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Part V

Department of Transportation

Federal Aviation Administration

14 CFR Parts 11 and 91
Termination of Suspension of
Amendment 91-157; Minimum Equipment
Lists (MEL); Final Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 11 and 91**

[Docket No. 14607; Amdt. Nos. 11-26 and 91-192]

Termination of Suspension of Amendment 91-157; Minimum Equipment Lists (MEL)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Termination of suspension of Amendment 91-157; Request for comments.

SUMMARY: This amendment terminates the suspension of Amendment 91-157, published in the *Federal Register* on July 26, 1979 [44 FR 43714]. As adopted, Amendment 91-157 permits general aviation operators of multiengine aircraft to obtain approval to operate their multiengine aircraft under certain conditions with certain instruments and equipment inoperable.

DATES: Effective Date: March 13, 1986.

Comments must be received on or before February 11, 1986.

ADDRESSES: Send comments on the rule in duplicate to Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 14607, 800 Independence Avenue SW., Washington, DC 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, DC. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: John Lynch or Tom Stuckey, Project Development Branch, (AFS-850), General Aviation and Commercial Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 426-8150.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to comment on this final rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket, AGC-204, Docket No. 14607, 800 Independence Avenue SW., Washington, DC 20591. All comments submitted will be available in the Rules

Docket for examination by interested persons. This amendment may be changed in light of comments received.

Commenters wishing the FAA to acknowledge receipt of their comments received in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 14607." The postcard will be date and time stamped and returned to the commenter.

Background

On July 18, 1979 (44 FR 43714; July 26, 1979), the Federal Aviation Administration (FAA) issued Amendment 91-157, which added a new § 91.30 to Part 91 of the Federal Aviation Regulations (FAR) to permit the operation of multiengine aircraft with certain inoperable instruments or equipment using the provisions of an FAA-approved minimum equipment list (MEL). Amendment 91-157 was to become effective on November 1, 1979. On October 26, 1979 (44 FR 62884; November 1, 1979), the FAA suspended the effective date of Amendment 91-157 in response to a petition from the National Business Aircraft Association (NBAA). The NBAA petition noted that master minimum equipment lists (MMEL's) were not yet available as a necessary basis for operators' MEL's and requested a delay of the effective date of Amendment 91-157 to enable the FAA to provide for timely development of adequate MMEL's and to make certain clarifying and necessary changes in the rule to correct deficiencies that the petitioner believed would confuse the public.

On September 16, 1981, the FAA issued Notice of Proposed Rulemaking (NPRM) No. 81-14 (46 FR 52278; October 26, 1981), which proposed, in part, to terminate the suspension of effectivity of § 91.30 by revising § 91.30(a) to extend its applicability to both single- and multiengine aircraft. This amendment does not adopt § 91.30 as proposed in MPRM 81-14 since its proposed applicability to single-engine aircraft is currently the focus of continued study by the FAA.

Since November 1979, approximately 70 MMEL's have been developed for small multiengine aircraft. The recent availability of such MMEL's has encouraged general aviation multiengine aircraft operators to develop workable MEL programs. However, with the effectivity of § 91.30 suspended, Part 91 multiengine aircraft operators have been unable to benefit from the MMEL's and MEL's recently developed. As a result, Part 91 operators have applied to the

FAA in increasing numbers for exemptions from the FAR to the extent necessary to permit them to operate their multiengine aircraft using an FAA-approved MEL. In response, the FAA has issued over 200 exemptions to permit Part 91 operators to conduct operations using an MEL, and numerous petitions for similar relief are pending at this time. Based on the satisfactory experience obtained with the exemptions that have been granted to date, the FAA has concluded that the MEL concept can be conducted under FAR Part 91 in large or complex multiengine aircraft and in small multiengine aircraft without adversely affecting aviation safety.

If an FAA-approved MMEL has been developed for a particular aircraft, the MMEL may be used as the primary document from which the operator may develop an MEL for a specific model. To facilitate the use of the MEL, each operator must carry a current approved copy of the MEL aboard the aircraft. This will enable the pilot to determine if the aircraft meets regulatory requirements with instruments or equipment temporarily inoperative and will provide the appropriate procedures and limitations that must be followed to ensure the safe operation of the aircraft until the instruments or equipment can be repaired.

