

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 27

[Docket No. 29247; Notice No. 98-4]

RIN 2120-AF33

#### Normal Category Rotorcraft Maximum Weight and Passenger Seat Limitation

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to amend the airworthiness standards for normal category rotorcraft. This proposal would increase the maximum weight limit from 6,000 to 7,000 pounds and add a passenger seat limitation of nine. The increase in maximum weight is proposed to compensate for the increased weight resulting from additional regulatory requirements, particularly recent requirements intended to improve occupant survivability in the event of a crash. These changes are intended to update current airworthiness standards to provide the safety standards for normal category rotorcraft of 7,000 pounds or less.

**DATES:** Comments must be received on or before September 23, 1998.

**ADDRESSES:** Submit comments in triplicate to the FAA, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. , Room 915G, 800 Independence Avenue SW, Washington, DC 20591. Comments submitted must be marked Docket No. 29247. Comments may also be sent electronically to the following internet address: 9-nprm-cmts@faa.dot.gov. Comments may be examined in Room 915G weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lance Gant, Rotorcraft Standards Staff, Rotorcraft Directorate, Aircraft Certification Service, Fort Worth, Texas

76193-0110, telephone (817) 222-5114, fax 817-222-5959.

#### 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. Specifically, the FAA invites comments and data relating to the top hatch emergency exit proposed in new section 14 CFR 27.805(a). 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 must identify the regulatory docket or notice number and be submitted in triplicate to the Rules Docket at the address specified under the caption **ADDRESSES**.

All comments received, as well as a report summarizing each substantive public contact with FAA personnel on this rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

All comments received on or before the closing date will be considered before taking action on this proposal. Late-filed comments will be considered to the extent practicable. The proposals contained in this notice may be changed in light of the comments received.

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. 29247." The postcard will be date stamped and mailed to the commenter.

##### Availability of NPRM's

Using a modem and suitable communications software, an electronic copy of this document may be downloaded from the FAA regulations section of the Fedworld electronic bulletin board service (telephone 703-321-3339), the **Federal Register's** electronic bulletin board service (telephone 202-512-1661), or the FAA's Aviation Rulemaking Advisory Committee (ARAC) bulletin board service (telephone: 800-322-2722 or 202-267-5948).

Internet users may reach the FAA's web page at <http://www.faa.gov/avr/arm/nprm/nprm.htm> or the **Federal Register's** webpage at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html) for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267-9680. Communications must identify the notice number of this NPRM.

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

##### Background

Operational and design trends for normal category rotorcraft are approaching the current maximum weight limitations. This proposal would increase the maximum weight limitation from 6,000 to 7,000 pounds and would add a passenger seat limit of nine.

##### History

Since 1956, the FAA has based the distinction between normal and transport category rotorcraft certification requirements on the certificated maximum weight of the aircraft. Initially, the FAA set the upper weight limit for normal category rotorcraft at 6,000 pounds, based on the spectrum of existing and anticipated designs at that time. The 6,000-pound weight threshold and associated airworthiness standards have served the industry well for over 40 years.

In the 1970's, manufacturers began certificating new light twin-engine rotorcraft in the 4,000 to 6,000 pound weight class. Some single-engine models were also converted to twin-engines. This trend continues. Meanwhile, the FAA certification regulations evolved, gradually adding more stringent safety requirements that ultimately caused permanent increases in empty weight. The high cost of certification of transport category rotorcraft, the increased stringency of the current 14 CFR part 27 (part 27) regulations, and the trend toward modification of existing models have resulted in several normal category

helicopters nearing the current 6,000-pound maximum weight limitation.

Increasing the 6,000-pound weight limit for normal category rotorcraft was not formally discussed with the FAA until November 1991. At that time, a manufacturer petitioned the FAA for a regulatory exemption to allow a rotorcraft to exceed the 6,000-pound maximum weight limit specified for normal category rotorcraft. A summary of the petition was subsequently published in the **Federal Register** (57 FR 4508, February 5, 1992) for public comment. Comments were few and divided. While some commenters were in favor of the petition, others expressed the view that a weight change should not be permitted without considering increased regulatory stringency and/or a limit on the number of passengers. The FAA determined that the petition did not provide adequate justification nor did it show that a grant of exemption would be in the public interest. The FAA denied the petition but stated in the denial that a further study of the issues would be in the public interest.

