

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Admin- istration, Department of Transpor- tation

[Docket No. 7025; Amdts. Nos. 61-53, 91-98]

#### PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

##### Category II Operations With Small Airplanes

These amendments provide for the issuance by the Administrator of individual authorizations to permit a pilot to conduct Category II operations in small airplanes identified as Category A airplanes under § 97.3(b)(1), if passengers or property are not carried for compensation or hire.

These amendments are issued in response to a petition for rule making submitted by the Aircraft Owners and Pilots Association (AOPA), and serve as a disposition of that petition as well. The petition requests the adoption of rules amending current Category II requirements to allow Category II operations with small Category A Airplanes with one pilot rather than two as currently required, without the required special equipment and maintenance, and also to allow Category II operations with small Category A aircraft on Category I ILS approaches to Category I runways.

In support of its petition, AOPA cites an extensive series of tests it conducted over a period of 2½ years, during which time AOPA's pilot representative made more than 100 simulated approaches to a decision height of 100 feet in a small twin-engine airplane. In addition, five approaches (pursuant to a waiver from the weather minimums of §§ 91.116 and 91.117) were made in conditions below Category I minimums.

As defined in Part 1 of the Federal Aviation Regulations, a Category II operation is a straight-in ILS approach to a runway of an airport under an ILS instrument approach procedure that includes lower than standard visibility

minimums (down to 1,200 RVR from 2,400) and lower than standard decision heights (down to 100 feet from 200 feet). For the purpose of this amendment, standard minimums and operations are designated as Category I.

In order to gain additional information pertinent to the matter concerned herein, the FAA conducted a program of demonstrations in August 1969, using both single and multiengine airplanes and using pilots of varying experience, including AOPA member pilots. These demonstrations tended to support AOPA's findings with respect to the use of slower, smaller, and more maneuverable airplanes in Category II operations. However, with regard to approaches under Category I systems, the demonstrations indicated that each airport must be individually evaluated in terms of ILS accuracy below current decision height minimums, and missed approach obstacle clearance surfaces at the lower decision heights.

Therefore, the FAA has determined that a general rule-making scheme as requested by AOPA is not appropriate at this time. However, the FAA does believe that the issuance of individual authorizations to permit Category II operations in small Category A aircraft is both consonant with safety and practicable. For several years the FAA, pursuant to authority currently contained in § 91.63, has issued waivers authorizing deviations in certain instances from the Category I requirements of §§ 91.116 and 91.117. Based upon the experience gained in this area, the FAA is confident that safety will not be impaired by adopting similar deviation authority in connection with certain Category II operations, inasmuch as Category II airports have more approach facilities and aids than Category I airports. Furthermore, this procedure will give the FAA an opportunity, under actual operating conditions, to compile and evaluate data for the purpose of determining the feasibility of adopting a general rule making approach as AOPA proposes. Therefore, the agency is amending Parts 61 and 91 to permit FAA personnel under the jurisdiction of the FAA regional offices to issue individual authorizations for Category II operations conducted in small airplanes identified as Category A aircraft in § 97.3(b)(1). However, the FAA

does not believe that this authority should include the carriage of persons or property for compensation or hire and such a restriction is stated in the rules adopted herein.

Since these amendments delegate authority to issue individual authorizations and impose no additional burden upon any person, I find that public notice and procedure thereon are unnecessary.

In consideration of the foregoing, Parts 61 and 91 of the Federal Aviation Regulations are amended, effective May 9, 1971, as follows:

1. By adding a new paragraph (h) to § 61.3 to read as follows:

§ 61.3 Certificates and ratings required.

(h) The Administrator may issue a certificate of authorization to the pilot of a small airplane identified as a Category A aircraft in § 97.3 of this chapter to use that airplane in a Category II operation, if he finds that the proposed operation can be safely conducted under the terms of the certificate. Such authorization does not permit operation of the aircraft carrying persons or property for compensation or hire.

2. By adding a new section to follow immediately after § 91.1 to read as follows:

§ 91.2 Certificate of authorization for certain Category II operations.

The Administrator may issue a certificate of authorization authorizing deviations from the requirements of §§ 91.6, 91.33(f), and 91.34 for the operation of small airplanes identified as Category A aircraft in § 97.3 of this chapter in Category II operations, if he finds that the proposed operation can be safely conducted under the terms of the certificate. Such authorization does not permit operation of the aircraft carrying persons or property for compensation or hire.

(Secs. 313(a) and 601, Federal Aviation Act of 1958, 49 U.S.C. 1354(a) and 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 2, 1971.

J. H. SHAFFER,  
Administrator.

[FR Doc. 71-3314 Filed 3-9-71; 8:47 am]

1691c

(As published in the Federal Register [36 F.R. 47] on March 10, 1971