

14 CFR Part 183

[Docket No. 20339; Amdt. No. 183-7]

Representatives of the Administrator; Authorization for the Designation of Acoustical Engineering Representatives

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment authorizes the use of designated acoustical engineering representatives. Those representatives will perform specified functions leading to FAA noise level approval for aircraft covered by noise certification rules. Those functions may be performed at any location whenever the designated representative determines the activity or data conforms to the requirements of the applicable regulations. Neither noise level certification nor approval of equivalencies to prescribed procedures and standards are within the scope of designated representatives' authority. This action meets the need to provide greater flexibility and efficiency in the noise certification process.

DATES: Effective date—May 19, 1980. Comments must be received by July 18, 1980.

ADDRESSES: Submit comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-204), Room 916, Docket No. 20339, 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, Monday through Friday between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Harvey H. Van Wyen, Technical Analysis Branch (AWS-110), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-8192.

SUPPLEMENTARY INFORMATION:

Request for Comments

Although this action is in the form of a final rule, which involves the management, procedures, and personnel of the FAA and, thus, need not be preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments received and any other available information to review the regulation. After the review,

if changes are found to be appropriate, the FAA will consider adopting amendments to the regulations. Persons wishing to have receipt of their comments acknowledged must send with their comments a stamped, self-addressed post card on which the following statement is made: "Comments to Docket No. 20339." The post card will be date/stamped and returned to the commenter.

Discussion of the Amendment

This amendment to Part 183 of the Federal Aviation Regulations (FARs) expands the use of designated engineering representatives of the Administrator. Those representatives will perform authorized functions for noise level approvals for aircraft covered by FAA noise certification standards. The designated representatives are qualified, private persons. Authority is delegated to those individuals to perform specified functions concerning the conduct and evaluation of aircraft noise certification tests and test data conformity to applicable regulations, including methodologies and any equivalencies previously approved by the Director, Environment and Energy for that noise test series. Delegation of those functions is contemplated and authorized under section 314 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1355).

The Chief of the Aircraft Engineering Division, Office of Airworthiness with the approval of the Director, Environment and Energy (or their designees), may select representatives from qualified persons who apply for designation. Application for designation is made by a letter accompanied by a statement of qualifications to properly perform those prescribed functions. Minimum qualification for designated representatives include eight years of appropriate and progressively responsible professional engineering experience, one year of which must be in association with, and recognized by, the FAA. For purposes of meeting the experience requirement, applicants should identify their experience with aircraft noise flight testing; acoustical instrumentation and measurement; data correction and analysis; noise certification regulations, documentation, and guidance materials. The qualifications of each applicant will be carefully reviewed by the FAA. Designations will include conditions and limitations appropriate to the representative's training, experience, and knowledge.

Functions of designated representatives are restricted to those for which the representative is qualified

and found necessary to determine conformity with the noise certification test requirements for aircraft covered by the noise standards. For transport category large airplanes and turbojet-powered airplanes, the applicable rules are prescribed under FAR Part 36, Subpart B, Appendixes A and B, and the test conditions prescribed in Appendix C. For propeller-driven small airplanes, the rules are under FAR Part 36, Subpart F, and Appendix F, Parts A, B, and C. Those functions may include witnessing and approving aircraft noise tests and approving measured noise data and noise analyses and results. The designated representative will determine conformity to the applicable regulations, including noise evaluation methodology and any equivalencies approved by the Director, Environment and Energy. Those determinations lead to, but are not themselves, findings or approvals of compliance with the noise level requirements. Thus, a representative may not (1) determine that a design change is not an "acoustical change"; (2) approve "equivalencies" to prescribed procedures or standards; or (3) certificate aircraft noise levels. The representative must make such reports as are required by the Administrator or the Administrator's designee.

As prescribed for other designated representatives under Part 183, the acoustical engineering representatives will be issued a "Certificate of Designation" specifying the kind of designation for which the representative is qualified. The certificate will also contain the conditions and limitations that apply to the exercise of the designation. Unless sooner terminated, the certificate is effective for one year after it is issued; it may be renewed for additional one-year intervals at the Administrator's discretion.

Under this amendment, Part 183 does not require aircraft manufacturers or other affected persons to use an acoustical engineering representative. In some cases, an applicant for noise certification or acoustical change approval may not have an employee who is qualified to be so designated. Or, the applicant may not wish to employ, or contract with, a qualified person to serve in that capacity. In those situations, qualified FAA personnel will continue to perform those functions.