The diversity of comments prompted the FAA to investigate the general issue of a future rule change in more detail. By letter dated April 1992 to rotorcraft manufacturers and trade associations, the FAA asked interested parties to comment on the advisability of increasing the current 6,000-pound maximum weight limitation. They were also asked to comment on safety criteria that should be associated with a weight limitation increase. Approximately 30 commenters responded to the request. Although these responses contained no specific objections to a future regulatory increase in the maximum allowable weight, the commenters articulated a wide range of views regarding the scope of such a revision.

Due to the level of interest in this issue, the FAA held a public meeting on February 2, 1994, immediately following the Helicopter Association International (HAI) Convention in Anaheim, California. All interested parties were given the opportunity to present their views to help determine a course of action that would be in the best interest of the rotorcraft aviation community. Consequently, the FAA and the Joint Aviation Authorities (JAA) determined that there was a need to review the maximum weight and passenger seat limitation for normal category rotorcraft.

Although not a part of this proposal, the FAA Rotorcraft Directorate identified a need to reevaluate the certification standards for rotorcraft at the low end of the maximum weight spectrum as a result of information

gathered at this meeting. A joint FAA/JAA/Industry Working Group was tasked to reevaluate the maximum weight and seat limitation issues for all rotorcraft, including requirements for the low passenger capacity rotorcraft.

#### ARAC Involvement

By notice in the **Federal Register** (60 FR 4221, January 20, 1995), the FAA announced the establishment of the Gross Weight and Passenger Issues for Rotorcraft Working Group (GWWG). The GWWG was tasked to "Review Title 14 Code of Federal Regulations part 27 and supporting policy and guidance material to determine the appropriate course of action to be taken for rulemaking and/or policy relative to the issue of increasing the maximum weight and passenger seat limitations for normal category rotorcraft."

The GWWG includes representatives from all parties that have expressed an interest in this subject through submittal of comments to the FAA or through the public meeting process. The GWWG includes representatives from Aerospace Industries Association of America (AIA), Association Europeene des Constructeurs de Material Aerospacial (AECMA), the European JAA, Transport Canada and the FAA Rotorcraft Directorate. Additionally, representatives from the small rotorcraft manufacturers were consulted for their views by the GWWG. This broad participation is consistent with FAA policy to involve all known interested parties as early as practicable in the rulemaking process. The GWWG first met in February 1995 and has subsequently met for a total of six meetings.

#### Statement of the Issues

Members of the GWWG agreed that there is a valid need to increase the normal category weight limitation and that nine passengers is appropriate for the normal category rotorcraft passenger seat limitation. A nine-passenger seat limitation is consistent with the passenger seat limitation of normal category airplanes certificated under part 23. The decision to include a nine-passenger seat limitation to § 27.1 is not a new idea. Based on the results of FAA Public Meetings held in 1979 and 1980, NPRM 80-25 (45 FR 245, December 18, 1980) included a proposal to limit part 27 rotorcraft to nine passengers. This passenger seat limitation was not adopted in the final rule because there were no projections for rotorcraft with a maximum weight of 6,000 pounds or less to have more than nine passenger seats.

Considerable discussions during initial GWWG meetings concerned whether additional regulatory requirements should be promulgated to accommodate the increased maximum weight limitations. Although part 27 has always permitted rotorcraft to be certificated to carry up to nine passengers, the current weight limitation has limited practical designs to seven passengers. No normal category rotorcraft to date has been certified and manufactured to carry more than seven passengers. The proposed increase in maximum weight will allow the practical design and production of helicopters that will carry nine passengers. Several sections of part 27 were reviewed to evaluate the possible need for additional regulatory requirements to support this potential increase of two passengers.

The GWWG considered the possible need for additional regulatory requirements if the proposed change to part 27:

1. Related to safety for addition of passengers beyond 7;
2. Related to safety for increased weight; or
3. Resulted in little or no increase in cost or weight.

Based on these criteria, necessary changes were identified.