The FAA realizes that termination of the suspension of Amendment 91-157 does not extend the applicability of § 91.30 to operations of single-engine aircraft under Part 91 but cannot reasonably continue the suspension of § 91.30 considering the recent development and availability of MMEL's and MEL's for numerous multiengine aircraft.

There are identifiable benefits associated with the use of MEL's for multiengine aircraft operated under Part 91. Many aircraft have installed equipment that is not essential for safe operations under all operating conditions. Much of this equipment is required for certain kinds of operations such as night, instrument flight rules (IFR), or in icing conditions. Other equipment such as weather radar, inertial navigation systems, entertainment systems, and galley equipment may be installed in the aircraft for the operator's or passenger's convenience. If some temporary deviation from the type-certificated configuration and equipment required by the operating rules were not permitted, the aircraft could not be flown unless all such equipment was operable. Experience has proven that the operation of every system or

component installed on the aircraft is not always necessary when the remaining operative instruments and equipment provide for continued safe operations for a brief period of time until the system or component can be repaired.

In complying with the applicable airworthiness requirements of Parts 21 and 91 of the FAR, operators subject to the operating rules of Part 91 have sometimes been burdened with delays and increased costs attributable to the need to expeditiously repair or replace inoperable instruments or equipment which, under the circumstances existing at the time, were not needed in the interest of safety. To alleviate the burden placed on multiengine aircraft Part 91 operators because of the lack of authority to use MEL's and the large number of exemption requests being processed concerning use of MEL's by Part 91 operators, the FAA has determined that the suspension of effectivity of § 91.30 should be terminated without further delay.

Good Cause Justification for Making This Rule Effective Without Further Public Comment

Because Amendment 91-157 was adopted after full public participation as required by the Administrative Procedure Act, and because this action reinstates its effectivity with no substantive change, the FAA has determined that this action is appropriate without further delay. The underlying rationale for the rule and the issues involved are the same. Those issues were addressed at the time Amendment 91-157 was adopted. The practical impediment to application of the rule cited as the reason for its suspension (absence of MMEL's) has been removed. Because of this and since no additional burden is being placed on any person, additional notice and public procedures are impracticable and unnecessary.

Paperwork Reduction Act

Information collection requirements in this regulation (§ 91.30) have been

approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0522.

Conclusion

This amendment reinstates previously adopted Amendment 91-157 and therefore permits operators of multiengine aircraft who elect to develop and obtain FAA-approved MEL's to operate their aircraft with certain instruments and equipment temporarily inoperable. This amendment merely reinstates the effectivity of an amendment adopted in 1979. Since that time, circumstances have heightened the need for this amendment's effectivity consistent with the economic costs and benefits discussed in the Regulatory Evaluation prepared for Amendment 91-157. As indicated in that Regulatory Evaluation, there are operational costs of the status quo to Part 91 operators which are unnecessary, and the adverse economic costs of this amendment are minimal or nonexistent. Accordingly, it has been determined that this document does not involve a rule change that is major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Although numerous small operators may be impacted by this amendment, the impact, if any, will be minimal since the costs of operating pursuant to § 91.30 do not exceed the FAA's threshold cost for "significant economic impact." For the reasons stated above, under the criteria of the Regulatory Flexibility Act, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects

14 CFR Part 11

Aircraft, Airmen, Aviation safety, General aviation, Safety

14 CFR Part 91

Aviation safety, Safety, Aircraft, Air transportation, General Aviation

The Amendment

Accordingly, Parts 11 and 91 of the Federal Aviation Regulations (14 CFR Parts 11 and 91) are amended as follows, effective March 13, 1986:

PART 11—GENERAL RULEMAKING PROCEDURES

1. The authority citation for Part 11 is revised to read as follows:

Authority: 49 U.S.C. 1341(a), 1343(d), 1348, 1354(a), 1401 through 1405, 1421 through 1431, 1481, 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. By amending § 11.101 by adding a new OMB Control Number to the table in paragraph (b), as follows:

§ 11.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act:

*	*	*	*	*
(b)	*	*	*	*
Section 91.30.....	2120-0522			

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. The authority citation for Part 91 is revised to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat 1180); 42 U.S.C. 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 21, 1983).

4. By terminating the suspension of effectivity of § 91.30.

Issued in Washington, D.C., on December 6, 1985.

Donald D. Engen,
Administrator.

[FR Doc. 85-29518 Filed 12-12-85; 8:45 am]

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