

Federal Register

135
SFAR 41B

Monday
December 8, 1980

SFAR 41B

Part II

Department of Transportation

Federal Aviation Administration

Increase in Approved Takeoff Weights
and Passenger Seating Capacities;
Additional Requirements

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 23, 36, 91, 121, 135, and 139

[Docket No. 18315; SFAR No. 41B]

Increase in Approved Takeoff Weights and Passenger Seating Capacities; Amendment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment specifies the additional requirements for airplane designs certificated under Special Federal Aviation Regulation No. 41 (SFAR 41) that are necessary to comply with the airworthiness standards of International Civil Aviation Organization (ICAO), Annex 8. Manufacturers or modifiers of these airplanes may voluntarily elect to comply with these additional requirements to facilitate international operations. SFAR 41 was issued on September 7, 1979, and amended on April 7, 1980, to clarify its applicability. SFAR 41 prescribes additional airworthiness standards applicable to existing propeller-driven multiengine small airplanes to allow their type and airworthiness certification at weights in excess of 12,500 pounds maximum certificated takeoff weight, or with an increase in the number of passenger seats, or both.

DATES: Effective date—December 8, 1980. Comments must be received on or before March 9, 1981.

ADDRESS: Comments on this amendment may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 18315, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. All comments must be marked: Docket No. 18315. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Eli S. Newberger, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 755-8718.

SUPPLEMENTARY INFORMATION: Background

SFAR 41 was issued to provide for increased availability and utility of existing small multiengine propeller-driven airplanes in U.S. domestic commuter service by permitting type and airworthiness certification at weights above the limitation of 12,500 pounds maximum certificated takeoff weight. The SFAR permits an increase in the maximum certificated takeoff weight above 12,500 pounds, or an increase in passenger seating, or both, provided the maximum zero fuel weight does not exceed 12,500 pounds. Aircraft eligible for compliance with the SFAR must have been certificated to Federal Aviation Regulations Part 23 (FAR 23) prior to October 17, 1979, and an application for certification to SFAR 41 for the airplane must be filed prior to October 17, 1981. The production of airplanes certificated above 12,500 pounds, however, will be limited to 10 years after the effective date of SFAR 41, that is, until October 17, 1989.

No limitation has been established for the operational life of individual aircraft that were manufactured in conformance to a design approved under SFAR 41 prior to October 17, 1989.

Discussion

Certification under SFAR 41, as that regulation is presently worded, requires an endorsement on the airworthiness certificate to indicate that the airplane at weights in excess of 5,700 kg (12,566 pounds) does not meet ICAO Annex 8, *International Standards, Airworthiness of Aircraft, to the Convention on International Civil Aviation*. In the public rulemaking process followed before adoption of SFAR 41, technical differences were acknowledged to exist between SFAR 41 and ICAO Annex 8. After issuance of the SFAR, it was called to the FAA's attention that certain airplanes certificated to SFAR 41 could also be shown to comply with ICAO Annex 8. As written, however, SFAR 41 specifically requires all individual airworthiness certificates issued for aircraft type certificated under SFAR 41 to be specifically annotated otherwise. The purpose of this amendment is to eliminate this contradiction and allow those aircraft which do comply with ICAO Annex 8 to be free of statements to the contrary on their airworthiness certificates.

Article 33 of the Convention on International Civil Aviation (Chicago Convention) provides for the recognition of airworthiness certificates between contracting States when the airworthiness standards established by the Convention are met. The

airworthiness standards established by the Convention are contained in ICAO Annex 8. Part III of ICAO Annex 8 sets forth objective standards applicable to airplanes of over 5,700 kg (12,566 pounds), maximum certificated takeoff weight intended for the carriage of passengers or cargo or mail in international air navigation.

Noncompliance with these standards could seriously inhibit the international operations of affected airplanes.

The FAA, in the period since issuance of SFAR 41, has compared the airworthiness standards in Part III of ICAO Annex 8 with the airworthiness standards in FAR 23 plus SFAR 41. In this connection, the FAA has determined which specific FAR 25 airworthiness requirements must be met to ensure compliance with ICAO Annex 8, and they are listed in the body of the rule. It should be emphasized that the election to seek a more flexible international operations capability for airplanes already certificated to SFAR 41 by complying with these additional requirements is voluntary.

When an applicant elects to comply with the additional requirements of this amendment, the type certification basis statement on the type certificate data sheet or supplemental type certificate will indicate that the design meets the requirements of ICAO Annex 8. Aircraft covered under these certificates are excepted from the airworthiness certificate endorsement required by section 4(b) of SFAR 41. Applications for certification under SFAR 41 must be on file before October 17, 1981. However, applications for certification under the additional standards contained in this amendment may be made at any time for aircraft already certificated to SFAR 41. Since the additional standards of this amendment reflect specific standards of FAR 25 which may change after this amendment, the standards cited are those in effect on October 17, 1979, the effective date of SFAR 41.

Request for Comments

Interested persons are invited to submit comments on only this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. This amendment may be changed in the light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

VS-81-482-R

Notice and Public Procedure

The FAA recognizes that although the objective of SFAR 41 was met to increase the utilization of certain FAR 23 aircraft in U.S. domestic commuter service, difficulties may be encountered with the operation of such aircraft in foreign countries to the extent that the FAA precludes these aircraft from meeting the standard of ICAO Annex 8. In view of this, the FAA has determined those standards that will permit the voluntary compliance by persons seeking to undertake international operations with airplanes certificated under SFAR 41. Since this action is necessary to avoid imposing an undue burden on the international operations of these airplanes and since the FAA had no intention to preclude voluntary compliance with ICAO Annex 8 when SFAR 41 was issued, I find that notice and public procedure are impractical and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days. Accordingly, this amendment is effective on December 8, 1980.

Adoption of Amendment

In consideration of the foregoing, SFAR 41 of the Federal Aviation Regulations (14 CFR SFAR 41) is amended effective December 8, 1980 as follows:

Special Federal Aviation Regulation No. 41

1. By amending section 4(b) by inserting the words "Except as provided in paragraph (c) of this section," at the beginning of current section 4(b), and by changing the first word "The" in current section 4(b) to the lower case.

2. By adding new section 4(c) to read as follows:

4. Restrictions

(c) An applicant is entitled to type certificate amendment or a supplemental type certificate that shows compliance with ICAO Annex 8 if the airplane meets SFAR 41 and the following requirements prescribed by the Administrator in effect on October 17, 1979:

- (1) At each weight, altitude, and temperature within the operational limits selected by the applicant—
 - (i) For approach climb performance, comply with §§ 25.121(d) and 25.1533(a)(2).
 - (ii) For takeoff performance, comply with §§ 25.105(d), 25.111, 25.113(a), and 25.115.
- (2) For gust loads design at rough air gust speed V_B , comply with §§ 25.335(d), 25.341(a)(1), and 25.351(b).
- (3) For smoke evacuation design, comply with § 25.831(d).
- (4) For engine rotation and restarting design, comply with §§ 25.903(c) and (e).
- (5) For engine cooling design, comply with § 25.1521(e).

(Sec. 313(a), 601, 603, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 2424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves an amendment which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 as implemented by Department of Transportation Policies and Regulatory Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on December 2, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-37619 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-13-M