

FAR A 91-214

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 25304; Amndt. No. 91-214]

RIN 2120-AC35

Terminal Control Area (TCA)
Classification and TCA Pilot and
Navigational Equipment RequirementsAGENCY: Federal Aviation
Administration (FAA), DOT.ACTION: Final rule; delay of effective
date.

SUMMARY: On October 6, 1988, the FAA issued Amendment Nos. 61-80, 71-11, and 91-205, Terminal Control Area (TCA) Classification and TCA Pilot and Navigational Equipment Requirements. These amendments require, in part, all aircraft operating in a TCA to be equipped with very high frequency omnidirectional range (VOR) or tactical air navigation (TACAN) equipment. By separate action, the FAA proposed, in part, to eliminate the navigational equipment requirements associated with aircraft operations in a TCA. Specifically, the notice proposed to eliminate the navigational equipment requirement for any aircraft conducting operations in a TCA under visual flight rules (VFR). This action, which delays the current effective date of the previous equipment requirement exclusion applicable to helicopters from January 1, 1990, to October 1, 1990, will allow affected operators to delay the purchase of equipment should that proposal be adopted and will provide the FAA with the necessary time to consider comments and reach a decision regarding the proposal in Notice No. 89-17.

EFFECTIVE DATE: This amendment is effective December 29, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. A. Wayne Pierce, Air Traffic Rules Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783. Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591; or by calling (202) 267-3484. Communications must identify the amendment number of the document.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 1988, the FAA issued Amendment Nos. 61-80, 71-11, and 91-205 requiring all aircraft operating in a TCA to be equipped with VOR or TACAN equipment, eliminating the previous equipment requirement exclusion applicable to helicopters effective July 1, 1989 (Docket No. 25304; Terminal Control Area (TCA) Classification and TCA Pilot and Navigational Equipment Requirements; Amendments Nos. 61-80, 71-11, 91-205, 53 FR 40318).

Since that time, the FAA has received requests for exceptions to the helicopter equipment requirement, along with petitions from various organizations to allow the use of certain area navigational equipment within a TCA. Specifically, the Experimental Aircraft Association (EAA), in a letter dated January 5, 1989, advised the FAA that it had conducted an investigation concerning the TCA navigation equipment requirement. The EAA concluded that LORAN-C produces more satisfactory results for many users and is much more useful for helicopter operations than VOR equipment. The National Association of State Aviation Officials, in a letter of January 14, 1989, stated that many new generation helicopters are operating with LORAN-C as a primary navigation system and that LORAN-C equipment provides better position information than VOR equipment.

On April 3, 1989, the Helicopter Association International (HAI) petitioned the FAA for an exception to the navigational equipment requirement for helicopters conducting operations under VFR and special VFR in a TCA. On June 6, 1989, pending a final disposition of the HAI petition, and in contemplation of a related rulemaking proposal, the FAA amended the TCA Classification and TCA Pilot and Navigational Equipment Requirements final rule to delay the effective date of the equipment requirement applicable to helicopters until January 1, 1990 (Terminal Control Area (TCA) Classification and TCA Pilot and Navigational Equipment Requirements; Docket No. 25303; Amndt. No. 91-209; 54 FR 24882).

In response to the HAI petition and after review of the need for the navigational equipment requirement, the FAA, on June 26, 1989, proposed to eliminate the navigation equipment requirement for aircraft conducting operations under VFR in a TCA (Navigational Equipment Requirement in a Terminal Control Area (TCA), Visual Flight Rules, (VFR) Operations; Docket

No. 25943; Notice No. 89-17; 54 FR 26782). While the comment period on Notice No. 89-17 closed on July 26, 1989, the FAA has not yet reached a decision on the proposal. Furthermore a decision will not be reached until after January 1, 1990, the current date on which the equipment requirement applicable to helicopters becomes effective.

Accordingly, the FAA has determined that a further delay in the effective date of the navigational equipment requirement applicable to helicopters is necessary to avoid a needless expenditure by affected operators for equipment that may not be required depending on the outcome of proceedings associated with Notice No. 89-17. Therefore, the FAA is amending the TCA Classification and TCA Pilot and Navigational Equipment Requirements final rule by delaying the effective date of the navigational equipment requirement applicable to helicopter operations in a TCA from January 1, 1990, to October 1, 1990.

Federalism Determination

The requirements proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, the FAA has determined that this action is not a "major rule" under Executive Order 12291. However, it is a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A full regulatory evaluation was prepared for the final rule [Amendment No. 91-205; 53 FR 40318] that established the navigational equipment requirements in a TCA and placed in Docket No. 25304. This action to delay the effective date of one part of that rule does not have any significant effect on the information and conclusions contained in that evaluation. Accordingly, the existing regulatory evaluation remains valid and no further evaluation is required. Also, for the reasons contained in the regulatory evaluation in the docket, I certify that this action will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 91

Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 91 of the Federal Aviation Regulations (14 CFR part 91) as follows:

PART 91—[AMENDED]

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 91.90 [Amended]

2. Section 91.90(c)(1) is amended by replacing the words "January 1, 1990," with the words "October 1, 1990."

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Issued in Washington, DC on December 29, 1989.

James B. Busey,
Administrator.

[FR Doc. 89-30399 Filed 12-29-89; 3:05 pm]

BILLING CODE 4910-13-M