Industry estimates of the maximum weight necessary to accommodate nine passengers were in the range of 8,000 to 8,500 pounds. Nevertheless, the GWWG agreed to the new limit as 7,000 pounds based on several considerations. Increasing the limit to 7,000 pounds would address the problem of some current normal category rotorcraft remaining within the part 27 weight limitation while complying with the recent increases in part 27 regulatory requirements. In addition, the GWWG agreed that, with possible incorporation of technological advances, a 7,000-pound limit may be adequate to accommodate a nine-passenger capacity in the future.

The proposed additional regulatory requirements included here were prompted by this potential increase in passenger capacity. Therefore, the GWWG recommended a limit of seven passengers for previously certificated rotorcraft (regardless of maximum weight) unless the certification basis is revised and the rotorcraft complies with part 27 at the amendment level of this proposal. The GWWG also agreed that an applicant may apply for an amended or supplemental type certificate to increase maximum weight above 6,000 pounds without complying with this proposed amendment (other than §§ 27.1 and 27.2) provided that the

original seating capacity of the rotorcraft is not increased above that certificated on [insert date 30 days after date of publication of the final rule in the **Federal Register**].

The GWWG presented its recommendation to ARAC. The ARAC subsequently recommended that the FAA revise the normal category rotorcraft airworthiness standards. The Joint Aviation Authorities (JAA) proposes to harmonize the Joint Aviation Requirements (JAR) concurrently with this NPRM.

#### **FAA Evaluation of ARAC Recommendation**

The FAA has reviewed the ARAC recommendation and proposes that the maximum weight limitation be increased to 7,000 pounds and that a passenger seat limitation of nine be added to § 27.1

#### **Section-by-Section Discussion of the Proposals**

This NPRM contains proposals to amend part 27. The FAA proposes the following changes to accommodate an increase in the current maximum weight and passenger carrying capability. The proposal also includes additional safety standards identified as imposing little or no increase in cost or weight.

##### *Section 27.1 Applicability*

This proposal would revise § 27.1(a) to increase the current maximum weight from 6,000 to 7,000 pounds and to add a nine-passenger seat limitation for normal category rotorcraft. The increase in maximum weight is intended to compensate for increased weight resulting from additional regulatory requirements, particularly recent requirements intended to improve occupant survivability in the event of a crash.

##### *Section 27.2 Special Retroactive Requirements*

This proposal would add a new paragraph (b) to § 27.2 requiring compliance with the part 27 amendments, up to and including this amendment, at the time of application for any normal category rotorcraft for which certification for more than seven passengers is sought. This would only apply to changes in type design for already type certificated rotorcraft, since newly type certificated rotorcraft would be required to meet the current part 27 requirements. Additionally, the proposal would allow a previously certificated rotorcraft to exceed the 6,000-pound maximum weight limit provided that no increase in passenger capacity is sought beyond that for which

the rotorcraft was certificated as of (insert date 30 days after date of publication of the final rule in the **Federal Register**). Compliance with all the requirements of the existing certification basis, plus any other amendments applicable to the change in type design, would have to be demonstrated at the increased maximum weight.

##### *Section 27.610 Lightning and Static Electricity Protection*

This proposal would add to § 27.610 the requirement to provide electrical bonding of all metallic components of the rotorcraft. Bonding is necessary to provide an electrical return path for grounded electrical systems, to minimize the accumulation of static charge, to minimize the risk of electric shock to occupants as well as service and maintenance personnel, and to minimize interference with the operation of electrical and avionic systems caused by lightning and the discharge of static electricity.

##### *Section 27.805 Flight Crew Emergency Exits*

This proposal would add a new § 27.805 requirement for flight crew emergency exits, similar to § 29.805, to facilitate rapid evacuation of the flight crew after an emergency ground or water landing.

##### *Section 27.807 Passenger Emergency Exits*

Section 27.807 would be revised to clarify the provisions on emergency exits to ensure that each passenger has ready access to an emergency exit on each side of the fuselage. The proposal also clarifies that normal-use doors may serve as emergency exits but must meet the requirements for emergency exits. This is not stated in the current rule. The proposal adds requirements that emergency exits must open from both inside and outside the rotorcraft and that opening the exit must not require exceptional effort.

