not meet the appropriate airmen experience requirements, managerial experience requirements, or supervisory experience requirements of this section if the Manager of the Air Transportation Division, AFS–200, or the Manager of the Aircraft Maintenance Division, AFS–300, as appropriate, find 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. The Administrator may, at any time, terminate any grant of deviation authority issued under this paragraph.

[Doc. No. 28154, 60 FR 65913, Dec. 20, 1995, as amended by Amdt. 119–3, 62 FR 13255, Mar. 19, 1997]

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

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AUTHORITY: 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 40113, 41721, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

SPECIAL FEDERAL AVIATION REGULATION NO. 14

Contrary performance provisions of the Civil Air Regulations notwithstanding, the Administrator may grant performance credit for the use of standby power on transport

category airplanes. Such credit shall be applicable only to the maximum certificated take-off and landing weights, and the take-off distance, and the take-off paths, and shall not exceed that found by the Administrator to result in an over-all level of safety in the take-off, approach, and landing regimes of flight equivalent to that prescribed in the regulations under which the airplane was originally certificated without standby power. (NOTE: Standby power is power and/or thrust obtained from rocket engines for a relatively short period and actuated only in cases of emergency.) The following provisions shall apply:

(1) *Take-off; general.* The take-off data prescribed in sections (2) and (3) shall be determined at all weights and altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied.

(2) *Take-off path.* (a) The one-engine-inoperative take-off path with standby power in use shall be determined in accordance with the performance requirements of the applicable airworthiness regulations.

(b) The one-engine-inoperative take-off path (excluding that portion where the airplane is on or just above the take-off surface-determined in accordance with paragraph (a) of this section shall lie above the one/engine-inoperative take-off path without standby power at the maximum take/off weight at which all of the applicable airworthiness requirements are met. For the purpose of this comparison, the flight path shall be considered to extend to at least a height of 400 feet above the take-off surface.

(c) The take-off path with all engines operating, but without the use of standby power, shall reflect a conservatively greater overall level of performance than the one-engine-inoperative take-off path established in accordance with paragraph (a) of this section. The aforementioned margin shall be established by the Administrator to insure safe day-to-day operations, but in no case shall it be less than 15 percent. The all-engines-operating take-off path shall be determined by a procedure consistent with that established in complying with paragraph (a) of this section.

(d) For reciprocating-engine-powered airplanes, the take-off path to be scheduled in the Airplane Flight Manual shall represent the one-engine-inoperative take-off path determined in accordance with paragraph (a) of this section and modified to reflect the procedure (see section (6)) established by the applicant for flap retraction and attainment of the en route speed. The scheduled take-off path shall have a positive slope at all points of the airborne portion and at no point shall it lie above the take-off path specified in paragraph (a) of this section.

(3) *Take-off distance.* The take-off distance shall be the horizontal distance along the one/engine-inoperative take-off to the point where the airplane attains a height of 50 feet above the take-off surface for reciprocating-engine-powered airplanes and a height of 35 feet above the take-off surface for turbine-powered airplanes.

(4) *Maximum certificated take-off weights.* The maximum certificated take-off weights shall be determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed the weights established in compliance with paragraphs (a) and (b) of this section.

(a) The conditions of section (2) (b) through (d) shall be met at the maximum certificated take-off weight.

(b) Without the use of standby power, the airplane shall meet all of the en route requirements of the applicable airworthiness regulations under which the airplane was originally certificated. In addition, turbine-powered airplanes without the use of standby power shall meet the final take-off climb requirements prescribed in the applicable airworthiness regulations.

(5) *Maximum certificated landing weights.* (a) The maximum certificated landing weights (one-engine/inoperative approach and all-engine/operating landing climb) shall be determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed that established in compliance with the provisions of paragraph (b) of this section.

(b) The flight path, with the engines operating at the power and/or thrust appropriate to the airplane configuration and with standby power in use, shall lie above the flight path without standby power in use at the maximum weight at which all of the applicable airworthiness requirements are met. In addition, the flight paths shall comply with the provisions of paragraphs (i) and (ii) of this paragraph (b).

