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**Federal Aviation
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OPERATIONS REVIEW PROGRAM

Rotorcraft External-Load Operations

**DEPARTMENT OF
TRANSPORTATION**

Federal Aviation Administration

[14 CFR Parts 91, 133]

[Docket No. 15176; Notice No. 75-38; Notice No. 1]

OPERATIONS REVIEW PROGRAM

Rotorcraft External-Load Operations

The Federal Aviation Administration is considering amending Parts 91 and 133 of the Federal Aviation Regulations to (1) require that rotorcraft external-load operations, currently conducted under Part 91, be conducted under Part 133 regardless of whether they are conducted for compensation or hire; (2) prescribe appropriate operating limitations for restricted category rotorcraft external-load operations under that Part; (3) provide that Operator Certificates issued under Part 133 be effective for 24 months; and, (4) except rotorcraft external-load operations from the requirement in § 91.39 which prohibits the operation of restricted category civil aircraft carrying persons or property for compensation or hire.

This is the first in a series of notices of proposed rulemaking to be issued as a part of the First Biennial Operations Review Program.

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of the proposals contained herein may also be submitted. Comments should identify the regulatory docket or notice number (Docket No. Notice No. 75-) and be submitted in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before February 18, 1976, will be considered by the Administrator before taking action on the proposed rules. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons.

On February 12, 1974, the FAA issued an invitation to all interested persons to submit proposals for consideration during the First Biennial Airworthiness Review (see Notice 74-5, 39 FR 5785, February 15, 1974). Two proposals were received from the Aerial Crane Operators Committee (ACOC) recommending that restricted category rotorcraft external-load operations be conducted under the provisions of Part 133, and that Part 91 be amended to permit those operations to be conducted for compensation or hire. The proposals of the ACOC were deferred for consideration during the Operations Review in conjunction with

those proposals appearing in the Operations Review Compilation that concerned rotorcraft external-load operations.

On June 4, 1975, the FAA, by Notice 75-9A (40 FR 24041), published a Compilation of the proposals that would be considered as possible agenda items for the Operations Review Conference (December 1-5, 1975). Included in the Compilation were proposals to bring restricted category rotorcraft external-load operations under the applicability of Part 133; to prescribe appropriate operating limitations for those restricted category rotorcraft; and, to limit the duration of Operator Certificates issued or renewed under Part 133 to 24 months.

The proposals contained in this notice are based on the FAA's evaluation of the following proposals in the First Airworthiness and First Operations Reviews:

Proposal No.	Review	FAR section	Proponent
495	Airworthiness (committee 1).	91.39	ACOC
540	do	133.19	ACOC
318	Operations	91.39	FAA
219	do	91.39	FAA
697	do	133.1	FAA
695	do	133.11	FAA
699	do	133.13	FAA
700	do	133.17	FAA
701	do	133.19	FAA
703	do	133.32	FAA

Part 133 of the Federal Aviation Regulations, "Rotorcraft External-Load Operations", was adopted January 17, 1964, to establish certification and operating rules governing nonpassenger-carrying external-load operations, conducted for compensation or hire within the United States, by persons other than air carriers or other than those authorized to conduct operations under Part 375 of the Regulations of the Civil Aeronautics Board, and to govern persons engaged in such operations.

Part 133 does not apply to rotorcraft external-load operations that are not conducted for compensation or hire, regardless of the airworthiness category in which the rotorcraft is type certificated. These operations are conducted under Part 91. As such, they are not subject to the more stringent flight crewmember qualifications and operating rules and limitations imposed by Part 133. At present, restricted category rotorcraft are excluded from operations under Part 133, and the operating limitations for these rotorcraft are generally established on an "aircraft-by-aircraft" basis under §§ 21.15 and 21.185 of Part 21, and to some extent, under § 91.39. This approach to the imposition of operating limitations was sufficient so long as there were only a few restricted category rotorcraft certificated for the special purpose of external-load operations, and only a few such operations being conducted. However, given the increase in recent years in both the number of restricted category rotorcraft external-load operations, and the number of rotorcraft certificated for such operations, the FAA believes that they should be subject to

more stringent operating rules and limitations. Furthermore, the carriage of loads suspended beneath a rotorcraft is a demanding flight operation. The danger of accidental or intentional jettisoning is always present, and the pilot of the rotorcraft often must divert his attention from the cockpit to nearby obstructions or a signalman on the ground. These conditions are present regardless of the type certification of the rotorcraft.