##### *Section 27.853 Compartment Interiors*

This proposal enhances the requirements of § 27.853 for fire protection of compartment interiors by replacing the current provision that allows limited use of materials that are only flash resistant with a requirement that all materials be at least flame-resistant. This change is necessary to ensure safety in the larger passenger cabins and is consistent with the existing requirements for normal category airplanes.

##### *Section 27.1027 Transmissions and Gearboxes: General*

This proposal would add to § 27.1027 the requirement that the lubrication system for components of the rotor drive system (that require continuous lubrication) must be sufficiently independent of the engine lubrication system to ensure adequate lubrication during autorotation. This requirement already exists in § 29.1027(a)(2). The lubrication systems of the engines and of the rotor drive system are usually designed to be independent, but this independence is not specifically required by current regulations. This proposal would require sufficient independence to ensure adequate lubrication during autorotation.

##### *Section 27.1185 Flammable Fluids*

This proposal would add to § 27.1185 the requirement that absorbent materials be covered or treated to prevent absorption of hazardous quantities of flammable fluids when such materials are installed close to flammable fluid system components that might leak. This requirement is necessary to minimize fire hazards in rotorcraft that may have absorbent material for insulation of the passenger cabin, some of which will be adjacent to fuel or hydraulic fluid lines, and already exists in § 29.1185(d).

##### *Section 27.1187 Ventilation and Drainage*

This proposal would add to § 27.1187 a requirement for drainage of powerplant installation compartments. Section 27.1187 currently requires these compartments to be ventilated, but there is no requirement for them to be provided with drains as exists in § 29.1187(a)(1) and (2). Drainage of powerplant compartments is necessary to minimize fire hazards by ensuring that leakage of flammable fluids does not result in hazardous accumulations of those fluids near potential ignition sources.

##### *Sections 27.1305 Powerplant Instruments and 27.1337 Powerplant Instruments*

This proposal adds to §§ 27.1305 and 27.1337 a requirement that chip detectors fitted in the rotor drive system also provide an indication to the flight crew when magnetic particles are detected. The present rule requires a chip detector to be fitted in the rotor drive system but does not require an in-flight indication of magnetic particle detection to the flight crew. This proposal is necessary to provide early indications of drive system deterioration allowing appropriate flight crew

responses; this requirement exists in part 29. The proposal also adds a requirement that a means be provided to the flight crew to check the function of each chip detector electrical circuit so that proper function of the system can be easily determined.

#### **Paperwork Reduction Act**

There are no requirements for information collection associated with this proposed rule that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

#### **Regulatory Evaluation Summary**

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal Agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this proposed rule: (1) would generate benefits that justify its costs and is not a "significant regulatory action" as defined in the Executive Order 12866, (2) is not "significant" as defined in DOT's Regulatory Policies and Procedures, (3) would not have a significant impact on a substantial number of small entities, and (4) would lessen restraints on international trade. These analyses, available in the docket, are summarized below:

This proposed rule would impose no or negligible compliance costs on rotorcraft manufacturers or users because the proposed changes would codify current industry practices. In addition, it would eliminate an applicant's need to apply for an exemption to the maximum weight requirement for a future part 27 type certificate and thereby save between \$10,000 and \$18,000 in paperwork costs for each eliminated exemption application.

Safety benefits would arise as manufacturers develop new, heavier part 27 rotorcraft (that would be based on the most recent part 27 standards) to replace some older part 27 rotorcraft certificated to earlier standards. For example, these safety benefits would accrue to some Emergency Medical Service (EMS) operators. The increased weight would allow some EMS's to

increase their fuel loads and effective ranges to carry all of the necessary medical equipment and passengers. The EMS's must now limit fuel loads and their effective ranges to remain under the current 6,000-pound maximum weight.

#### **Regulatory Flexibility Determination**

The Regulatory Flexibility Act of 1980 (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the sale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the Agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA conducted the required review of this proposal and determined that it would not have a significant economic impact on a substantial number of small entities. The proposed rule is expected to produce annualized incremental cost savings of \$10,000 to \$18,000 per applicant. While this would be beneficial to rotorcraft manufacturers, it would be unlikely to affect either the competitiveness or solvency of small businesses. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### **International Trade Impact**

The proposed rule would not constitute a barrier to international trade, including the export of U.S.

rotorcraft into the United States. Instead, the changes would maintain harmonized certification procedures of the FAA with those of the JAA and thereby have no appreciable effect on trade.

