(5)—Deviations From Consolidation Requirements*

New paragraph (h)(5) allows the Administrator to authorize deviations from consolidation requirements when: (1) A new certificate holder does not employ any pilots who have met the consolidation requirements, or (2) a certificate holder is adding new airplanes to its fleet, or (3) a certificate holder is reassigning pilots to a new domicile where they will be operating a different aircraft type.

One comment was received on this requirement. Boeing recommends specific language changes to this paragraph so that it would apply to manufacturers as well as to certificate holders and to training programs as well as to certificate holders' operations specifications. Boeing states that without these changes the rule will "prevent manufacturers from providing the level of support for initial line operations that is required for a safe operation when an air carrier does not have pilots with a significant experience base in an airplane new to the carrier."

*FAA Response*

Paragraph (h)(5)(ii) provides that, as one of the circumstances for being eligible for a deviation, a certificate holder adds to its fleet a type airplane not before proven for use in its operations. If a manufacturer provides pilots for the certificate holder's operations and these pilots do not meet the requirements of paragraph (g), the certificate holder would apply for the deviation. Since manufacturers are not part 121 certificate holders, they cannot apply for the deviation.

*Section 121.438(a)—Operating Limitations—Takeoffs and Landings*

The new rule requires PICs (other than check airmen), when paired with SICs with less than 100 hours of line operational flight time in that type airplane, to make all takeoffs and landings at special airports or under certain conditions.

Two comments on the general nature of the requirement were received. Alaska Airlines says that takeoff and landing decisions should be made by the PIC and be based on the conditions present during the operation. In some cases, the SIC may have more hours in the type airplane than the PIC and would be more experienced in takeoffs and landings in that type airplane. The proposed rule could, therefore, compromise safety.

ALPA agrees with the intent of the proposed rule and supports PICs making takeoffs and landings in cases where SICs have minimal flight hours in the type of airplane being flown. However, ALPA believes that the PIC should have more latitude in making takeoff and landing decisions. For example, in cases of many short flights and poor weather conditions, it could become very fatiguing for the PIC to make every takeoff and landing; in cases such as these, it may be more appropriate for the SIC to make a takeoff or landing.

United Airlines and ATA believe that the proposed rule on special airports is too restrictive and that PICs should have discretion in making this decision on a case-by-case basis determined by operational considerations. United says that certain operations at some special airports are "entirely unremarkable" and that PICs should be given the ability to allow SICs to land at such airports. On a similar note, ATA says that in cases where a crew must fly several turnarounds to another special airport in a single day's flying, the PIC should be given the option of allowing the SIC to complete a takeoff and landing.

RAA and another commenter say that proposed § 121.438(a)(2)(vii) would provide an acceptable alternative to the special airports requirement; it would give PICs the prerogative to permit or deny SICs to land or takeoff at a special airport (or for any other conditions).

Alaska Airlines says that the proposed rule would restrict its operations by preventing new first officers from making landings in 30 percent of Alaska's airports and 100 percent of Russia's airports. This would also adversely affect the training process because pilots would be restricted from gaining experience at special airports while their "procedural awareness is at