

6 pounds of weight to the Transition® (*i.e.*, assuming weight could not be removed elsewhere in the vehicle). Second, an ESC system poses a flight risk because by design an ESC system may automatically cut the engine power when activated in a vehicle, which would create a single point failure that could shut down the Transition's® engine in flight. Terrafugia believes that this additional flight risk outweighs the benefit of the ESC system to braking performance on the ground. Terrafugia states that it currently does not have the technical or financial resources to independently develop an ESC system for its dual purpose vehicle and, to date, potential vendors have been unwilling to provide an ESC system for use on the Transition® because it is an aircraft.

*C. FMVSS No. 205, Glazing Materials, Section S5*¹⁹

Terrafugia seeks an exemption from the glazing material requirements of FMVSS No. 205, S5 ("Requirements"), which affect the Transition's® windshield and side windows. Terrafugia states that installing compliant glazing materials, such as traditional laminated safety glass, would result in a weight penalty of 29 pounds (13.2 kg). The company contends that it may not be able to remove this additional weight without compromising the safety of existing crash protection structures. Further, Terrafugia states that traditional automotive glazing materials, when subjected to loading similar to a bird strike in flight, either shatter, exposing the occupants to the free-stream air, or craze to a level that would substantially inhibit the pilots view.

Alternatively, Terrafugia plans to install polycarbonate glazing material, which is normally used in aircraft, and withstands aircraft bird strikes well. According to the petition, the polycarbonate material has passed intrusion tests without cracking, but Terrafugia is still pursuing options for scratch-resistant coating that can be certified to tier 1 glass.²⁰ In the meantime, Terrafugia intends to require that the Transition's® windshield be subject to regular inspections and contends that Transition® owners, as pilots, already are accustomed to strict maintenance standards. Terrafugia states that the exemption period will allow it to continue working on the capacity of modern coated

polycarbonate glazing materials to be certified to the FMVSS requirements.

*D. FMVSS No. 208, Occupant Crash Protection, Section S14 (Advanced Air Bags)*²¹

Terrafugia seeks an exemption from the advanced air bag requirements of FMVSS No. 208 (S14) because the company currently does not have the financial resources to design and install an advanced air bag system. The company, however, intends to install basic air bags in the Transition®. Terrafugia states that the Transition® also will be equipped with a carbon fiber omega beam "safety cage" surrounding the passenger compartment, energy-absorbing crush structures, seat belts, and other necessary passenger safety equipment not traditionally installed in LSA. According to the petition, Terrafugia anticipates using the sales revenue to pursue the development of an advanced air bag system, ideally one that would be able to differentiate between the needs of an automotive crash and an aviation crash.

V. Request for Comments

We are providing a 30-day comment period and instructions for submitting comments are described in the "COMMENTS" section of this notice. As described in Terrafugia's petition, the Transition® offers a pilot an alternative mode of transportation during periods of inclement weather, allowing the pilot to drive on roads rather than fly the vehicle. Given the safety features for which Terrafugia seeks exemption, NHTSA specifically seeks comment on whether the safety benefits of reducing weather-related accidents for flights of the Transition® in inclement weather outweigh the safety risks associated with road use of the Transition® in inclement weather. NHTSA further seeks comment on the likelihood that a child would be a passenger in the Transition® (*i.e.*, there is one front passenger seat and no rear seats) to evaluate the safety risks posed by noncompliance with the advanced air bag requirements.

Issued on: November 9, 2010.

Nathaniel Beuse,

Director, Office of Crash Avoidance Standards.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Consensus Standards, Light-Sport Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of seven revised consensus standards to previously accepted consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule issued July 16, 2004, and effective September 1, 2004. ASTM International Committee F37 on Light Sport Aircraft developed the revised standards with Federal Aviation Administration (FAA) participation. By this notice, the FAA finds the revised standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule.

DATE: Comments must be received on or before January 18, 2011.

ADDRESSES: Comments may be mailed to: Federal Aviation Administration, Small Airplane Directorate, Programs and Procedures Branch, ACE-114, Attention: Terry Chasteen, Room 301, 901 Locust, Kansas City, Missouri 64106. Comments may also be e-mailed to: 9-ACE-AVR-LSA-Comments@faa.gov. All comments must be marked: Consensus Standards Comments, and must specify the standard being addressed by ASTM designation and title.

FOR FURTHER INFORMATION CONTACT:

Terry Chasteen, Light-Sport Aircraft Program Manager, Programs and Procedures Branch (ACE-114), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4147; e-mail: terry.chasteen@faa.gov.

SUPPLEMENTARY INFORMATION: This notice announces the availability of seven revised consensus standards to previously accepted consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule. ASTM International Committee F37 on Light Sport Aircraft developed the new and revised standards. The FAA expects a suitable consensus standard to be reviewed at least every two years. The two-year review cycle will result in a standard revision or reapproval. A standard is issued under a fixed designation (*i.e.*, F2244); the

¹⁹ 49 CFR 571.205.

²⁰ We assume Terrafugia is referring to certification as Item 1 glazing, or traditional laminated safety glass.

