

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 91**

[Docket No. 26806; Notice No. 92-4]

RIN 2120-AD75

Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend part 91 of the Federal Aviation Regulations (FAR) to authorize the issuance of temporary flight restrictions to certain operations when accurate altitude information is not available. The proposal is warranted because barometric pressure higher than 31.00 inches of mercury (inHg) exceeds the capability of standard aircraft pressure altimeters and prevents the display of accurate altitude information. This proposal provides restrictions on certain flight operations during periods of abnormal atmospheric pressure conditions. This action is necessary to promote flight safety during certain operations for which accurate altitude information is critical.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 26806, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 26806. Comments may be examined in room 915G weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Larry Youngblut, Regulations Branch (AFS-240), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SE., Washington, DC 20591, Telephone: (202) 267-8096.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive

comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26806." The postcard will be date stamped and mailed to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRM's should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

For several days in January 1989, weather observers in various locations in the State of Alaska recorded record-breaking barometric pressure higher than 31.00 inHg (1049.8 millibars). These extremely high barometric pressures exceeded the capability of standard aircraft pressure altimeters and prevented the display of accurate altitude information on aircraft pressure altimeters. This condition occasionally extends to northern portions of the contiguous United States.

Aircraft altimeters indicate altitude based on a reading of the air pressure surrounding the aircraft. These altimeters incorporate an adjustment for environmental barometric pressure that

permits pilots to manually set the correct pressure reading in the instrument. If the pressure set in the instrument is incorrect, the altitude readout also will be incorrect. Because barometric readings of 31.00 inHg, or higher, seldom occur, standard altimeters do not permit barometric pressures to be set above that level and are not calibrated to indicate accurate aircraft altitude above 31.00 inHg. As a result, many U.S.-manufactured altimeters cannot be set to display accurate altitude readouts to pilots in conditions such as those that were experienced during the high pressure conditions in Alaska.

It is possible to estimate the error in altitude for pressures above 31.00 inHg by adding 100 feet in aircraft altitude for each .10 inHg. However, significant recurring training would be required to ensure that all pilots correctly apply the appropriate correction during the appropriate phase of flight. If two pilots flying aircraft in the same vicinity are not applying the same correction, a highly dangerous situation is created.

Accurate altitude information is essential for normal flight operations and critical to certain phases of flight. Without an accurate altitude reading, a pilot cannot safely execute an instrument approach in instrument weather conditions unless certain restrictions are followed.

The Proposal

On the basis of the above discussion, the FAA finds that the occurrence of abnormally high barometric pressure conditions creates an operational situation that requires remedial action to maintain safety of flight in the affected areas. The FAA proposes to issue temporary restrictions on certain IFR approaches and VFR operations while extreme weather conditions exist.

The specific restrictions authorized by this proposed rule would be issued in a Notice to Airmen (NOTAM) by each affected FAA region when any information indicates the barometric pressure will exceed 31.00 inHg. Paragraph 7-531(a)(2) of the FAA Airman's Information Manual suggests the same procedures that the proposed rule would put into effect by NOTAM when the pressure is above 31.00 inHg.

These restrictions may include, but would not be limited to, the following:

1. All aircraft: Set altimeters to 31.00 inHg for en route operations below 18,000 feet mean sea level (MSL). Maintain this setting until the aircraft is beyond the affected area or until reaching the final approach segment. At the beginning of the final approach

segment, set the altimeter to the current barometric pressure, if possible. If not possible, leave the altimeter set at 31.00 inHg throughout the approach. Altimeters on departing aircraft or on aircraft on missed approach will be set to 31.00 inHg before the aircraft reaches any mandatory/crossing altitude, or 1,500 feet above ground level (AGL), whichever is lower.

2. During preflight, altimeters shall be checked, to the extent possible, for normal operation.

3. If the aircraft is being operated into or out of airports with the capability of measuring the current barometric pressure and the aircraft is equipped with an altimeter that has the capability to be set to the current barometric pressure, no additional restrictions apply.

4. For aircraft operating under VFR, there are no additional restrictions; however, extra diligence is essential in flight planning.

5. Airports without the capability for accurate measurement of barometric pressures have 31.00 inHg will report the barometric pressure as "in excess of 31.00 inHg." Flight operations to and from those airports are restricted to VFR weather conditions.

6. For aircraft operating under IFR and equipped with an altimeter that does not have the capacity to be set at the current barometric pressure:

a. To determine the suitability of departure alternate airports, destination airports, and destination alternate airports, increase ceiling requirements by 100 feet and visibility requirements by ¼ mile for each .10 inHg of pressure, or any portion thereof, over 31.00 inHg. These adjusted values are to be applied in accordance with the requirements of the applicable operating regulations and operations specifications.

b. On approach, 31.00 inHg will remain set on the altimeter. Decision height or minimum descent altitude shall be deemed to have been reached when the published minimum altitude is displayed on the altimeter.

c. These restrictions do not apply to authorized Category II and Category III ILS operations nor do they apply to certificate holders using approved QFE (absolute altitude) altimetry systems.