(i) The flight paths shall be established without changing the appropriate airplane configuration.

(ii) The flight paths shall be carried out for a minimum height of 400 feet above the point where standby power is actuated.

(6) *Airplane configuration, speed, and power and/or thrust; general.* Any change in the airplane's configuration, speed, and power and/or thrust shall be made in accordance with the procedures established by the applicant for the operation of the airplane in service and shall comply with the provisions of paragraphs (a) through (c) of this section. In addition, procedures shall be established for the execution of balked landings and missed approaches.

(a) The Administrator shall find that the procedure can be consistently executed in service by crews of average skill.

(b) The procedure shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(c) Allowances shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

(7) *Installation and operation; standby power.* The standby power unit and its installation shall comply with the provisions of paragraphs (a) and (b) of this section.

(a) The standby power unit and its installation shall not adversely affect the safety of the airplane.

(b) The operation of the standby power unit and its control shall have proven to be safe and reliable.

[23 FR 7454, Sept. 25, 1958. Redesignated at 29 FR 19099, Dec. 30, 1964]

SPECIAL FEDERAL AVIATION REGULATION NO. 36

1. *Definitions.* For purposes of this Special Federal Aviation Regulation—

(a) A product is an aircraft, airframe, aircraft engine, propeller, or appliance;

(b) An article is an airframe, powerplant, propeller, instrument, radio, or accessory; and

(c) A component is a part of a product or article.

2. *General.* (a) Contrary provisions of §121.379(b) and §135.437(b) of this chapter notwithstanding, the holder of an air carrier certificate or operating certificate, that operates large aircraft, and that has been issued operations specifications for operations required to be conducted in accordance with 14 CFR part 121 or 135, may perform a major repair on a product as described in §121.379(b) or §135.437(a), using technical data that have not been approved by the Administrator, and approve that product for return to service, if authorized in accordance with this Special Federal Aviation Regulation.

(b) [Reserved]

(c) Contrary provisions of §145.201(c)(2) notwithstanding, the holder of a repair station certificate under 14 CFR part 145 that is located in the United States may perform a major repair on an article for which it is rated using technical data not approved by the FAA and approve that article for return to service, if authorized in accordance with this Special Federal Aviation Regulation. If the certificate holder holds a rating limited to a component of a product or article, the holder may not, by virtue of this Special Federal Aviation Regulation, approve that product or article for return to service.

3. *Major Repair Data and Return to Service.* (a) As referenced in section 2 of this Special Federal Aviation Regulation, a certificate holder may perform a major repair on a product or article using technical data that have not been approved by the Administrator, and approve that product or article for return to service, if the certificate holder—

(1) Has been issued an authorization under, and a procedures manual that complies with, Special Federal Aviation Regulation No. 36–8, effective on January 23, 2004;

(2) Has developed the technical data in accordance with the procedures manual;

(3) Has developed the technical data specifically for the product or article being repaired; and

(4) Has accomplished the repair in accordance with the procedures manual and the procedures approved by the Administrator for the certificate.

(b) For purposes of this section, an authorization holder may develop technical data to perform a major repair on a product or article and use that data to repair a subsequent product or article of the same type as long as the holder—

(1) Evaluates each subsequent repair and the technical data to determine that performing the subsequent repair with the same data will return the product or article to its original or properly altered condition, and that the repaired product or article conforms with applicable airworthiness requirements; and

(2) Records each evaluation in the records referenced in paragraph (a) of section 13 of this Special Federal Aviation Regulation.

4. *Application.* The applicant for an authorization under this Special Federal Aviation Regulation must submit an application before November 14, 2006, in writing, and signed by an officer of the applicant, to the certificate holding district office charged with the overall inspection of the applicant's operations under its certificate. The application must contain—

(a) If the applicant is

(1) The holder of an air carrier operating or commercial operating certificate, or the holder of an air taxi operating certificate that operates large aircraft, the—

(i) The applicant's certificate number; and

(ii) The specific product(s) the applicant is authorized to maintain under its certificate, operations specifications, and maintenance manual; or

(2) The holder of a domestic repair station certificate—

(i) The applicant's certificate number;

(ii) A copy of the applicant's operations specifications; and

(iii) The specific article(s) for which the applicant is rated;

(b) The name, signature, and title of each person for whom authorization to approve, on behalf of the authorization holder, the use of technical data for major repairs is requested; and

(c) The qualifications of the applicant's staff that show compliance with section 5 of this Special Federal Aviation Regulation.

