

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10905; Amdt. No. 127-24]

### PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

#### Clarification of Proving Test Requirements

The purpose of this amendment of § 127.73 of the Federal Aviation Regulations is to clarify the requirement that proving tests be performed under the observation of the Administrator.

Section 127.73 now states that in addition to aircraft certification tests, an aircraft must have a set minimum number of proving test hours under the observation of the Administrator before an air carrier may operate the aircraft. The present wording of this section, read in light of the preamble to Amendment 127-8 (issued on July 12, 1968, and published in the FEDERAL REGISTER on July 19, 1968 (33 F.R. 10329)), indicates that an FAA inspector must be on board the aircraft before the flight hours can be credited toward the proving test requirement.

However, prior to Amendment 127-8, the FAA did not actually observe every flight. In the usual proving test procedure, an operator proposing to conduct a proving test submits a program detailing the tests and procedures to be demonstrated. The inspector then reviews the program for compliance with appropriate

requirements and meets with the operator's personnel to discuss establishment of a proving test program.

The nature of the factors to be evaluated govern the demonstrations comprising each program. In the case of a helicopter not before proven, the tests are primarily required to demonstrate helicopter reliability, while in the case of a helicopter having substantial air carrier service, but new to the operator concerned, the proving tests are essentially a demonstration of the operator's competence to handle the helicopter. In either event, the tests are conducted in accordance with a program submitted by the air carrier and acceptable to the Administrator. Under this procedure an FAA inspector determines which tests require his presence on board the helicopter as an observer in order for them to be acceptable to the Administrator, as well as those tests which are acceptable without being observed by the FAA.

Therefore, § 127.73 is being amended to delete the requirement that all proving flights must be observed by the Administrator, thereby making it possible for the FAA to administer the rule in a manner consistent with established procedures. To accomplish this, the words "acceptable to the Administrator" have been substituted for the words "under the Administrator's observation" in all places where they appear in the rule.

Amendment 127-8 inadvertently omitted the word "unnecessary" after the word "compliance" in § 127.73(b)(2). This amendment corrects that omission.

Since this amendment is clarifying in nature and does not impose a burden on the public, I find that notice and public procedure thereon are unnecessary and

that the amendment may become effective on less than 30 days notice.

In consideration of the foregoing, § 127.73 of the Federal Aviation Regulations is amended, effective March 13, 1971, as follows:

1. By striking out the words "under the Administrator's observation" in paragraph (a) and inserting the words "acceptable to the Administrator" in place thereof.

2. By striking out the words "as determined by the Administrator" in paragraph (a).

3. By amending subparagraphs (b)(1) and (2) to read as follows:

#### § 127.73 Proving tests.

\* \* \* \* \*

(b) \* \* \*

(1) The aircraft has had at least 50 hours of tests acceptable to the Administrator, including a representative number flights into en route heliports; or

(2) The Administrator specifically authorizes deviations when special circumstances make full compliance unnecessary in a particular case.

\* \* \* \* \*

(Sec. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 5, 1971.

J. H. SHAFFER,  
Administrator.

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(As published in the Federal Register [36 F.R. 4863] on March 13, 1971)