

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 27, 29, and 91

[Docket No. 14237; SFAR No. 29-4]

**Special Federal Aviation Regulation
No. 29; Limited IFR Operations of
Rotorcraft**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the effectivity of Special Federal Aviation Regulation (SFAR) No. 29-3, which allows limited operations under instrument flight rules (IFR) of certain normal and transport category rotorcraft that are limited by their type certificates to operations under visual flight rules (VFR). The extension is necessary to prevent imposing any economic burden upon those operators already authorized, equipped, and qualified to conduct operations under SFAR No. 29, which would occur if SFAR 29-3 were permitted to terminate before Amendment No. 1 of the Rotorcraft Regulatory Review Program is issued and effective.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mike Sacrey or Win Karish; Operations Branch (AFO-820); General Aviation & Commercial Division; Office of Flight Operations; Federal Aviation Administration; 800 Independence Ave., SW., Washington, D.C. 20591; telephone (202) 426-8194.

SUPPLEMENTARY INFORMATION:

Background

Under Part 27 or Part 29 of the Federal Aviation Regulations (FAR), a rotorcraft is certificated for VFR operation only, unless it has been shown that the rotorcraft fully complies with all of the airworthiness requirements for instrument flight rules (IFR) operations. Since certain IFR operations can be safely conducted with rotorcraft that do not meet all of the present flight characteristic requirements, SFAR No. 29 was adopted by the Administrator on January 3, 1975 (40 FR 2420; January 13, 1975). SFAR No. 29 allowed the Administrator to issue approvals for such operators, on an interim basis, pending the conclusion of a study to determine whether a "limited" IFR category should be established for these rotorcraft, including flight characteristics and equipment requirements, operating procedures and limitations, flightcrew requirements, and training requirements. The expiration date of SFAR No. 29, as amended by SFAR No. 29-3 (45 FR 71919; October 30, 1980), is December 31, 1982.

The FAA has established a Rotorcraft Regulatory Review Program which will involve a comprehensive review and upgrading of requirements. This program will consider the development of IFR airworthiness standards for rotorcraft certification in Parts 27 and 29 of the FAR. It will not be concluded by the December 31, 1982, termination date of SFAR No. 29-3.

Discussion

If SFAR No. 29 were to expire before completing the rulemaking action generated by the Rotorcraft Regulatory Review Program, there would be no regulatory basis to allow continued IFR rotorcraft operations, thereby creating an undue burden for those operators of helicopters meeting the criteria specified in SFAR No. 29.

Pending the issuance and effectivity of new standards to be established by Amendment No. 1 of the Rotorcraft Regulatory Review Program, the FAA believes that it is in the public interest to allow continued IFR operations with certain rotorcraft that do not meet all of the present requirements of Parts 21, 27, 29, and 91 of the FAR. With the issuance of SFAR No. 29-4, operators may continue to apply for SFAR 29 approvals until Amendment No. 1 of the Rotorcraft Regulatory Review Program (Amendment No. 1) is effective. After Amendment No. 1 is effective, all applicants for certification of IFR rotorcraft operations will have to comply with the applicable provisions of that amendment. When Amendment No. 1 becomes effective, SFAR No. 29-4 (and approvals issued under SFAR Nos. 29 through 29-4) will remain effective for operators holding approvals obtained before the effective date of Amendment No. 1. SFAR 29-4 will terminate when all approvals issued under SFAR Nos. 29 through 29-4 are surrendered, revoked, or otherwise terminated.

Need for Immediate Adoption

Since this amendment temporarily extends the effectivity of a rule which permits continued IFR rotorcraft operations by operators equipped and qualified to comply with Special Federal Aviation Regulation No. 29 and therefore imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

List of Subjects

14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 27

Air transportation, Aircraft, Aviation safety, Safety, Tires, Rotorcraft.

14 CFR Part 29

Air transportation, Aircraft, Aviation safety, Safety, Tires, Rotorcraft.

14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots, Air traffic control, Pilots, Airspace, Air transportation, Airworthiness directives and standards.

Amendment

Accordingly, Special Federal Aviation Regulation No. 29, as amended by Special Federal Aviation Regulation No. 29-3 (14 CFR Parts 21, 27, 29, and 91), is reissued and amended to read as follows, effective January 1, 1983:

**SPECIAL FEDERAL AVIATION
REGULATION**

SFAR No. 29-4

**LIMITED IFR OPERATIONS OF
ROTORCRAFT**

1. Contrary provisions of Parts 21, 27, and 29 of the Federal Aviation Regulations notwithstanding, an operator of a rotorcraft that is not otherwise certificated for IFR operations may conduct an approved limited IFR operation in the rotorcraft when—

(a) FAA approval for the operation has been issued under paragraph 2 of this SFAR;

(b) The operator complies with all conditions and limitations established by this SFAR and the approval; and

(c) A copy of the approval and this SFAR are set forth as a supplement to the Rotorcraft Flight Manual.

2. FAA approval for the operation of a rotorcraft in limited IFR operations may be issued when the following conditions are met:

(a) The operation is approved as part of the FAA study of limited rotorcraft IFR operations.

(b) Specific FAA approval has been obtained for the following:

(i) The rotorcraft (make, model, and serial number).

(ii) The flightcrew.

(iii) The procedures to be followed in the operation of the rotorcraft under IFR and the equipment that must be operable during such operations.

(c) The conditions and limitations necessary for the safe operation of the rotorcraft in limited IFR operations have been established, approved, and incorporated into the operating limitations section of the Rotorcraft Flight Manual.

3. An approval issued under paragraph 2 of this Special Federal Aviation Regulation and the change to the Rotorcraft Flight Manual specified in paragraph 2(c) of this Special Federal Aviation Regulation constitute a supplemental type certificate for each rotorcraft approved under paragraph 2

(As published in the Federal Register (48 FR 631; January 6, 1983))

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of this SFAR. The supplemental type certificate will remain in effect until the approval to operate issued under the Special Federal Aviation Regulation is surrendered, revoked, or otherwise terminated.

4. Notwithstanding § 91.23(a)(3) of the Federal Aviation Regulations, a person may operate a rotorcraft in a limited IFR operation approved under paragraph 2(a) of the Special Federal Aviation Regulation with enough fuel to fly, after reaching the alternate airport, for not less than 30 minutes, when that period of time has been approved.

5. Expiration.

(a) New applications for limited IFR rotorcraft operations under SFAR No. 29 may be submitted for approval until, but not including, the effective date of

Amendment No. 1 of the Rotorcraft Regulatory Review Program. On and after the effective date of Amendment No. 1 of the Rotorcraft Regulatory Review Program, all applicants for certification of IFR rotorcraft operations must comply with the applicable provisions of the Federal Aviation Regulations.

(b) This Special Federal Aviation Regulation will terminate when all approvals issued under Special Federal Aviation Regulation No. 29 are surrendered, revoked, or otherwise terminated.

(Secs. 313(a), 601(a), and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421(a), and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—Since this document only extends the effectivity of a current regulation and does not impose a burden on the public or aviation industry, the FAA has determined that this document involves a regulation which is not a major rule under Executive Order 12291, is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 F.R. 11034; February 26, 1979), and does not warrant preparing a regulatory evaluation because the anticipated impact is minimal. For the same reason, I certify that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 28, 1982.

Michael J. Fenello,

Deputy Administrator.

{FF Doc. 82-35600 Filed 12-30-82; 2:58 pm}

BILLING CODE 4910-13-M

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