

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10315; Amdt. 91-124]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Emergency Locator Transmitters

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to adopt the statutory exemptions contained in section 601(d)(2) of the Federal Aviation Act of 1958 as amended by Public Law 93-239 (January 2, 1974) and to incorporate these exemption provisions into § 91.52(f) of the regulations. The statutory exemptions are adopted verbatim and permit certain fixed-wing, powered civil aircraft to operate without an Emergency Locator Transmitter (ELT).

The amendment to § 91.52(f)(1) deletes the word "engine" from the current regulation and substitutes the word "aircraft" for "airplane." However, since the Act makes the ELT requirement applicable to only fixed-wing, powered aircraft, the new language creates no substantive change in the exemption. Similarly, the amendment to § 91.51(f)(2) incorporates new language which clarifies the intent of the current exemption without substantively altering its scope. The amendment to § 91.52(f)(3) extends the geographical limit in the current exemption by permitting aircraft to be operated in training flights, without carrying an ELT, within a radius of 50 miles of the airport from which the local flight operation began.

The amended § 601(d) of the Act also adds several entirely new ELT exemptions. These exemptions are set forth in new § 91.52(f)(4), (5), (7), (8), and (9), and permit aircraft to be used in certain types of flight operations without carrying an ELT.

New § 91.52(f)(6) is similar to current § 91.52(f)(4); however, since the new section expressly exempts aircraft from the ELT requirement while engaged in flights which are incident to the aerial application of chemicals and other substances for agricultural purposes, the exemption will apply during necessary flights to and from the location of the operation. It will be noted that the applicability of exemption 91.52(f)(6) is governed by the flight operation in which the aircraft is engaged and not by the fact that it may be certificated or equipped for aerial application. For ex-

ample, this exemption does not apply to "agricultural aircraft" certificated in the normal category and fitted with readily detachable spraying equipment while such aircraft are engaged in flight operations that are not incident to the aerial application of chemicals and other substances for agricultural purposes.

Since this amendment is necessary to make the Federal Aviation Regulations conform to section 601(d)(2) of the Federal Aviation Act of 1958 and imposes no additional burden on any person, I find that public notice and procedure hereon is unnecessary, and that good cause exists for making this amendment effective on less than 30 days' notice.

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

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective July 10, 1974, by deleting subparagraphs (1) through (4) of § 91.52(f) and by adding new subparagraphs (f)(1) through (9), to read as follows:

§ 91.52 Emergency locator transmitters.

(f) * * *

- (1) Turbojet-powered aircraft;
- (2) Aircraft while engaged in scheduled flights by scheduled air carriers certificated by the Civil Aeronautics Board;
- (3) Aircraft while engaged in training operations conducted entirely within a 50-mile radius of the airport from which such local flight operations began;
- (4) Aircraft while engaged in flight operations incident to design and testing;
- (5) New aircraft while engaged in flight operations incident to their manufacture, preparation, and delivery;
- (6) Aircraft while engaged in flight operations incident to the aerial application of chemicals and other substances for agricultural purposes;
- (7) Aircraft certificated by the Administrator for research and development purposes;
- (8) Aircraft while used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and
- (9) Aircraft equipped to carry not more than one person.

Issued in Washington, D.C., on July 2, 1974.

JAMES E. Dow,
Acting Administrator.

(As published in the Federal Register
/39 F.R. 25315/ on July 10, 1974)