Consequently, the FAA sees no reason to distinguish between rotorcraft external-load operations currently conducted under Part 91 and those conducted under Part 133. Therefore, it is proposed to amend Part 133 to require that all persons conducting rotorcraft external-load operations hold a Rotorcraft External-Load Operator Certificate issued under the more comprehensive safety requirements of Part 133, regardless of whether or not the operations are conducted for compensation or hire, and regardless of the airworthiness category in which the rotorcraft is type certificated.

The proposed amendment would result in the regulation of all civil rotorcraft external-load operations in a uniform manner under general safety requirements which have proven to be effective. However, it is recognized that restricted category rotorcraft are type certificated to airworthiness standards that are generally less stringent than those applicable to standard category rotorcraft. Therefore, the FAA believes that additional operating limitations (beyond those set forth in Part 133) should be imposed on restricted category rotorcraft operating under Part 133.

Accordingly, the FAA proposes to amend Part 133 by removing existing restrictions on the use of restricted category rotorcraft for operation under Part 133, and by adding appropriate operating limitations for such operations. To implement this change, § 91.39(b) would be amended by excepting rotorcraft external-load operations from the requirement prohibiting the operation of restricted category civil aircraft carrying persons or property for compensation or hire. Also, paragraph (d) of § 91.39 would be amended to except rotorcraft external-load operation conducted under Part 133 from the operating limitations prescribed in that paragraph. This change would be necessary to accommodate the change to § 133.45 cited below which would add operating limitations applicable to the use of restricted category rotorcraft in Part 133 operations. The adoption of the operating limitations in § 133.45 would make it necessary to except rotorcraft operated under Part 133 from the limitation in § 91.79(c) against operating within 500 feet of any person, vessel, vehicle, or structure in sparsely populated areas or over water.

In addition, the FAA proposes to:

Amend § 133.1(b) by striking the words "conducting such an operation for compensation or hire", and amend § 133.11 by striking the words "for compensation or hire". Part 133 would then govern all rotorcraft external-load operations.

Amend § 133.11 further by allowing a grace period of 120 days after the effective date of this amendment to enable operators currently using a rotorcraft in external-load operations under Part 91 to apply for and be issued a Rotorcraft External-Load Operator Certificate under Part 133. The FAA believes that this 120-day period should provide sufficient time to complete the certification process without imposing an unreasonable burden on the affected operators.

Amend § 133.19 by providing for the use of restricted category rotorcraft type certificated under § 21.25 of Part 21 for the purpose of conducting external-load operations.

Amend § 133.43(c) (1) and (2) to provide for the applicability of Part 133 to restricted category rotorcraft with respect to weight, center of gravity, and external-load attachment requirements. It should be noted that Notice 75-10 (40 FR 10802; March 7, 1975) proposes to transfer these requirements to Parts 27 and 29. Their applicability to rotorcraft operated under Part 133 would be retained by appropriate reference in § 133.43.

Amend § 133.45 by incorporating additional operating limitations applicable to restricted category rotorcraft.

Amend § 133.51 to confine its applicability to standard category rotorcraft. A separate airworthiness certificate is not necessary for rotorcraft certificated in the restricted category for the purpose of carrying external loads since a restricted category airworthiness certificate is issued for the special purpose of external-load operations.