5. *Eligibility*. (a) To be eligible for an authorization under this Special Federal Aviation Regulation, the applicant, in addition to having the authority to repair products or articles must—

(1) Hold an air carrier certificate or operating certificate, operate large aircraft, and have been issued operations specifications for operations required to be conducted in accordance with 14 CFR part 121 or 135, or hold a domestic repair station certificate under 14 CFR part 145;

(2) Have an adequate number of sufficiently trained personnel in the United States to develop data and repair the products that the applicant is authorized to maintain under its operating certificate or the articles for which it is rated under its domestic repair station certificate;

(3) Employ, or have available, a staff of engineering personnel that can determine compliance with the applicable airworthiness requirements of the Federal Aviation Regulations.

(b) At least one member of the staff required by paragraph (a)(3) of this section must—

(1) Have a thorough working knowledge of the applicable requirements of the Federal Aviation Regulations;

(2) Occupy a position on the applicant's staff that has the authority to establish a repair program that ensures that each repaired product or article meets the applicable requirements of the Federal Aviation Regulations;

(3) Have at least one year of satisfactory experience in processing engineering work, in direct contact with the FAA, for type certification or major repair projects; and

(4) Have at least eight years of aeronautical engineering experience (which may include the one year of experience in processing engineering work for type certification or major repair projects).

(c) The holder of an authorization issued under this Special Federal Aviation Regulation shall notify the Administrator within 48 hours of any change (including a change of personnel) that could affect the ability of the holder to meet the requirements of this Special Federal Aviation Regulation.

6. *Procedures Manual.* (a) A certificate holder may not approve a product or article for return to service under section 2 of this Special Federal Aviation Regulation unless the holder—

(1) Has a procedures manual that has been approved by the Administrator as complying with paragraph (b) of this section; and

(2) Complies with the procedures contained in this procedures manual.

(b) The approved procedures manual must contain—

(1) The procedures for developing and determining the adequacy of technical data for major repairs;

(2) The identification (names, signatures, and responsibilities) of officials and of each staff member described in section 5 of this Special Federal Aviation Regulation who—

(i) Has the authority to make changes in procedures that require a revision to the procedures manual; and

(ii) Prepares or determines the adequacy of technical data, plans or conducts tests, and approves, on behalf of the authorization holder, test results; and

(3) A ''log of revisions'' page that identifies each revised item, page, and date of revision, and contains the signature of the person approving the change for the Administrator.

(c) The holder of an authorization issued under this Special Federal Aviation Regulation may not approve a product or article for return to service after a change in staff necessary to meet the requirements of section 5 of this regulation or a change in procedures from those approved under paragraph (a) of this section, unless that change has been approved by the FAA and entered in the procedures manual.

7. *Duration of Authorization*. Each authorization issued under this Special Federal Aviation Regulation is effective from the date of issuance until, November 14, 2009, unless it is earlier surrendered, suspended, revoked or otherwise terminated. Upon termination of such authorization, the terminated authorization holder must:

(a) Surrender to the FAA all data developed pursuant to Special Federal Aviation Regulation No. 36; or

(b) Maintain indefinitely all data developed pursuant to Special Federal Aviation Regulation No. 36, and make that data available to the FAA for inspection upon request.

8. *Transferability*. An authorization issued under this Special Federal Aviation Regulation is not transferable.

9. *Inspections.* Each holder of an authorization issued under this Special Federal Aviation Regulation and each applicant for an authorization must allow the Administrator to inspect its personnel, facilities, products and articles, and records upon request.

