

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

[Docket No. 12762; Amdt. No. 121-125]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Ground Proximity Warning Systems

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to establish procedures for the granting of an extension of the December 1, 1975, compliance date of § 121.360 for installation of a ground proximity warning system on each large turbine-powered airplane used in operations under Part 121 to any operator that can show that an extension is warranted.

After December 1, 1975, § 121.360 prohibits, with certain specified exceptions, the operation of a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

The Air Transport Association of America (ATA) has petitioned the FAA to extend the compliance date of § 121.360 for those operators that request an extension for a period of time not to extend beyond June 1, 1976. The ATA states that delays in certification programs, together with delays in equipment delivery by some manufacturers of ground proximity warning systems, have caused some ATA member airlines to foresee difficulties in meeting the December 1, 1975, date for compliance with the first four modes of the system. The ATA points out in its petition that questionnaires to all member airlines have resulted in responses that indicated that only 78.5% of the total fleets of ATA member airlines will have the first four modes installed, as required, by December 1, 1975.

The ATA points out that extension of the compliance date is in the public interest in that it will avoid grounding of aircraft and its attendant penalties both to the airlines and to the public, and recommends that procedures for granting limited extensions on an individual basis be established as soon as possible. A secondary benefit that would accrue to certificate holders to whom extensions were granted, ATA asserts, is that it could permit concurrent installation of all five modes and thereby "lessen the need for removal of aircraft from service, potentially reduce the need for dual certification testing, and simplify crew-training procedures."

The FAA's review of the matter indicates that there are a sufficient number of Part 121 certificate holders and other operators subject to Part 121 that will be unable to meet the December 1, 1975,

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compliance date due to circumstances beyond their control to justify the establishment of a procedure for the granting of extensions where appropriate. The FAA believes that amendment to the regulation to provide for individual extensions of the compliance date, but not beyond June 1, 1976, is justified and that the FAA Director, Flight Standards Service, should be authorized to grant those extensions. Extensions will be granted in those cases where the petitioner can show that its inability to comply by the December 1, 1975, compliance date is due to circumstances beyond its control, and it has submitted, by December 1, 1975, a schedule for compliance, acceptable to the Director, indicating that the equipment will be installed at the earliest practicable date.

In view of the imminence of the present effective date and since this amendment 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 amendment effective in less than 30 days.

This amendment 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, Part 121 of the Federal Aviation Regulations is amended, effective November 1, 1975, by amending paragraph (a) and by adding a new paragraph (h) to § 121.360 to read as follows:

§ 121.360 Ground proximity warning systems.

(a) Except as provided in paragraphs (b) and (h) of this section, after December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

(h) A certificate holder may obtain an extension of the December 1, 1975, compliance date specified in paragraph (a) of this section, but not beyond June 1, 1976, from the Director, Flight Standards Service if, before December 1, 1975—

(1) It shows that due to circumstances beyond its control it cannot comply by that date; and

(2) It has submitted by that date a schedule for compliance, acceptable to the Director, indicating that the system will be installed at the earliest practicable date.

Issued in Washington, D.C., on October 28, 1975.

JAMES E. Dow,
Acting Administrator.

(As published in the Federal Register [40 F.R. 50707] on October 31, 1975)