

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12762; Special Federal Aviation Regulation No. 30]

CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Ground Proximity Warning System

The purpose of the Special Federal Aviation Regulation is to permit airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less to be operated under Parts 121, 123 and 135 of the Federal Aviation Regulations without a ground proximity warning system or a ground proximity warning-glide slope deviation alerting system.

Section 121.360(a) of the Federal Aviation Regulations requires that no person may operate under Part 121 a large turbine-powered airplane unless it is equipped with a ground proximity warning system after December 1, 1975, and a ground proximity warning-glide slope deviation system after June 1, 1976. The requirements of § 121.360 apply to Part 123 and 135 certificate holders by virtue of §§ 123.27(g) and 135.2, respectively.

By Amendment No. 121-125 (40 FR 50707; October 31, 1975), § 121.360 was amended to permit an extension of the compliance date to June 1, 1976, for those certificate holders who show they cannot meet the December 1, 1975, compliance date because of equipment availability problems and delays in their certification programs. Subsequent to the issuance of Amendment 121-125 the FAA determined that additional time was also needed to identify and remedy operational problems in this newly-installed equipment. Accordingly, by Amendment 121-126 issued November 24, 1975, §§ 121.303 and 121.360 were amended to provide a reasonable time period but not later than September 1, 1976, to establish system reliability prior to requiring it to be in an operable condition.

As noted above, § 135.2(a) requires air taxi operators to comply with the certification and operations requirements of Part 121 applicable to supplemental air carriers for operations conducted with large aircraft. At the same time, § 121.9 permits Part 121 certificate holders to comply with the requirements of Part 135 applicable to air taxi operators for operations conducted in small aircraft. A large aircraft is defined in § 1.1 as an aircraft of more than 12,500 pounds maximum certificated takeoff weight and a small aircraft is one of 12,500 pounds or less maximum certificated takeoff weight. The use of this "12,500 pound" aircraft standard for purposes of operations under Parts 121 and 135 has been ques-

tioned. Based on a preliminary review of the matter, the FAA believes that requiring an aircraft to be operated under the rules of Part 121 or 135 based on whether its maximum certificated takeoff weight is more or less than 12,500 pounds may no longer be appropriate or necessary in the interest of safety. Accordingly, the FAA has under consideration the development of new standards for operations conducted with large aircraft having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less.

It should be noted that the National Air Transportation Association (NATA) submitted a proposal (No. 717) to the First Biennial Operations Review proposing an amendment to § 135.2 to permit operators of aircraft seating up to 30 passengers with up to a 7,500 pound payload capacity to operate under Part 135 but with the addition of certain requirements to Part 135 as set forth in the NATA proposal. A Notice of Availability of the Compilation of Proposals and Invitation to Submit Comments was published in the Federal Register June 4, 1975 (40 FR 24041), and the matter will be discussed at the First Biennial Operations Review Conference, December 1 through 5, 1975, at the Sheraton National Hotel, Arlington, Virginia (40 FR 53299; November 17, 1975).

In view of the foregoing FAA believes that it is not in the public interest to require the installation of ground proximity warning systems in the airplanes specified herein pending the determination of whether or not new standards should be developed for operations conducted with those airplanes. Accordingly, this SFAR is adopted to permit, during this period, airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less to be operated under Parts 121, 123 and 135 of the Federal Aviation Regulations without complying with the requirements for a ground proximity warning system.

In view of the December 1, 1975, compliance date of § 121.360 and since this Special Federal Aviation Regulation extends the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and unnecessary, and that good cause exists for making this SFAR effective on less than 30 days notice. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this SFAR. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before February 9, 1976, will be considered by the Administrator and this SFAR may be changed in the

light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This Special Federal Aviation Regulation is issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted, effective December 4, 1975:

SPECIAL FEDERAL AVIATION REGULATION No. 30

Contrary provisions of Parts 121, 123 and 135 of the Federal Aviation Regulations notwithstanding, airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less may be operated under Parts 121, 123, and 135 of the Federal Aviation Regulations without a ground proximity warning system or a ground proximity warning-glide slope deviation system.

For purposes of this Special Federal Aviation Regulation, the following definitions apply:

1. (a) Except as provided in paragraph (b) of this section, the term "maximum payload capacity" means the maximum certificated takeoff weight of an airplane, less the empty weight, less all stowable airplane equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward's supplies, etc.). The allowance for the weight of the crew, oil, and fuel is as follows:

(1) Crew—200 pounds per crew member required under the Federal Aviation Regulations.

(2) Oil—350 pounds.

(3) Fuel—the minimum weight of fuel required by the Federal Aviation Regulations for a flight between domestic points 174 nautical miles apart under VFR weather conditions and not involving extended overwater operations.

(b) In the case of an airplane for which a maximum zero fuel weight is prescribed in FAA technical specifications, maximum payload capacity means the maximum zero fuel weight, less the empty weight, less all justifiable airplane equipment, and less the operating load (consisting of minimum flight crew, steward's supplies, etc., but not including disposable fuel or oil).

2. The term "empty weight" means the weight of the airframe, engines, propellers, and fixed equipment. Empty weight excludes the weight of the crew and payload, but includes the weight of all fixed ballast, unusable fuel supply, undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

3. The term "maximum zero fuel weight" means the maximum permissible weight of an airplane with no disposable fuel or oil. The zero fuel weight figure may be found in either the airplane type certificate data sheet or the approved airplane flight manual or both.

This Special Federal Aviation Regulation terminates December 31, 1976, unless sooner superseded or rescinded.

Issued in Washington, D.C., on December 4, 1975.

JOHN L. McLUKAS,
Administrator.

(As published in the Federal Register /40 F.R. 57444/ on December, 10, 1975)

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