

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12762; Special Federal Aviation Reg. No. 30-1]

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

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

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

Ground Proximity Warning System

• The purpose of this amendment is to continue in effect until June 30, 1978, the provisions of Special Federal Aviation Regulation (SFAR) No. 30, issued December 4, 1975. SFAR No. 30 provides that 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. SFAR No. 30 was adopted to provide this relief on an interim basis pending the determination of whether or not new standards should be developed for operations conducted with those airplanes. •

The Federal Aviation Administration (FAA) has announced a Regulatory Review Program in the FEDERAL REGISTER (41 FR 38778; September 13, 1976), involving a comprehensive review and upgrading of Part 135, including requirements applicable to "Commuter Air Carrier" operations.

This upgrading will consider the development of new standards and rules for certain aircraft defined by the Civil Aeronautics Board as small aircraft (14 CFR 298.2), which, if adopted, would be more in consonance with the rules of Part 121 pertaining to operations of large aircraft. This program will not be concluded by the December 31, 1976, termination date of SFAR No. 30.

The FAA received two comments submitted in response to SFAR No. 30. The comments from the National Transportation Safety Board (NTSB) opposed the issuance of SFAR No. 30 and recommended that an early compliance date be established. The NTSB has advocated that ground proximity warning devices should be required for use in all commercial passenger flight operations, particularly during nonprecision approaches and believes that these systems would reduce the number of approach and landing accidents. Jet Fleet Corporation, an Air Taxi/Commercial Operator, commented that 19 of their airplanes, which meet the criteria herein, could be oper-

ated safely without the ground proximity warning devices and suggested a permanent deletion of the ground proximity warning system requirements. Jet Fleet Corporation contends that a continuous altitude awareness training program is effective in preventing unwanted contact with the ground.

The FAA disagrees with the NTSB since significant flight characteristic differences exist between large and small airplanes, in that larger airplanes generally experience a higher sink rate and longer recovery time and are less responsive to power and control pressures than smaller airplanes.

Further study is therefore considered necessary to determine whether these operational differences warrant major regulatory changes. Accordingly, to discuss this matter, a Regulatory Review Conference was held at the Stouffer's Denver Inn, Denver, Colorado during the week of November 8 through 12, 1976, to accommodate public input regarding FAA-developed proposals for amendments to Part 135.

If SFAR No. 30 were to expire prior to the completion of the rulemaking actions generated by the Part 135 Regulatory Review Program, an undue financial burden could be placed on certain operators of airplanes meeting the criteria specified herein. Therefore, the FAA believes that it is not in the public interest to require the installation of a ground proximity warning system in the subject airplanes pending a determination of whether or not new standards should be developed for operation of such airplanes.

The extension of SFAR No. 30 to June 30, 1978, should provide both industry and the FAA sufficient time to determine what regulatory changes are necessary.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary.

This amendment to Special Federal Aviation Regulation No. 30 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, Special Federal Aviation Regulation No. 30 is amended, effective January 1, 1977, by deleting the words "December 31, 1976" and inserting the words "June 30, 1978" in place thereof.

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Initial Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on November 29, 1976.

J. W. COCHRAN,
Acting Administrator.

(As published in the Federal Register /41 F.R. 53319/ on December 6, 1976)