

11-213

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 91**

[Docket No. 24722; Amdt. 91-213]

RIN 2120-AB04

Night-Visual Flight Rules Visibility and Distance From Clouds Minimums

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; amendment.

SUMMARY: On September 29, 1989, the FAA issued a final rule establishing standard visibility and cloud clearance minimums for night-visual flight rules (VFR) operations. This final rule amends § 91.105 (§ 91.155) to add paragraphs which were inadvertently omitted in that final rule. This rulemaking action is necessary to facilitate implementation of the final rule issued on September 29, 1989. This final rule will clarify regulatory requirements.

EFFECTIVE DATE: Section 91.105 is effective July 19, 1990. Section 91.155 is effective August 18, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. William Davis, Air Traffic Rules Branch, ATP-230, Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:**Availability of Final Rule**

Any person may obtain a copy of this final rule 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. Requests must include the amendment number identified in this final rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

When Amendment No. 91-213 (Docket No. 24722) was published in the Federal

Register on September 29, 1989, certain text, consisting of three paragraphs of the existing rule, was inadvertently omitted. In order to restore the text to its intended form, it is necessary to correct this error.

This final rule amends § 91.105 (§ 91.155 effective August 18, 1990) by adding paragraphs (c), (d), and (e) which were inadvertently omitted from the text published on September 29, 1989. This amendment does not alter the substantive provisions of § 91.105, but simply continues in effect the basic provisions of that section in effect prior to September 29, 1989.

Need for Immediate Adoption

Since this amendment only corrects a publication error and does not substantively amend agency regulations, this action is a minor technical amendment in which the public would not be particularly interested. Accordingly, I find that notice and public comment procedures are unnecessary. I further find that good cause exists for making the amendment effective in less than 30 days to eliminate ambiguity in published agency regulations as soon as possible.

List of Subjects in Part 91

Aviation safety, Air traffic control, Flight visibility, Traffic pattern, Visual flight rules.

The Amendment

For the reasons set forth above, part 91 of the Federal Aviation Regulations (14 CFR part 91) is amended as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

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 (as amended by Pub. L. 100-223), 1422 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 (51 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).

The following amendments are made to part 91 in effect as of the effective date of this amendment:

2. Section 91.105 is amended by adding paragraphs (c), (d) and (e) to read as follows:

§ 91.105 Basic VFR weather minimums.

* * * * *

(c) Except as provided in § 91.107, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

(d) Except as provided in § 91.107, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone—

(1) Unless ground visibility at that airport is at least 3 statute miles; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or takeoff, or while operating in the traffic pattern, is at least 3 statute miles.

(e) For the purposes of this section, an aircraft operating at the base altitude of a transition area or control area is considered to be within the airspace directly below that area.

The following amendment is made to part 91 in effect as of August 18, 1990:

3. Section 91.155 is amended by revising paragraphs (c), (d) and (e) to read as follows:

§ 91.155 Basic VFR weather minimums.

* * * * *

(c) Except as provided in § 91.157, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

(d) Except as provided in § 91.157, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone—

(1) Unless ground visibility at that airport is at least 3 statute miles; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or takeoff, or while operating in the traffic pattern, is at least 3 statute miles.

(e) For the purposes of this section, an aircraft operating at the base altitude of a transition area or control area is considered to be within the airspace directly below that area.

Issued in Washington, DC on July 13, 1990.

James B. Busey,

Administrator.

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