

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 135

[Docket No. 28743; Amendment Nos. 43, 73]

RIN 2120-AG55

Commercial Passenger-Carrying Operations in Single-Engine Aircraft Under Instrument Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises and clarifies certain conditions and limitations in part 135 for instrument flight rule (IFR), passenger-carrying operations in single-engine aircraft. The clarification is necessary to resolve ambiguity in the current rule regarding the requirement for redundant power for gyroscopic instrumentation. The intended effect of the action is to remove any ambiguity concerning the required power sources for the gyroscopic instruments required for flight under IFR for single engine aircraft involved in commercial, passenger-carrying operations.

This action also advises the public of the information collection approval by the Office of Management and Budget (OMB), withdraws SFAR 81 because the SFAR could not be placed in effect with a readily apparent ambiguity, adds the OMB control number to part 11, and amends part 135.

DATES: These amendments are effective on May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Meier, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591; telephone: (202) 267-8166.

SUPPLEMENTARY INFORMATION:**Availability of This Action**

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service ((703) 321-3339), the **Federal Register's** electronic bulletin board service ((202) 512-1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service ((800) 322-2722 or (202) 267-5948). Internet users may reach the FAA's web page at <http://www.faa.gov/avr/arm/nprm/nprm.htm> or the **Federal Register's** web page at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Ave., SW, Washington, DC 20591, or by calling (202) 267-9677.

Persons interested in being placed on the mailing list for future rules should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

On August 6, 1997, the FAA amended the conditions and limitations in part 135 for instrument flight rule, passenger-carrying operations in single-engine aircraft (62 FR 42364). That rule has an effective date of May 4, 1998 (62 FR 45014). Included in the August 6, 1997 final rule was SFAR 81, with certain information collection requirements, which was written to allow operators, whose aircraft were properly equipped, authority to operate before the effective date of the final rule. The information collection requirements of SFAR 81 and the final rule were submitted to OMB and were approved under OMB control number 2120-0619.

Consideration of Comments

On February 4, 1998, the FAA proposed to revise and clarify part 135 for instrument flight rule (IFR), passenger-carrying operations in single-engine aircraft (62 FR 6826, February 10, 1998). Three substantive comments were received on that proposal: two from airplane manufacturers, and one from an air carrier that operates under part 135; one comment from a trade association offered general support for the proposal.

Comment: Cessna Aircraft Company and Atlantic Aero stated that they have the required redundancy in their Caravan model aircraft because of its unique split panel configuration which uses both electric and bleed air sources to power its gyroscopic instruments. However, this configuration does not provide redundant sources of power on each instrument. Although Cessna and Atlantic Aero recognize that a separate electrically driven air pump may have to be added behind the current bleed air driven gyro now installed on the aircraft to comply with this rule, they both suggest that the installation of an additional, electrically powered attitude instrument should be permitted to meet the redundancy requirements.

FAA Response: Cessna states that they can comply with the proposed rule by installing an "electrically driven back up vacuum pump behind the bleed air

driven attitude gyro now installed on the aircraft. This will provide two sources of energy for both the gyros on the Captain's Instrument Panel." The FAA agrees that this would meet the requirements for redundancy, as stated in the proposal.

Regarding the installation of an additional, unrequired gyroscopic instruments for IFR, the FAA agrees that such additional instruments do not need redundant sources. Therefore, the FAA is amending the regulatory language by adding the word "required" after "all" to clarify that only *required* gyroscopic instruments must have redundant sources of power.

However, as to Cessna's specific suggestion that the installation of an additional, electrically-powered attitude indicator should meet the redundancy requirements for the bleed air driven gyroscopic instruments, the FAA does not agree. The FAA recognizes that the Cessna Caravan will comprise a large portion of the fleet that will benefit from the SEIFR rule. However, the FAA is promulgating a rule of general applicability, and it believes that there will be other operators of various types and models of aircraft (other than the Caravan) who will seek to modify their aircraft to gain the benefits of operating under the SEIFR rule. To amend this proposal to meet only the desires of Cessna Caravan operators may establish an economic disadvantage for some other operators, and would, in fact, require another notice and comment period.

Further, the additional attitude indicator that both Cessna and Atlantic Aero suggest is outside the basic "T" configuration of the primary flight instruments. The FAA considers the basic "T" configuration very important when manually flying the aircraft under IMC conditions, and is concerned about human factor problems associated with the placement of this additional attitude indicator. The FAA has therefore determined that safety requires that the primary flight instruments, powered by redundant energy sources, be positioned in the basic "T" configuration directly in front of the pilot flying the aircraft.