#### **Federalism Implications**

The proposed regulations 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 12866, October 4, 1993, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### **Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This rule does not contain a Federal intergovernmental or private sector mandate that exceeds \$100 million a year.

List of Subjects in 14 CFR Part 27

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

The Proposed Amendments

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 27 as follows:

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

1. The authority citation for part 27 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

2. Section 27.1(a) is revised to read as follows:

§ 27.1 Applicability.

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for normal category rotorcraft with maximum weights of 7,000 pounds or less and nine or less passenger seats.

\* \* \* \* \*

3. Section 27.2 is amended by redesignating the introductory text and paragraphs (a), (b), (c), (d) introductory text, (d)(1), and (d)(2) as paragraphs (a) introductory text, (a)(1), (a)(2), (a)(3), (a)(4) introductory text, and (a)(4)(i) and (a)(4)(ii), respectively.

§ 27.2 Special retroactive requirements.

\* \* \* \* \*

(b) For rotorcraft with a certification basis established prior to (insert date 30 days after date of publication of the final rule in the Federal Register)—

(1) The maximum passenger seat capacity may be increased to eight or nine provided the applicant shows compliance with all the airworthiness requirements of this part in effect (insert date 30 days after date of publication of the final rule in the Federal Register).

(2) The maximum weight may be increased to greater than 6,000 pounds provided—

(i) The number of passenger seats is not increased above the maximum number previously certificated on [insert date 30 days after date of publication of the final rule in the Federal Register], or

(ii) The applicant shows compliance with all of the airworthiness requirements of this part in effect on [insert date 30 days after date of publication of the final rule in the Federal Register].

4. Section 27.610 is amended by revising the section heading and by adding paragraph (d) to read as follows:

§ 27.610 Lightning and static electricity protection.

\* \* \* \* \*

(d) The electrical bonding and protection against lightning and static electricity must—

(1) Minimize the accumulation of electrostatic charge;

(2) Minimize the risk of electric shock to crew, passengers, and service and maintenance personnel using normal precautions;

(3) Provide an electrical return path, under both normal and fault conditions, on rotorcraft having grounded electrical systems; and

(4) Reduce to an acceptable level the effects of lightning and static electricity on the functioning of essential electrical and electronic equipment.

5. Section 27.805 is added to read as follows:

§ 27.805 Flight crew emergency exits.

(a) For rotorcraft with passenger emergency exits that are not convenient to the flight crew, there must be flight crew emergency exits, on both sides of the rotorcraft or as a top hatch, in the flight crew area.

(b) Each flight crew emergency exit must be of sufficient size and must be located so as to allow rapid evacuation of the flight crew. This must be shown by test.

(c) Each flight crew emergency exit must not be obstructed by water or flotation devices after an emergency landing on water. This must be shown by test, demonstration, or analysis.

6. Section 27.807 is revised to read as follows:

§ 27.807 Emergency exits.

(a) Number and location.

(1) There must be at least one emergency exit on each side of the cabin readily accessible to each passenger. One of these exits must be usable in any probable attitude that may result from a crash;

(2) Doors intended for normal use may also serve as emergency exits, provided that they meet the requirements of this section; and

(3) If emergency flotation devices are installed, there must be an emergency exit accessible to each passenger on each side of the cabin that is shown by test, demonstration, or analysis to:

(i) Be above the waterline; and

(ii) Open without interference from flotation devices, whether stowed or deployed.

(b) Type and operation. Each emergency exit prescribed by paragraph (a) of this section must—

(1) Consist of a movable window or panel, or additional external door,

providing an unobstructed opening that will admit a 19- by 26-inch ellipse;

(2) Have simple and obvious methods of opening, from the inside and from the outside, which do not require exceptional effort;

(3) Be arranged and marked so as to be readily located and opened even in darkness; and

(4) Be reasonably protected from jamming by fuselage deformation.

(c) Tests. The proper functioning of each emergency exit must be shown by test.