10. *Limits of Applicability*. An authorization issued under this Special Federal Aviation Regulation applies only to—

(a) A product that the air carrier, commercial, or air taxi operating certificate holder is authorized to maintain pursuant to its continuous airworthiness maintenance program or maintenance manual; or

(b) An article for which the domestic repair station certificate holder is rated. If the certificate holder is rated for a component of an article, the holder may not, in accordance with this Special Federal Aviation Regulation, approve that article for return to service.

11. *Additional Authorization Limitations.* Each hold of an authorization issued under this Special Federal Aviation Regulation

must comply with any additional limitations prescribed by the Administrator and made a part of the authorization.

12. *Data Review and Service Experience.* If the Administrator finds that a product or article has been approved for return to service after a major repair has been performed under this Special Federal Aviation Regulation, that the product or article may not conform to the applicable airworthiness requirements or that an unsafe feature or characteristic of the product or article may exist, and that the nonconformance or unsafe feature or characteristic may be attributed to the repair performed, the holder of the authorization, upon notification by the Administrator, shall—

(a) Investigate the matter;

(b) Report to the Administrator the results of the investigation and any action proposed or taken; and

(c) If notified that an unsafe condition exists, provide within the time period stated by the Administrator, the information necessary for the FAA to issue an airworthiness directive under part 39 of the Federal Aviation Regulations.

13. *Current Records.* Each holder of an authorization issued under this Special Federal Aviation Regulation shall maintain, at its facility, current records containing—

(a) For each product or article for which it has developed and used major repair data, a technical data file that includes all data and amendments thereto (including drawings, photographs, specifications, instructions, and reports) necessary to accomplish the major repair;

(b) A list of products or articles by make, model, manufacturer's serial number (including specific part numbers and serial numbers of components) and, if applicable, FAA Technical Standard Order (TSO) or Parts Manufacturer Approval (PMA) identification, that have been repaired under the authorization; and

(c) A file of information from all available sources on difficulties experienced with products and articles repaired under the authorization.

This Special Federal Aviation Regulation terminates November 14, 2009.

[SFAR 36–6, 59 FR 3940, Jan. 27, 1994, as amended by Amdt. SFAR 36–7, 64 FR 960, Jan. 6, 1999; Amdt. 121–286, 66 FR 41116, Aug. 6, 2001; Amdt. SFAR 36–8, 68 FR 65378, Nov. 19, 2003; Amdt. 121–311, 70 FR 59946, Oct. 13, 2005]

SPECIAL FEDERAL AVIATION REGULATION NO. 50–2

EDITORIAL NOTE: For the text of SFAR No. 50–2, see part 91 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION NO. 71

EDITORIAL NOTE: For the text of SFAR No. 71, see part 91 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION 80—ALTERNATIVE COMMUNICATIONS AND DISPATCHING PROCEDURES

1. *Applicability.* This Special Federal Aviation Regulation applies to each holder of an air carrier or operating certificate (hereafter, certificate holder) that meets one of the following eligibility requirements:

a. The certificate holder conducts scheduled operations with airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less under part 121 of this chapter.

b. The certificate holder conducts domestic operations in Alaska under part 121 of this chapter.

2. *Alternative requirements.*

a. If an operator described in paragraph 1.a. of this SFAR is conducting a flight with an airplane described in 1.a. and if communications cannot be maintained over the entire route (which would be contrary to the requirements of §121.99 of this chapter), such an operator may continue to operate over such a route subject to approval by the Administrator. In granting such approval the Administrator considers the following:

i. The operator has an established dispatch communication system.

ii. Gaps in communication are not over the entire route, but only over portions of the route.

iii. When communication gaps occur, they occur due to one or more of the following:

A. Lack of infrastructure.

B. Geographical considerations.

C. Assigned operating altitude.

iv. Procedures are established for the prompt re-establishment of communications.

v. The operator has presented a plan or schedule for coming into compliance with the requirements in §121.99 of this chapter.

b. A certificate holder who conducts domestic operations in Alaska may, notwithstanding the requirements of §121.99 of this chapter, use a communications system operated by the United States for those operations.