²¹ 49 CFR 571.208.

number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A reapproval indicates a two-year review cycle completed with no technical changes. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval. A notice of availability (NOA) will only be issued for new or revised standards. Reapproved standards issued with no technical changes or standards issued with editorial changes only (*i.e.*, superscript epsilon (ϵ)) are considered accepted by the FAA without need for a NOA.

Comments Invited: Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the consensus standard number and be submitted to the address specified above. All communications received on or before the closing date for comments will be forwarded to ASTM International Committee F37 for consideration. The standard may be changed in light of the comments received. The FAA will address all comments received during the recurring review of the consensus standard and will participate in the consensus standard revision process.

Background: Under the provisions of the Sport Pilot and Light-Sport Aircraft rule, and revised Office of Management and Budget (OMB) Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities", dated February 10, 1998, industry and the FAA have been working with ASTM International to develop consensus standards for light-sport aircraft. These consensus standards satisfy the FAA's goal for airworthiness certification and a verifiable minimum safety level for light-sport aircraft. Instead of developing airworthiness standards through the rulemaking process, the FAA participates as a member of Committee F37 in developing these standards. The use of the consensus standard process assures government and industry discussion and agreement on appropriate standards for the required level of safety.

Comments on Previous Notices of Availability

In the Notice of Availability (NOA) issued on October 1, 2009, and published in the **Federal Register** on October 15, 2009, the FAA asked for public comments on the new and revised consensus standards accepted

by that NOA. The comment period closed on December 14, 2009. No public comments were received regarding the standards accepted by this NOA.

Consensus Standards in This Notice of Availability

The FAA has reviewed the standards presented in this NOA for compliance with the regulatory requirements of the rule. Any light-sport aircraft issued a special light-sport airworthiness certificate, which has been designed, manufactured, operated and maintained in accordance with this and previously accepted ASTM consensus standards, provides the public with the appropriate level of safety established under the regulations. Manufacturers who choose to produce these aircraft and certificate these aircraft under 14 CFR part 21, §§ 21.190 or 21.191 are subject to the applicable consensus standard requirements. The FAA maintains a listing of all accepted standards on the FAA Web site.

The Revised Consensus Standard and Effective Period of Use

The following previously accepted consensus standards have been revised, and this NOA is accepting the later revision. Either the previous revision or the later revision may be used for the initial certification of special light-sport aircraft until May 11, 2011. This overlapping period of time will allow aircraft that have started the initial certification process using the previous revision level to complete that process. After May 11, 2011, manufacturers must use the later revision and must identify the later revision in the Statement of Compliance for initial certification of special light-sport aircraft unless the FAA publishes a specific notification otherwise. The following Consensus Standards may not be used after May 11, 2011:

ASTM Designation F2244-08, titled: Standard Specification for Design of Powered Parachute Aircraft.

ASTM Designation F2317/F2317M-05, titled: Standard Specification for Design of Weight-Shift-Control Aircraft.

ASTM Designation F2352-05, titled: Standard Specification for Design and Performance of Light Sport Gyroplane Aircraft.

ASTM Designation F2355-05a, titled: Standard Specification for Design and Performance Requirements for Lighter-Than-Air Light Sport Aircraft.

ASTM Designation F2415-06, titled: Standard Practice for Continued Airworthiness System for Light Sport Gyroplane Aircraft.

ASTM Designation F2449-05, titled: Standard Specification for Manufacturer

Quality Assurance Program for Light Sport Gyroplane Aircraft.

ASTM F2564-06, titled: Standard Specification for Design and Performance of a Light Sport Glider.

The Consensus Standards

The FAA finds the following revised consensus standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule. The following consensus standards may be used unless the FAA publishes a specific notification otherwise:

a. ASTM Designation F2244-10, titled: Standard Specification for Design of Powered Parachute Aircraft.

b. ASTM Designation F2317/F2317M-10, titled: Standard Specification for Design of Weight-Shift-Control Aircraft.

c. ASTM Designation F2352-09, titled: Standard Specification for Design and Performance of Light Sport Gyroplane Aircraft.

d. ASTM Designation F2355-10, titled: Standard Specification for Design and Performance Requirements for Lighter-Than-Air Light Sport Aircraft.

e. ASTM Designation F2415-09, titled: Standard Practice for Continued Airworthiness System for Light Sport Gyroplane Aircraft.

f. ASTM Designation F2449-09, titled: Standard Specification for Manufacturer Quality Assurance Program for Light Sport Gyroplane Aircraft.

g. ASTM F2564-10, titled: Standard Specification for Design and Performance of a Light Sport Glider.

Availability

These consensus standards are copyrighted by ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959. Individual reprints of a standard (single or multiple copies, or special compilations and other related technical information) may be obtained by contacting ASTM at this address, or at (610) 832-9585 (phone), (610) 832-9555 (fax), through service@astm.org (e-mail), or through the ASTM Web site at <http://www.astm.org>. To inquire about standard content and/or membership, or about ASTM International Offices abroad, contact Daniel Schultz, Staff Manager for Committee F37 on Light Sport Aircraft: (610) 832-9716, dschultz@astm.org.

Issued in Kansas City, Missouri, on November 4, 2010.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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