

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C. 20591

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In the matter of the petition of *
*
PITTS AEROBATICS *
*
for an exemption from § 23.1325(b)(3) *
of the Federal Aviation Regulations *
*

Regulatory Docket No. 22705

DENIAL OF EXEMPTION

By letter dated February 12, 1982, Mr. E. H. Anderson, Jr., P. O. Box 547, Afton, Wyoming 83110, petitioned on behalf of Pitts Aerobatics for an exemption from § 23.1325(b)(3) of the Federal Aviation Regulations (FAR) to permit type certification of Model S-1S, S-1T, S-2, S-2A, and S-2S airplanes with a static pressure system that does not meet requirements of the FARs.

Section(s) of the FAR affected:

Section 23.1325(b)(3), which provides, in pertinent part, that any static pressure system needed for the function of a required instrument be designed or located such that correlation between airplane static system pressure and true ambient atmospheric static pressure is not altered when the airplane enters icing conditions. Compliance can be shown by anti-icing means or an alternate static air source.

The petitioner's supportive information is as follows:

These airplanes are approved and type certificated for day Visual Flight Rule (VFR) operations only, with flight into known icing conditions prohibited.

These airplanes are used exclusively for aerobatics rather than cross-country flight and their limited fuel capacity discourages flight when weather conditions are marginal.

For these reasons, the alternate static air source installation is superfluous and increases the airplane's cost without adding to its operational safety.

Granting of the exemption would be in the public interest because it would reduce airplane cost and complexity without compromising safety.

A summary of this petition was published in the Federal Register (47 FR 16244) on April 15, 1982, and no comments were received.

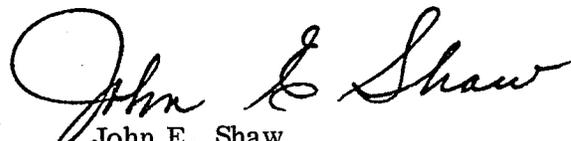
The FAA has carefully reviewed the information contained in the petitioner's request for exemption.

It is well known that freezing rain can occur when visibilities and ceilings are greater than the minimums prescribed for flight under VFR. The FAA established static pressure system ice protection requirements as part of an overall program to increase safety and improve airspace utilization by revising design requirements dealing with airplane altimeter systems. (Amendment 23-1 to Part 23 of the FARs, effective June 29, 1965.) During the rulemaking process, one commenter recommended that low-performance airplanes operating in VFR conditions be exempt from the requirements. The FAA, in resolving the issue, justified the rule because static vent icing can occur during VFR as well as Instrument Flight Rule conditions with hazardous consequences. The precedence for this decision was established in a previous rulemaking action which set forth ice protection requirements for air taxi and commercial operators for operating under VFR in light and moderate icing conditions. (These requirements included protection for instruments using a static air source.)

The FAA does not concur with Pitts Aerobatics' contentions that the alternate air source installation is unnecessary or that it is unduly costly and complex. The Pitts airplane, as any other normal or acrobatic category airplane, is capable of being subjected to flight in VFR icing conditions. Pitts has previously complied with the requirements of § 23.1325(b)(3), in other models.

In consideration of the foregoing, I find that a grant of exemption is not in the public interest. Therefore, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, the petition of Pitts Aerobatics for an exemption from § 23.1325(b)(3) of the Federal Aviation Regulations is hereby denied.

Issued in Kansas City, MO on November 5, 1982.


John E. Shaw
Acting Director