

undergo a hardship due to their regions' lack of certificated mechanics; (2) many others operate during times when certificated mechanics are not normally on duty (these missions are usually time-critical); and (3) many of these operators are unable to operate their aircraft in only one configuration. Passenger-to-cargo or passenger-to-stretcher conversion ensures the most efficient utilization of cabin space on each flight. In most instances, seats, stretchers, base assemblies, and other items used in the conversion are approved for aircraft installation, and the procedures for installation and removal are designed to be accomplished safely by a trained person.

Historically, the FAA has granted exemptions to permit pilots of aircraft operated under part 135 to perform seat removal and replacement tasks only if the aircraft was operated in a remote area such as the Alaskan bush or sparsely populated areas of the Northwestern United States. Certificated mechanics servicing these areas are scarce. Many of the operations include such essential services as flying food, mail, needed goods and people into and out of areas that may not be accessible by other modes of transportation.

More recently, however, exemptions have been granted to part 135 air carriers to permit their properly trained pilots to reconfigure cabin seats when flying missions of an emergency nature during times—at night and on weekends—when certificated mechanics are not normally available, and when a time delay incurred by locating a mechanic could cause undue burden or create a life-threatening situation.

The FAA has determined that if a properly trained pilot can change seat configurations in a remote area where a certificated mechanic is not available (and which might be performed under adverse conditions), he or she would be capable of and should be allowed to perform the same conversions under better conditions such as those present at the operator's maintenance base.

Passenger-to-cargo and passenger-to-stretcher conversions have been performed safely by pilots who have been trained to do so and who are employed by air carriers holding exemptions allowing their pilots to perform the tasks. No reported incidents or accidents have been attributed to properly trained pilots changing aircraft cabin configurations. If an air taxi operator develops a program for performing seat conversions and appropriately instructs and trains its pilots according to the program, safety

levels equivalent to those achieved by certificated mechanics would be maintained.

Also, on January 10, 1994, the FAA published a Request for Comments (59 FR 1326; docket No. 27581) to solicit from the public a list of those regulations that are believed to be unwarranted or inappropriate. The agency received eight comments that addressed the maintenance and preventive maintenance regulations of part 43. The commenters noted that current regulations do not allow a pilot of a part 135 operator to remove and reinstall aircraft cabin seats and stretchers. The commenters feel that the current regulations are unnecessary and are financially and physically burdensome. They point out that the FAA has issued a number of exemptions to relieve the burden, and that the exemption process itself is burdensome and time consuming.

The FAA has determined that the concern shown for this issue is significant, and that this rulemaking action is consistent with the agency's responsibility to review the continuing need for its regulations and to eliminate regulations that impose unnecessary burdens.

Related Rulemaking

The Aviation Rulemaking Advisory Committee (ARAC), which is a committee composed of aviation community and FAA personnel, has been tasked with reviewing part 43 and Appendix A to determine what revisions, if any, should be made. It is anticipated that any ARAC action taken regarding this task would not be complete before a final rule resulting from this proposed rulemaking would be issued.

The Current Rule

Part 43 requires air carriers to use certificated mechanics for their aircrafts' maintenance and preventive maintenance needs. This requirement reflects an FAA position that passengers of all aircraft be given a high degree of safety protection through the proper installation of cabin seats and appointments. As outlined in Appendix A, paragraph (c), of this part, removal and replacement of aircraft seats is considered preventive maintenance. Several years ago, the FAA recognized the need for pilots operating helicopters under part 135 to be able to perform certain preventive maintenance tasks when operating in remote areas. Accordingly, the agency amended part 43, effective January 6, 1987 (51 FR 40702, Nov. 7, 1986), by adding a new § 43.3(h), which authorized part 135

certificate holders to allow their pilots, when operating rotorcraft, to perform specific preventive maintenance tasks, under the following conditions:

- (1) The items of preventive maintenance must be a result of a known or suspected mechanical difficulty or malfunction that occurred en route to or in a remote area.
- (2) The pilot must have satisfactorily completed an approved training program and is authorized, in writing, by the certificate holder for each item of preventive maintenance that the pilot is authorized to perform.
- (3) There must be no certificated mechanic available to perform preventive maintenance.
- (4) The certificate holder must have procedures to evaluate the accomplishment of a preventive maintenance item that requires a decision concerning the airworthiness of the rotorcraft.
- (5) The items of preventive maintenance authorized by this section must be those listed in paragraph (c) of Appendix A of part 43.

General Discussion of the Proposal

This proposal addresses only those aircraft type certificated with 9 or fewer passenger seats operating in part 135 operations. Operators of aircraft type certificated with 10 or more passenger seats operating under part 135 would not be provided relief under this rulemaking action because they are required to have a maintenance organization in place to support their part 135 operations, and their aircraft tend to be more complex in design and construction.

Because certificated mechanics are not available at all times in all places, the current requirements of part 43 impose an economic hardship on some operators. The operational difficulties experienced by these operators and the attendant passenger inconvenience is evidenced in the content and quantity of exemption petitions submitted to the FAA. In response to these petitions, the agency proposes to add a new § 43.3(i) to allow a pilot of a small aircraft (9 or fewer passenger seats) to remove and reinstall approved aircraft cabin seats, approved cabin-mounted stretchers, and, when no tools are required, approved cabin-mounted medical oxygen bottles (gaseous and liquid).

In view of the demonstrated public benefit from permitting pilots to perform the relatively simple maintenance and preventive maintenance tasks of removing and replacing seats, stretchers, and medical oxygen bottles, and the demonstrated safety record of the performance of these