7. The Regional Flight Standards Division manager of the affected area is authorized to approve temporary waivers to permit emergency resupply or emergency medical services operations.

The NOTAM issuing the temporary restrictions would incorporate a reference to the proposed rule.

Regulatory Evaluation Summary

Introduction

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State, and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or to modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A major rule is one that is likely to result in an annual effect on the economy of \$100 million or more, a major increase in consumer costs, a significant adverse effect on competition, or is highly controversial.

The FAA has determined that the proposed rule is not major as defined in Executive Order 12291; therefore, a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document, a Regulatory Evaluation, that analyzes only the proposed rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a regulatory flexibility determination required by the 1990 Regulatory Flexibility Act (Pub. L. 96-354) and an international trade impact assessment. If more detailed economic information than is contained in this summary is desired, the reader is referred to the full regulatory evaluation contained in the docket.

Benefits

The benefits of the proposed rule come from enhancing safety. In particular, the proposed rule would reduce the risk of midair collisions during extremely high barometric pressure conditions. Because of limitations on most altimeters, periods of extremely high barometric pressure increase the risk of pilots not knowing their altitude. This additional risk increases the likelihood of a midair collision. If just one midair collision were avoided over the next decade due to the proposed rule, the annualized value of the resulting savings is estimated at \$2.7 million.

Costs

The proposed rule involves additional costs as a result of delays in flying to airports experiencing extremely high barometric pressure. The cost of delay varies depending on its duration, airport activity, and aircraft type.

Based on historical weather observations, at airports above 64° north latitude, 15 hours of annual delay due to extreme high pressure is assumed; for airports located between 61° north latitude and 64° north latitude, 3 hours is assumed. The FAA has projected the estimated costs for these delays over a 10-year period, using the values of \$35 per hour for each passenger and \$1,268 per hour of ground delay for air carrier operations; no ground operating costs were assumed for other types of operations. Based on these assumptions, the annualized cost of delays related to the proposed rule is estimated at \$330,000.

Benefit/Cost Comparison

The FAA estimates the annualized cost of the proposed rule at \$330,000 over the next 10 years. This cost is based on historical weather data and represents the high end of possible costs that this rule would impose. One element mitigating this cost is that many of the delays counted in this analysis would nonetheless occur without this proposed rule through NOTAM's.

As a benefit, the proposed rule would reduce the risk of a midair collision during extremely high barometric pressure. The annualized value of avoiding one midair collision in the next 10 years is \$2.7 million. The maximum expected cost of the proposed rule equals less than one-eighth of the costs that would be saved in avoiding one such accident. Hence, the FAA has determined that the expected benefits from the proposed rule exceed the expected costs.

International Trade Impact Analysis

This proposed rule would have no effect on foreign aviation products or services in the United States. No change would occur in demand or supply of avionics as a result of the proposed rule. Also, the proposed rule does not affect the sale of U.S. products or services in foreign countries.

Regulatory Flexibility Determinations

The Regulatory Flexibility Act (RFA) of 1980 requires Federal agencies to specifically review rules which may have a "significant economic impact on a substantial number of small entities." The FAA has adopted criteria and guidelines for rulemaking officials to

apply when determining if a proposed or existing rule has any significant economic impact on a substantial number of small entities.

The FAA defines "small entity" as a small operator who owns, but does not necessarily operate, nine airplanes. A substantial number of small entities is one-third of the small entities provided 11 or more small entities are substantially impacted. The FAA defines a significant economic impact as \$4,200 per year for unscheduled operators, \$59,400 per year for scheduled operators, and \$106,100 per year for scheduled operators whose fleets are entirely composed of aircraft with 60 or more passenger seats.

This proposed rule is deemed to affect only operations in Alaska because extremely high barometric pressure occurs so infrequently in the lower 48 States as to be negligible. In certain cases, the cost of delays to small entities, commuter, or air taxi might exceed the threshold, but the number of small entities potentially affected is small. The proposed rule would not affect more than one-third of U.S. commuters or air taxis. Of the 77 scheduled part 135 operators in the United States with 9 or fewer aircraft, only 15 (19 percent) are located in Alaska and are likely to be affected by this proposed rule. For unscheduled part 135 operators (air taxis) with 9 or fewer aircraft, only 6 percent of the 2,634 such operators in the United States operate out of Alaska. In each instance, the proportion of small entities exposed to costs under the proposed rule is less than 33 percent.

Thus, the FAA determines that the proposed rule would not have significant economic impact on a substantial number of small entities.