c. An operator described in paragraph 1.a. of this SFAR who conducts operations in Alaska may share the aircraft dispatcher required by §121.395 with another operator described in paragraph 1.a. of this SFAR who conducts operations in Alaska if authorized to do so by the Administrator. Before granting such an authorization, the Administrator considers:

i. The operators' joint plans for complying with the aircraft dispatcher training rules in subpart N of part 121 of this chapter and the aircraft dispatcher qualification and duty time limitation rules in subpart P of part 121 of this chapter.

ii. The number of flights for which the aircraft dispatcher would be responsible.

iii. Whether the responsibilities of the dispatcher would be beyond the capability of a single dispatcher.

3. *Expiration.* This Special Federal Aviation Regulation terminates on March 12, 2001, unless sooner terminated.

[SFAR–80, 62 FR 13255, Mar. 19, 1997; 62 FR 15570, Apr. 1, 1997]

SPECIAL FEDERAL AVIATION REGULATION 92–5—FLIGHTCREW COMPARTMENT ACCESS AND DOOR DESIGNS

1. *Applicability*. This Special Federal Aviation Regulation (SFAR) applies to all operators that hold an air carrier certificate or operating certificate issued under 14 CFR part 119 and that conduct operations under this part 121 and to operators of U.S. registered transport category airplanes operated under 14 CFR part 129, except paragraph 5 of this SFAR does not apply to cargo operations and 14 CFR part 129 operations. It applies to the operators specified in this SFAR that modify airplanes to improve the flightcrew compartment door installations to restrict the unwanted entry of persons into the flightcrew compartment. This SFAR also applies to production certificate holders and applicants for airworthiness certificates for airplanes to be operated by operators specified in this SFAR, and producers of parts to be used in modifications of such airplanes.

2. *Regulatory Relief.* Contrary provisions of this part 21, and §§121.313(h), 121.153(a)(2), 121.153(c), 121.379(b), 121.583(b)(1) and (2) and 14 CFR 129.13 notwithstanding:

(a) An operator may operate airplanes modified to improve the flightcrew compartment door installations to restrict the unauthorized entry of persons into the flightcrew compartment without regard to the applicable airworthiness requirements and may modify those airplanes for that purpose, using technical data not previously approved by the Administrator, subject to the following conditions:

(i) Not later than February 15, 2002, submit to the Director, Aircraft Certification Service, a detailed description of the changes to the airplane that have been accomplished before that date to enhance the intrusion resistance of the flightcrew compartment including identification of what major alterations have been done without previously approved data.

(ii) If, upon reviewing the data submitted in paragraph 2(a)(i) of this SFAR, the Administrator determines that a door modification presents an unacceptable safety risk, the FAA may issue an order requiring changes to such modifications.

(b) An applicant for an airworthiness certificate may obtain such a certificate for modified airplanes to be operated by operators described in this SFAR.

(c) A holder of a production certificate may submit for airworthiness certification or approval, modified airplanes to be operated by operators described in this SFAR.

(d) A person may produce parts for installation on airplanes in connection with modifications described in this SFAR, without FAA parts manufacturer approval (PMA).

3. *Report of Modifications.* Not later than April 22, 2002, all operators who are required to install flightdeck door modifications in accordance with 14 CFR 121.313(j) must submit a report to the Director, Aircraft Certification Service. The report must describe the modifications to be made and provide a schedule for the changes necessary to restore compliance with all applicable airworthiness requirements and to meet the requirements of 14 CFR 121.313(j). The schedule may not extend beyond the termination date of this SFAR.

4. *Return to Service Documentation*. Where operators have modified airplanes as authorized in this SFAR, the affected airplane must be returned to service with a note that it was done under the provisions of this SFAR.

5. *Provision for Flightdeck Door Compartment Key*. Contrary to provisions of §121.313(g), the following provision applies: A key for each door that separates a passenger compartment from an emergency exit must be identified to passengers in the briefing required by §121.571(a)(1)(ii). The key required for access to the emergency exit must be readily available for each crewmember. No key to the flightcrew compartment shall be available to any crewmember during flight, except for flight crewmembers, unless an internal flightdeck locking device such as a deadbolt or bar is installed, operative, and in use.