In addition to the above proposals, the FAA proposes to amend § 133.13 to provide that unless sooner surrendered, suspended, or revoked, a Rotorcraft External-Load Operator Certificate expires at the end of the twenty-fourth month after the month in which it is issued or renewed. The FAA believes that by limiting the duration of Part 133 certificates to twenty-four months with attendant renewal requirements, it would be possible for the responsible FAA field offices to exercise more control over operations conducted in accordance with these certificates. In this connection, provision would be made in § 133.13 to permit a certificate issued or renewed before the effective date of this amendment (which under current rules bears no expiration date) to remain in effect for two years after the effective date of the amendment.

These amendments are proposed under the authority of (sections 307(c), 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421 and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 91 and 133 of the Federal Aviation Regulations as follows:

§ 91.39 [Amended]

1. By amending § 91.39(b) by inserting after the comma following the word "spraying" the words "rotorcraft external-load operations under Part 133 of this chapter," and by amending § 91.39(d) as follows:

(d) Except when operating in accordance with the terms and conditions of a Rotorcraft External-Load Operator Certificate issued under Part 133 of this chapter or a certificate of waiver or special operating limitations issued by the Administrator, no person may operate a restricted category civil aircraft within the United States—

2. By revising the second sentence of § 91.79(c) to read as follows:

§ 91.79 Minimum safe altitudes; general.

(c) * * * Except for operations conducted under Part 133 of this chapter, no aircraft may, while operating over open water or sparsely populated areas, operate closer than 500 feet to any person, vessel, vehicle, or structure.

3. By amending § 133.1(b) to read as follows:

§ 133.1 Applicability.

(b) Operating and certification rules governing the conduct of non-passenger-carrying civil rotorcraft external-load operations in the United States by any person (other than as an air carrier). However, this part does not apply to operations conducted under Part 375 of this title.

4. By amending § 133.11 to read as follows:

§ 133.11 Certificate required.

No person subject to this part may conduct rotorcraft external-load operations within the United States without, or in violation of the terms of a Rotorcraft External-Load Operator Certificate issued by the Administrator under § 133.17. However, persons who do not hold a Rotorcraft External-Load Operator Certificate (on the effective date of this amendment) may conduct rotorcraft external-load operations not for compensation or hire under Part 91 of this chapter until (a date 120 days after the effective date of this amendment).

5. By revising § 133.13 to read as follows:

§ 133.13 Duration of certificate.

Unless sooner surrendered, suspended, or revoked, a Rotorcraft External-Load Operator Certificate expires at the end of the twenty-fourth month after the month in which it is issued or renewed, except that a certificate issued or renewed before (the effective date of this amendment) expires (a date two years after the effective date of this amendment).

6. By revising § 133.19(a) (1) to read as follows:

§ 133.19 Rotorcraft.

(a) An applicant for a Rotorcraft External-Load Operator Certificate must have the exclusive use of at least one civil rotorcraft that—

(1) Was type certificated under, and meets the requirements of Part 27 or 29 of this chapter (but not necessarily with external-load carrying attaching means installed), or of § 21.25 of Part 21 of this chapter for the special purpose of rotorcraft external-load operations; and

§ 133.43 [Amended]

7. By inserting in §§ 133.43(c) (1) and (2), between the words "certification" and "under" the words "in the restricted category under Part 21, or".

8. By amending § 133.45 by adding a new paragraph (e) to read as follows:

§ 133.45 Operating limitations.

(e) No external-load operation may be conducted with a rotorcraft type certificated in the restricted category under Part 21 of this chapter over a point on the surface that is less than 100 feet from any person, vessel, vehicle, or structure, unless that person, vessel, vehicle, or structure is directly associated with and necessary for the conduct of the operation.

9. By amending § 133.51 to read as follows:

§ 133.51 Airworthiness certification.

A rotorcraft external-load operator certificate is a current and valid airworthiness certificate for each rotorcraft (fitted with external-load attaching means) type certificated under Parts 27 or 29 of this chapter and listed in that certificate, when the rotorcraft is being used in operations under this part or in operations incidental to those operations.

Issued in Washington, D.C., on November 17, 1975.

RICHARD P. SKULLY,
Director,
Flight Standards Service.

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