

Federal Register

**Wednesday
May 6, 1987**

Part VII

Department of Transportation

Federal Aviation Administration

**14 CFR Parts 43, 61, and 91
Preflight Assembly of Gliders and
Balloons; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 43, 61, and 91**

[Docket No. 25011; Amdt. Nos. 43-27, 61-79, and 91-200]

Preflight Assembly of Gliders and Balloons

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to discontinue classifying glider and balloon assembly as preventive maintenance, except in certain circumstances; add training requirements for pilots in preflight assembly of gliders and balloons; and add preflight assembly and post assembly inspections to the preflight responsibilities for glider and balloon pilots. The amendments are needed to ensure the continued assignment of responsibilities for preflight assembly and inspection of gliders and balloons while simultaneously reducing the recording burden on the public.

EFFECTIVE DATE: June 5, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. George Johnson, Project Development Branch (AFS-360), Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 267-3798.

SUPPLEMENTARY INFORMATION:**Background**

Part 43, Appendix A, paragraph (c), classifies the installation of certain glider wings as preventive maintenance. Paragraph (c) was amended (Amendment No. 43-23; 47 FR 41076; September 16, 1982) to add preflight assembly of balloons to the list of preventive maintenance.

Prior to amendment, balloon assembly classification was in dispute. Some persons considered it maintenance while others viewed it as an operational function. Classification as preventive maintenance in Amendment No. 43-12 (34 FR 14423; September 16, 1969) was intended to unify these viewpoints, utilizing the concept used successfully with gliders for many years. Public comment invited prior to amendment brought only favorable comment.

Amendment No. 43-23 simultaneously amended § 43.9 to require the performance and approval for return to service of preventive maintenance to be recorded in the aircraft records. Shortly after the amendment became effective, the FAA received the first of what

became numerous complaints about the new recordkeeping requirement from glider and balloon operators and their associations. In response, the FAA agreed to review the matter.

A review of the situation revealed that, while § 43.9, as amended, requires preventive maintenance to be recorded, § 91.173(b)(1) requires the record to be retained only until the work is repeated or superseded by other work or for 1 year after the work is performed (i.e., until the glider or balloon is reassembled for the next flight). The requirements of §§ 43.9 and 91.173(b)(1) are unnecessarily burdensome for gliders and balloons because they are disassembled and assembled so frequently.

The pilot in command is, by virtue of § 91.29, responsible for proper assembly of the glider or balloon, whether or not the assembly operation is recorded. Further, the pilot in command has typically performed the assembly and disassembly of gliders and balloons without recording the work for many years. FAA records of accidents and incidents do not indicate that improper assembly has played a significant role in glider or balloon accidents. Therefore, the FAA has decided to classify the installation of glider wings and tail surfaces, specifically designed for quick disassembly and assembly; the installation of balloon baskets and burners, specifically designed for quick removal; and the assembly of gliders and balloons as operational functions. To ensure that pilots recognize their responsibilities and are competent to perform the assembly and preflight inspection properly, Part 61 of the FAR is amended to reference gliders and balloons in the flight proficiency requirements of §§ 61.107 and 61.127.

The type certificate data of some balloons permit multiple models of balloon baskets to be used on some envelopes. The interchange of these components is as simple to perform as a normal preflight assembly. The additional step of determining the eligibility for interchange is similar to the pilot-in-command process of determining that an aircraft is properly equipped for the flight being conducted. The FAA has determined, however, that when component interchange is involved, preflight assembly will continue to be classified as preventive maintenance. The recording requirements associated with preventive maintenance are necessary to provide record continuity for interchanged components so that compliance with required inspections, airworthiness directives, etc., can be determined.

On June 6, 1986, the FAA issued Notice of Proposed Rulemaking No. 86-8 (51 FR 21722; June 13, 1986). The notice proposed to amend the regulations to discontinue classifying glider and balloon assembly as preventive maintenance, add training requirements for pilots in preflight assembly of gliders and balloons, and add preflight assembly and post-assembly inspections to the preflight responsibilities for glider and balloon pilots.

Discussion of Comments

Over 150 individual public comments were submitted in response to Notice 86-8. While the great majority of the comments are in agreement with the proposal, three commenters suggest changes that are beyond the scope of this rulemaking. Three commenters suggest that the rule be expanded to include assembly/disassembly of additional balloon components. While this recommendation merits further agency examination for possible future rulemaking, it is considered outside the scope of Notice 86-8 and thus is not adopted herein.