Editorial Changes

This amendment to Part 183 includes the editorial changes necessary to reflect the reorganization of the FAA's Flight Standards Service, under the Associate Administrator for Aviation Standards, as the Office of Flight

AWS

(As published in the Federal Register (45 FR 32668) on May 1980).

Operations and the Office of Airworthiness. The title "Flight Standards" is retained, however, for FAA's regional and field organizations. Thus, under § 183.11, the Chief of the Aircraft Engineering Division (or the Chief's designee) may select Designated Engineering Representatives and the Chief of the Aircraft Manufacturing Division (or the Chief's designee) may select Designated Manufacturing Inspection Representatives. In addition, the words "the representative" are substituted for the word "he" in the various paragraphs under § 183.29, to clarify that the determination involved is made by the designated representative.

Cost Evaluation

This amendment will result in potential cost savings to applicants for noise level approvals. It permits the use of designated representatives to avoid costly delays in conducting and validating noise certification tests. Applicants will be better able to plan and expedite aircraft noise tests under Part 36 when conditions are more favorable to conducting those tests. In addition, it is expected that this amendment will lessen the demand for the use of FAA personnel, freeing them to perform their other duties with a resultant cost savings for the Federal Government.

As previously discussed, this amendment does not require the use of designated engineering representatives or the employment of, or contracting with, qualified personnel to perform the functions of those representatives. The election to use representatives is left entirely to the discretion of applicants. They may base their decisions on their particular circumstances. Thus, the expected impact of this amendment is so minimal that it does not warrant a full regulatory evaluation analysing the economic consequences of the regulation.

Effective Date

This amendment to the Federal Aviation Regulations involves matters relating to the agency's management, personnel, delegation of authority, and the process employed in fulfilling the FAA's statutory responsibilities. Accordingly, I find, under 5 U.S.C. 553, that notice and public procedure is unnecessary and that good cause exists for making it effective in less than 30 days after publication in the **Federal Register**.

By so doing, the benefits of the use of designated acoustical engineering representatives are made immediately available to those applicants for noise

level approvals who elect to take advantage of the relief granted by the rule change. The FAA is currently implementing the necessary administrative matters to begin designating private individuals as acoustical engineering representatives as soon as practicable.

Adoption of the Amendment

Accordingly, Part 183 of the Federal Aviation Regulations (14 CFR Part 183) is amended, effective May 19, 1980, as follows:

1. By amending § 183.11 by amending paragraph (c) to read as follows:

§ 183.11 Selection.

* * * * *

(c)(1) The Chief of the Aircraft Engineering Division, or the Chief's designee, may select Designated Engineering Representatives from qualified persons who apply by a letter accompanied by a "Statement of Qualifications of Designated Engineering Representative."

(2) The Chief of the Aircraft Manufacturing Division, or the Chief's designee, may select Designated Manufacturing Inspection Representatives from qualified persons who apply by a letter accompanied by a "Statement of Qualifications of Designated Manufacturing Inspection Representative."

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§ 183.29 [Amended]

2. By amending § 183.29 as follows:

a. By amending paragraphs (a) through (h) by deleting the word "he" wherever it appears and substituting for it the words "the representative."

b. By adding a new paragraph (i) to read as follows:

§ 183.29 Designated engineering representatives.

* * * * *

(i) An acoustical engineering representative may witness and approve aircraft noise certification tests and approve measured noise data and evaluated noise data analyses, within the limits prescribed by, and under the general supervision of, the Administrator, whenever the representative determines that the noise test, test data, and associated analyses are in conformity with the applicable regulations of this chapter. Those regulations include, where appropriate, the methodologies and any equivalencies previously approved by the Director, Environment and Energy, for that noise test series. No designated acoustical engineering representative may determine that a type design

change is not an acoustical change, or approve equivalencies to prescribed noise procedures or standards.

(Secs. 313(a), 314, 601, 603, 608, and 609, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355, 1421, 1428, and 1429); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and, as discussed in the preamble, the expected impact of this amendment is so minimal that it does not warrant a full regulatory evaluation.

Issued in Washington, DC, on May 14, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-15231 Filed 5-16-80; 8:45 am]

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