Cessna agrees that it can comply with the proposal, although the installation of the additional electrically driven vacuum pump is not its first preference for compliance. Therefore, in regard to this issue, the FAA will adopt the rule as proposed.

Comment: The Societe de Construction d'Avions de Touris (SOCATA), a European airplane manufacturer, states that the FAA should not be specific in citing the types of redundant power sources for the

gyroscopic instruments. Instead, SOCATA suggests establishing the "safety objective" of redundant sources of power and leaving it to the applicant to justify their option and means.

FAA Response: In reviewing SOCATA's comment, the FAA agrees that establishing a "safety objective" is flexible and beneficial to the regulated community. The FAA attempts to promulgate "performance based" regulations whenever possible. The FAA notes that § 135.163 is, in part, a performance based requirement. Section 135.163 requires "two independent sources of energy," one source of which must be an engine-driven pump or generator. The other source, however, is not specified, so as to allow the aircraft operator to choose the appropriate equipment. Also, the FAA used the term "source of energy" to allow for future technological developments, which may provide energy from sources other than those currently used on aircraft.

Regulatory Analyses

The FAA is amending Part 135 because some commenters to the final rule on Commercial Passenger-Carrying Operations in Single-Engine Aircraft under Instrument Flight Rules had questions on the redundant sources of power to the gyroscopic flight instruments. This change will alleviate any ambiguity and clarify the regulatory requirements. Therefore, the FAA has determined that this regulation imposes no additional burden on any entity. Accordingly, it has been determined that the action (1) is not significant under Executive Order 12866 and (2) is not a significant rule under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Also, because this amendment is editorial in nature, no impact is expected to result, and a full regulatory evaluation is not required. In addition, the FAA certifies that this amendment will not have a significant economic impact, either positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

International Trade Impact

The amendment does not impose any costs on either U.S. or foreign operators. Therefore, a competitive trade disadvantage will not be incurred by either U.S. operators abroad or foreign operators in the United States.

Unfunded Mandates Act

This amendment does not contain any Federal intergovernmental or private sector mandates. Therefore, the requirements of Title II of the Unfunded

Mandates Reform Act of 1995 do not apply.

Paperwork Reduction Act and Information Collection Requirements

This amendment contains no additional information collection requests requiring approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

This collection of information cited in 14 CFR 135.163, 135.411, and 135.421 is required to obtain the benefits of operating under these rules, and will be used by (1) the operator to ensure that all maintenance is performed and (2) the FAA principal maintenance inspector (PMI) to monitor the continued airworthiness of the aircraft used in passenger-carrying operations.

Public reporting burden is estimated to average 0.8 hours per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Recordkeepers and respondents have been given no assurance of confidentiality, nor is any needed. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 2120-0619.

List of Subjects

14 CFR Part 11

Administrative practices and procedure, Reporting and recordkeeping requirements.

14 CFR Part 135

Air taxis, Aircraft, Aviation safety, Safety, Single-engine aircraft.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 11 and 135 of Title 14 of the Code of Federal Regulations as follows:

PART 11—GENERAL RULEMAKING PROCEDURES

1. The authority citation for part 11 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, 46102.

2. Section 11.101 is amended by adding new section numbers in numerical order and the OMB Control Number to the table in paragraph (b) as follows:

§ 11.101 OMB Control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) Display.

14 CFR part or section identified and described	Current OMB Control No.
* * *	* *
§ 135.163	2120-0619
* * *	* *
§ 135.411	2120-0619
* * *	* *
§ 135.421	2120-0619
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3. For the reasons set out in the preamble, 14 CFR part 135 is amended as set forth below:

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

4. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

SFAR 81—Passenger-Carrying Single-Engine IFR Operations

5. SFAR 81 is removed on May 4, 1998.

6. Section 135.163 is amended by revising paragraph (h) to read as follows:

§ 135.163 Equipment requirements: Aircraft carrying passengers under IFR.

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(h) Two independent sources of energy (with means of selecting either) of which at least one is an engine-driven pump or generator, each of which is able to drive all required gyroscopic instruments powered by, or to be powered by, that particular source and installed so that failure of one instrument or source, does not interfere with the energy supply to the remaining instruments or the other energy source unless, for single-engine aircraft in all cargo operations only, the rate of turn indicator has a source of energy separate from the bank and pitch and direction indicators. For the purpose of this paragraph, for multi-engine aircraft, each engine-driven source of energy must be on a different engine.

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Issued in Washington, DC on May 4, 1998.

Jane F. Garvey,
Administrator.

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