One commenter questions the FAA's use of the word "mooring" in proposed §§ 61.107(f)(1) and 61.127(f)(1). The commenter suggests the use of the word "tethering." The FAA agrees with the comment, and the amendment has been changed accordingly.

Paperwork Reduction Act

Information collection requirements in this regulation (§ 43.9) 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 2120-0020.

Regulatory Evaluation

The FAA is amending Parts 43 and 61 to discontinue classifying glider and balloon assembly as preventive maintenance, except in certain circumstances; add training requirements for pilots in preflight assembly of gliders and balloons; and add preflight assembly and post assembly inspections to the preflight responsibilities for glider and balloon pilots. The editorial revisions to Part 91 are intended to make the amendments to Parts 43 and 61 consistent with the maintenance record requirements of Part 91.

The primary objective of the final rule is to ensure the continued assignment of responsibilities for preflight assembly and post assembly inspection of gliders and balloons and at the same time

reduce the recordkeeping burden on the public.

The principal area of interest in the rule is the change affecting the installation of glider wings and tail surfaces, specifically designed for quick disassembly and assembly by pilots, and the installation of balloon baskets and burners, specifically designed for quick removal by the pilot. The deletion of these requirements from the list of items classified as preventive maintenance would relieve glider and balloon operators from the burden of complying with the recording requirements of § 43.9 for the preflight assembly of gliders and balloons. FAA records of accidents and incidents indicate that improper assembly has not played a significant role in glider or balloon accidents. In this context, these amendments would not derogate safety and would not impose costs. The FAA, therefore, finds that these amendments would involve only unquantifiable benefits since glider and balloon operators would no longer be required to make the maintenance record entries specified by § 43.9.

The FAA has determined that this regulation will not affect international trade, nor is it expected to have a significant economic impact on a substantial number of small entities since there are no costs associated with these amendments.

Conclusion

This document relieves a substantial segment of the aviation community of a cost burden and does not impose any additional burden on any person. Therefore, the Federal Aviation Administration has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT." For the reasons stated earlier, it has been determined further that the amendment will not have a significant economic impact on a substantial number of small

entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

14 CFR Part 43

Maintenance, Preventive maintenance, Safety, Airmen, Aircraft, Inspection, Approvals, Performance rules, Recordkeeping.

14 CFR Part 61

Private pilots, Flight instructors, Certification, Certificates, Aviation safety, Training.

14 CFR Part 91

Aviation Safety, Safety, Aircraft, Aircraft pilots, Pilots, Standards.

Adoption of the Amendment

Accordingly, Parts 43, 61, 91 of the Federal Aviation Regulations (14 CFR Parts 43, 61, 91) are amended as follows:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

1. The authority citation for Part 43 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430; 49 U.S.C.106(g) (Revised, Pub. L. 97-449, January 12, 1983).

Appendix A—Major Alterations, Major Repairs, and Preventive Maintenance

2. Appendix A is amended by removing paragraph (c)(25); by redesignating paragraphs (c)(26) through (c)(29) as paragraphs (c)(25) through (c)(28), respectively; and by revising newly redesignated paragraph (c)(27) to read as follows:

(27) The interchange of balloon baskets and burners on envelopes when the basket or burner is designated as interchangeable in the balloon type certificate data and the baskets and burners are specifically designed for quick removal and installation.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

3. The authority citation for Part 61 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

4. Section 61.107 is amended by revising paragraphs (d)(1) and (f)(1) to read as follows:

§ 61.107 Flight proficiency.

(d) *In gliders.* (1) Preflight operation, including the installation of wings and tail surfaces specifically designed for quick removal and installation by pilots, and line inspection.

(f) *In free balloons.* (1) Rigging and tethering, including the installation of baskets and burners specifically designed for quick removal or installation by a pilot; and the interchange of baskets or burners, when provided for in the type certificate data, classified as preventive maintenance, and subject to the recording requirements of § 43.9 of this chapter.

5. Section 61.127 is amended by revising paragraph (f)(1) to read as follows:

§ 61.127 Flight proficiency.

(f) *Free balloons.* (1) Assembly of basket and burner to the envelope, and rigging, inflating, and tethering of a free balloon.

PART 91—GENERAL OPERATING AND FLIGHT RULES

6. The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 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 12, 1983).

§ 91.173 [Amended]

7. Section 91.173(a)(1) is amended by inserting the phrase, "preventive maintenance," after the word "maintenance".

Issued in Washington, DC, on April 28, 1987.

Donald D. Engen,
Administrator.

[FR Doc. 87-10226 Filed 5-5-87; 8:45 am]

BILLING CODE 4910-13-M

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