

## Title 14—AERONAUTICS AND SPACE

### Federal Aviation Agency

[Reg. Docket No. 6248; Amdt. 133-1]

#### PART 133—ROTORCRAFT EXTERNAL- LOAD OPERATIONS

##### Carriage of Persons Other Than Crewmembers

The purpose of this amendment to Part 133 of the Federal Aviation Regulations is to permit the carriage of persons necessary for the overall work of a Class A or Class B external-load operation, but not necessarily performing an essential function in the actual operation. This amendment also permits the carriage of crewmember trainees on rotorcraft external-load operations.

Section 133.45(a) provides that, "No person who is not a flight crewmember may be carried unless he performs an essential function in connection with the external-load operation." Under this section the carriage of persons who are not essential to the actual external-load operation and whose presence is not necessary during the operation is prohibited. Therefore, for example, a fire fighter could not be carried along with fire fighting equipment on an external-load operation. The reason for this limitation is that the aircraft involved need not be shown to comply with standard airworthiness requirements. However, Agency review of external-load operations has shown that the passenger carrying limitation should be relaxed due to the number of detailed airworthiness requirements contained in Part 133, and due to the excellent safety record shown in rotorcraft external-load operations. There is no reason to believe that this safety record will not be maintained in the future.

However, the Agency is not relaxing the rule with regard to the carriage of persons essential to the overall perform-

ance of a Class C (towing) operation since relatively little service experience has been gained with the level of safety of Class C operations.

This amendment is primarily in response to an October 8, 1964, petition for rule making submitted by the Helicopter Association of America. However, Agency review of the petition shows that § 133.45(a) should be relaxed not only with regard to persons necessary for the overall performance of a Class A or Class B operation, but also with regard to crewmember trainees carried during the operation.

For the above reasons, and since the amendment is generally clarifying in nature, I find that notice on this amendment is unnecessary, and that the amendment may be made effective less than 30 days after publication.

In consideration of the foregoing, § 133.45(a) of Part 133 of the Federal Aviation Regulations is amended, effective January 28, 1965, to read as follows:

##### § 133.45 Operating limitations.

(a) No person may be carried unless—

- (1) He is a flight crewmember;
- (2) He is a flight crewmember trainee;

or

(3) He perform an essential function in connection with the external-load operation.

However, in the case of a Class A or Class B rotorcraft external-load operation, persons may be carried who are necessary for the accomplishment of the work activity directly associated with that operation.

(Secs. 307, 313(a), 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354 (a), 1421, and 1427)

Issued in Washington, D.C., on January 22, 1965.

N. E. HALABY,  
Administrator.

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8:45 a.m.]

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