(d) Ditching emergency exits for passengers. If certification with ditching provisions is requested, the markings required by paragraph (b)(3) of this section must be designed to remain visible if the rotorcraft is capsized and the cabin is submerged.

§ 27.853 [Amended]

7. Section 27.853 is amended in paragraph (a) by removing the word "flash" and inserting the word "flame" in its place and by removing and reserving paragraph (b).

8. Section 27.1027 is amended by redesignating paragraphs (a) through (d) as paragraphs (b) through (e); in redesignated paragraph (c)(2), by removing "(b)(3)" and adding "(c)(3)" in its place; in redesignated paragraph (d), by removing "(b)" each place it appears and adding "(c)"; and by adding a new paragraph (a) to read as follows:

§ 27.1027 Transmissions and gearboxes: General.

(a) The lubrication system for components of the rotor drive system that require continuous lubrication must be sufficiently independent of the lubrication systems of the engine(s) to ensure lubrication during autorotation.

\* \* \* \* \*

9. In § 27.1185, a new paragraph (d) is added to read as follows:

§ 27.1185 Flammable fluids.

\* \* \* \* \*

(d) Absorbent materials close to flammable fluid system components that might leak must be covered or treated to prevent the absorption of hazardous quantities of fluids.

10. Section 27.1187 is revised to read as follows:

§ 27.1187 Ventilation and drainage.

Each compartment containing any part of the powerplant installation must have provision for ventilation and drainage of flammable fluids. The drainage means must be—

(a) Effective under conditions expected to prevail when drainage is needed, and

(b) Arranged so that no discharged fluid will cause an additional fire hazard.

11. In § 27.1305, paragraph (v) is added to read as follows:

**§ 27.1305 Powerplant instruments.**

\* \* \* \* \*

(v) Warning or caution devices to signal to the flight crew when ferromagnetic particles are detected by the chip detector required by § 27.1337(e).

12. Section 27.1337(e) is revised to read as follows:

**§ 27.1337 Powerplant instruments.**

\* \* \* \* \*

(e) Rotor drive system transmissions and gearboxes utilizing ferromagnetic materials must be equipped with chip detectors designed to indicate the presence of ferromagnetic particles resulting from damage or excessive wear. Chip detectors must—

(1) Be designed to provide a signal to the device required by § 27.1305(v); and be provided with a means to allow crewmembers to check, in flight, the function of each detector electrical circuit and signal.

(2) [Reserved]

Issued in Washington, DC, on June 9, 1998.

**Thomas E. McSweeney,**

*Director, Aircraft Certification Service.*

[FR Doc. 98-15961 Filed 6-24-98; 8:45 am]

BILLING CODE 4910-13-P

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**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[REG-116608-97]

RIN 1545-AV61

**EIC Eligibility Requirements**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

**SUMMARY:** In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations pertaining to the eligibility requirements for certain taxpayers denied the earned income credit (EIC) as a result of the deficiency procedures. The text of those temporary regulations also serves as the text of these proposed regulations. This document also provides notice of a public hearing on these proposed regulations.

**DATES:** Written comments must be received by September 23, 1998.

Requests to speak (with outlines of oral comments) at a public hearing scheduled for Wednesday, October 21, 1998, must be received by September 30, 1998.

**ADDRESSES:** Send submissions to: CC:DOM:CORP:R (REG-116608-97), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG-116608-97), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at [http://www.irs.ustreas.gov/prod/tax\\_regs/comments.html](http://www.irs.ustreas.gov/prod/tax_regs/comments.html). The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Karin Loverud, 202-622-6060; concerning submissions or the hearing, LaNita VanDyke, 202-622-7190 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collection of information should be received by August 24, 1998. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collection of information in this proposed regulation is in § 1.32-3. This information is required to conform with the statute and to permit the taxpayer to claim the EIC. This information will be used by the IRS to determine whether the taxpayer is entitled to claim the EIC. The collection of information is mandatory. The likely respondents are individuals.

The burden is reflected in the burden of Form 8862.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Background**

The temporary regulations published in the Rules and Regulations section of this issue of the **Federal Register** add § 1.32-3T to the Income Tax Regulations.

The text of those temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary regulations.

**Special Analyses**

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations.

It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that the underlying statute applies only to individuals. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.