6. *Door Modification Requirement.* After March 1, 2002, for each airplane required under §121.313(f) to have a door between the passenger and pilot compartments, and for transport category all-cargo airplanes that have a door installed between the pilot compartment and any other occupied compartment on or after January 15, 2002, such door must be equipped with an internal locking device installed, operative, and in use. Such internal locking device has to be designed so that it can only be unlocked from inside the flightdeck.

7. *Termination.* For all-cargo transport category airplanes, this SFAR terminates on October 1, 2003. For passenger airplanes, this

SFAR expires on April 9, 2003, except for airplanes meeting the criteria specified in paragraphs 7.a, b, and c, below. For airplanes meeting these criteria, this SFAR expires on July 31, 2003.

a. Before midnight April 9, 2003, the operator must have installed a strengthened flightdeck door meeting the requirement of paragraph 7.b;

b. Before midnight April 9, 2003, the FAA must have found that the door complies with 14 CFR 25.795(a)(1) and (2) in effect on January 15, 2002; and

c. Before March 10, 2003, a formal application for certification approval of the door must have been submitted to the FAA.

[Doc. FAA–2001–10770, 68 FR 17516, Apr. 9, 2003]

SPECIAL FEDERAL AVIATION REGULATION NO. 93

EDITORIAL NOTE: For the text of SFAR No. 93, see part 61 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION NO. 97

EDITORIAL NOTE: For the text of SFAR No. 97, see part 91 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION 106—RULES FOR USE OF PORTABLE OXYGEN CONCENTRATOR SYSTEMS ON BOARD AIRCRAFT

Section 1. *Applicability*—This rule prescribes special operating rules for the use of portable oxygen concentrator units on board civil aircraft. This rule applies to both the aircraft operator and the passenger using the portable oxygen concentrator on board the aircraft.

Section 2. *Definitions*—For the purposes of this SFAR the following definitions apply: Portable Oxygen Concentrator: means the *AirSep LifeStyle, AirSep FreeStyle, Inogen One, SeQual Eclipse,* or *Respironics EverGo* Portable Oxygen Concentrator medical device units as long as those medical device units: (1) Do not contain hazardous materials as determined by the Pipeline and Hazardous Materials Safety Administration; (2) are also regulated by the Food and Drug Administration; and (3) assist a user of medical oxygen under a doctor's care. These units perform by separating oxygen from nitrogen and other gases contained in ambient air and dispensing it in concentrated form to the user.

Section 3. Operating Requirements—

(a) No person may use and no aircraft operator may allow the use of any portable oxygen concentrator device, except the *AirSep LifeStyle, AirSep FreeStyle, Inogen One, SeQual Eclipse,* or *Respironics EverGo* Portable Oxygen Concentrator units. These units may be carried on and used by a passenger on board an aircraft provided the aircraft operator ensures that the following conditions are satisfied:

(1) The device does not cause interference with the electrical, navigation or communication equipment on the aircraft on which the device is to be used;

(2) No smoking or open flame is permitted within 10 feet of any seat row where a person is using a portable oxygen concentrator.

(3) During movement on the surface, takeoff, and landing, the unit must:

(i) Either be stowed under the seat in front of the user, or in another approved stowage location, so that it does not block the aisle way or the entryway into the row; or

(ii) If it is to be operated by the user, be used only at a seat location that does not restrict any passenger's access to, or use of, any required emergency or regular exit, or the aisle(s) in the passenger compartment;

(4) No person using a portable oxygen concentrator is permitted to sit in an exit row;

(5) The pilot in command must be apprised whenever a passenger brings and intends to use a portable oxygen concentrator on board the aircraft and the pilot in command must be informed about the contents of the physician's written statement (as required in Section 3(b)(3) of this SFAR), including the magnitude and nature of the passenger's oxygen needs.

(6) Whenever the pilot in command turns off the ''Fasten Seat Belt'' sign, or otherwise signifies that permission is granted to move about the passenger cabin, passengers operating their portable oxygen concentrator may continue to operate it while moving about the cabin.