Federalism Implications

The proposed regulation herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, the FAA has determined that this proposed regulation is not major under Executive Order 12291. In addition, the FAA certifies that this proposed regulation would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The proposed regulation is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). An initial regulatory evaluation of the proposal, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 91

Aviation safety, Visual flight rules, Instrument flight rules, Special visual flight rules.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 91 of the Federal

Aviation Regulations (14 CFR part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. App. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 (as amended by Pub. L. 100-223), 1422 through 1431, 1471, 1472, 1502, 1510, 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; Pub. L. 100-202; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983].

2. Section 91.92 is added to read as follows:

§ 91.92 Temporary Restriction on Flight Operations During Abnormally High Barometric Pressure Conditions.

(a) *Special flight restrictions.* When any information indicates that barometric pressure on the route of flight has exceeded or will exceed 31 inches of mercury, no person may operate an aircraft or initiate a flight contrary to the requirements established by the Administrator and published in a Notice to Airmen issued under this section.

(b) *Waivers.* The Administrator is authorized to waive any restriction issued under paragraph (a) of this section to permit emergency supply, transport, or medical services to be delivered to isolated communities, where the operation can be conducted with an acceptable level of safety.

Issued in Washington, DC, on February 28, 1992.

David R. Harrington,

Acting Director, Flight Standards Service.
[FR Doc. 92-5758 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

Notice 92-3A

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
14 CFR Parts 107 and 108

[Docket No. 26763; Notice No. 92-3A]

RIN 2120-AE14

Unescorted Access Privilege

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document announces an extension of the comment period on the Unescorted Access Privilege Notice of Proposed Rulemaking (NPRM) (57 FR 5352; February 13, 1992). This comment period is extended from March 16, 1992, until May 15, 1992. The extension responds to the request of the San Diego Unified Port District (District) and the joint request from the Air Transport Association of America (ATA), American Association of Airport Executives (AAAE), and the Airport Association Council International (AACI). The extension is needed to permit these organizations, as representatives of the affected parties, additional time to develop comments responsive to the NPRM. It also will provide the FAA with sufficient time to hold one or more public meetings on the proposed rule.

DATES: The comment period is being extended from March 16, 1992, to May 15, 1992.

ADDRESSES: Comments on the NPRM should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Docket No. 26763, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Andrew V. Cebula, Office of Civil Aviation Security Policy and Plans,

Policy and Standards Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8293.

SUPPLEMENTARY INFORMATION: On February 13, 1992, the FAA issued Notice No. 92-3, titled Unescorted Access Privilege. This proposal is intended to implement the requirements of section 105(a) of the Aviation Security Improvement Act of 1990, which requires the FAA Administrator to issue regulations that subject individuals with unescorted access to U.S. or foreign air carrier aircraft, or to secured areas of U.S. airports, to employment investigations and criminal history records checks. The Act also requires the Administrator to prescribe procedures for taking fingerprints and to establish requirements to limit the dissemination of criminal history information received from the Federal Bureau of Investigation. The proposed rule set forth regulations for employment investigations and criminal history records checks. The proposed rule affects individuals who have, or who may authorize others to have, unescorted access privileges to security identification display areas of U.S. airports.

By letter dated February 21, 1992, the District requested that the comment period be extended from 30 to 90 days. The District asserted that it is impossible for it to analyze, understand and respond to the NPRM within 30 days. Additionally, the District stated that it believes an extension to 90 days is fully within the spirit of President Bush's moratorium on new rules with significant economic impact.

By letter dated February 24, 1992, the ATA, AA AE, and AACI requested that the comment period be extended 60 days or until May 15, 1992. These organizations indicated that this extension is needed so that information can be gathered from numerous airport operators, air carriers, and airport

vendors regarding the potential cost and operational implications of the proposed rule. The organizations contend that the NPRM raises a number of significant issues. In order to fully understand the implications of the NPRM, the organizations state that the affected parties must be contacted and asked to assess the potential effects of the proposed rule. The organizations indicated, for example, that the over 400 U.S. airports that air carriers serve will be canvassed and their responses analyzed. They contend that this task cannot be accomplished by the March 16, 1992, deadline for comments. The organizations believe that the proposed background requirement will have a very substantial cost and operational effect. The organizations further assert that their comments will permit a more thorough identification of those effects, and therefore, a more complete analysis of the consequences of the proposed rule.

In view of the likelihood that these parties will provide additional substantive information which will be helpful in formulating an effective final rule, the FAA agrees that it would be in the public interest to grant their request. Additionally, extending the comment period will allow the FAA to provide the affected parties an opportunity to make an oral presentation on the NPRM at one or more public meetings. The date and location of each public meetings will be announced in a future Federal Register notice. Accordingly, the comment period is being extended to May 15, 1992, to afford all interested persons the opportunity to comment on this notice.

Issued in Washington, DC, on March 9, 1992.

Bruce R. Butterworth,
 Director, Office of Civil Aviation Security
 Policy and Planning.

[FR Doc. 92-5816 Filed 3-11-92; 8:45 am.]

BILLING CODE 4910-13-M