

[Reg. Docket No. 6092; Amdt. 91-5]

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

**Aircraft Speed**

The purpose of this amendment is to restate the circumstances under which pilots may exceed the maximum speeds set forth in § 91.85(c) [New] of the Federal Aviation Regulations.

Section 91.85(c) [New] prescribes maximum speeds for arriving aircraft operated below 10,000 feet MSL within thirty nautical miles of an airport of intended landing, and for aircraft operated within an airport traffic area. However, it permits operation in excess of these maximum speeds, if the minimum airspeed required by the operating limitations of an aircraft or by military normal operating procedures is greater than the speeds prescribed by the regulation.

Apparently, little difficulty has arisen with respect to the intent of the language allowing military pilots to exceed the maximum speeds in FAR 91.85(c) [New]. However, a question has arisen over the intent of the exception that applies to nonmilitary operations. In particular, it has been pointed out that it is unclear whether a pilot exceeding the maximum prescribed speed to the extent necessary to maintain the airplane manufacturer's recommended turbulence penetration speed would be in violation of FAR 91.85(c) [New]. The difficulty here stems from the fact that these recommended penetration speeds are not categorized as "operating limitations" in airplane flight manuals prepared by the manufacturer.

The need for a provision in FAR 91.85(c) [New] permitting pilots to exceed the speed limit whenever it is essential to the safe operation of an aircraft is an obvious one, and the exception to the speed limit in the present rule was adopted in recognition of this need. It is apparent, however, that when applied to the problem of turbulence penetration, the wording of FAR 91.85(c) [New] is susceptible to an interpretation that is not only contrary to the intent of the rule, but a possible source of danger. Accordingly, the language of FAR 91.85(c) [New] is altered herein to indicate that a nonmilitary pilot may exceed the maximum speeds specified therein if the minimum speed required or recommended in the airplane flight manual to maintain safe maneuverability is greater

than the maximum speeds prescribed in the rule.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure thereon would not be necessary in the public interest. Therefore, it may be made effective immediately.

In consideration of the foregoing, the last sentence of § 91.85(c) [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective upon publication in the FEDERAL REGISTER, to read as follows: "However, if the minimum airspeed required or recommended in the airplane flight manual to maintain safe maneuverability or required by military normal operating procedures is greater than the maximum speed prescribed in this paragraph, the aircraft may be operated at that minimum airspeed."

(Sec. 307 of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

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HAROLD W. GRANT,  
Acting Administrator.

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