(b) The user of the portable oxygen concentrator must comply with the following conditions to use the device on board the aircraft:

(1) The user must be capable of hearing the unit's alarms, seeing the alarm light indicators, and have the cognitive ability to take the appropriate action in response to the various caution and warning alarms and alarm light indicators, or be travelling with someone who is capable of performing those functions;

(2) The user must ensure that the portable oxygen concentrator is free of oil, grease or other petroleum products and is in good condition free from damage or other signs of excessive wear or abuse;

(3) The user must inform the aircraft operator that he or she intends to use a portable oxygen concentrator on board the aircraft and must allow the crew of the aircraft to review the contents of the physician's statement. The user must have a written statement, to be kept in that person's possession, signed by a licensed physician that:

(i) States whether the user of the device has the physical and cognitive ability to see, hear, and understand the device's aural and visual cautions and warnings and is able, without assistance, to take the appropriate action in response to those cautions and warnings;

(ii) States whether or not oxygen use is medically necessary for all or a portion of the duration of the trip; and

(iii) Specifies the maximum oxygen flow rate corresponding to the pressure in the cabin of the aircraft under normal operating conditions.

(4) Only lotions or salves that are oxygen approved may be used by persons using the portable oxygen concentrator device;

(5) The user, whose physician statement specifies the duration of oxygen use, must obtain from the aircraft operator, or by other means, the duration of the planned flight. The user must carry on the flight a sufficient number of batteries to power the device for the duration of the oxygen use specified in the user's physician statement, including a conservative estimate of any unanticipated delays; and

(6) The user must ensure that all portable oxygen concentrator batteries carried onboard the aircraft in carry-on baggage are protected from short circuit and are packaged in a manner that protects them from physical damage. Batteries protected from short circuit include: (1) Those designed with recessed battery terminals; or (2) those packaged so that the battery terminals do not contact metal objects (including the battery terminals of other batteries). When a battery-powered oxygen concentrator is carried onboard aircraft as carry-on baggage and is not intended to be used during the flight, the battery must be removed and packaged separately unless the concentrator contains at least two effective protective features to prevent accidental operation during transport.

Section 4. *Expiration Date*—This SFAR No. 106 will remain in effect until further notice.

[Doc. FAA–2004–18596, 70 FR 40164, July 12, 2005, as amended at 71 FR 53956, Sept. 12, 2006]

Subpart A—General

§ 121.1 Applicability.

This part prescribes rules governing—

(a) The domestic, flag, and supplemental operations of each person who holds or is required to hold an Air Carrier Certificate or Operating Certificate under part 119 of this chapter.

(b) Each person employed or used by a certificate holder conducting operations under this part including maintenance, preventive maintenance, and alteration of aircraft.

(c) Each person who applies for provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum segment under SFAR No. 58 of 14 CFR part 121, 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 SFAR No. 58 of 14 CFR part 121.

(d) Nonstop sightseeing flights conducted with airplanes having a 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; however, except for operations subject to SFAR 50–2 of 14 CFR part 121, these operations, when conducted for compensation or hire, must comply only with §§121.455 and 121.457, except that an operator who does not hold an air carrier certificate or an operating certificate is permitted to use a person who is otherwise authorized to perform aircraft maintenance or preventive maintenance duties and who is not subject to FAA-approved anti-drug and alcohol misuse prevention programs to perform—

(1) Aircraft maintenance or preventive maintenance on the operator's aircraft if the operator would otherwise be required to transport the aircraft more than 50 nautical miles further than the repair point closest to the operator's principal base of operations to obtain these services; or

(2) Emergency repairs on the operator's aircraft if the aircraft cannot be safely operated to a location where an employee subject to FAA-approved programs can perform the repairs.

(e) Each person who is on board an aircraft being operated under this part.

(f) Each person who is an applicant for an Air Carrier Certificate or an Operating Certificate under part 119 of this chapter, when conducting proving tests.

[Doc. No. 28154, 60 FR 65925, Dec. 20, 1995]