

of aircraft operating under part 135 to reconfigure cabins were granted to operators of rotorcraft. Each of the above authorizations contained a requirement that the pilot be properly trained for the preventive maintenance task that would be undertaken. Rotorcraft pilots operating under part 91 rules are authorized to perform preventive maintenance tasks under § 43.3(g).

The National Transportation Safety Board (NTSB) accident report reveals no instance of rotorcraft accidents where the removal and replacement of cabin seats by a rotorcraft pilot was suspected as a possible cause. In fact, a search of the FAA and NTSB accident and incident data recorded for part 91 and part 135 operations over the 1972-present period did not reveal a single instance in which the performance by a pilot of any of the tasks that would be authorized under this proposal was suspected as having had a casual role in an accident. The FAA has therefore determined that this proposed rule would be cost relieving and would not reduce the current level of safety.

The FAA solicits information from the public to refine this estimate of cost savings. Information of use to the agency would pertain to the frequency of the practices covered by this proposal (e.g., cabin reconfiguration) as well as the additional expenses involved (e.g., cost of transporting and compensating mechanics).

#### International Trade Impact Analysis

The proposed rulemaking action would affect only those operators engaged in part 135 operations of a localized or regional nature. No impact is expected on international trade because these domestic operators seldom compete with foreign firms in the markets they serve.

#### Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities." The proposed rule amendment is of a cost relieving nature and would therefore afford cost savings to individual part 135 operators.

Under FAA Order 2100.14A, the criterion for a "substantial number" is a number that is not less than 11 and that is more than one third of the small entities subject to the rule. This proposal would affect all part 135 operators who operate aircraft type certificated for 9 or fewer passenger

seats. For operators of aircraft for hire, a small operator is one that owns, but not necessarily operates, nine or fewer aircraft.

The FAA's criterion for a "significant impact" is \$4,330 or more per year for an unscheduled operator. The extent of the cost savings per operator was estimated at \$2484 per operator in the section on economic impacts. The FAA concludes, therefore, that this proposed rule would not have a significant economic impact, positive or negative, on a substantial number of small entities.

#### Federalism Implications

The regulations proposed herein will 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, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not a significant regulatory action under Executive Order 12866. In addition, the FAA certifies that this proposal, if adopted, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is considered nonsignificant under Order DOT 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. A draft regulatory evaluation of the proposal, including an initial Regulatory Flexibility Determination and International 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 43

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 43 of the Federal Aviation Regulations as follows:

### PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

1. The authority citation for part 43 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354, 1421 through 1430; 49 U.S.C. 106(g).

2. In § 43.3, paragraph (i) is redesignated as paragraph (j), and a new paragraph (i) is added to read as follows:

#### § 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

\* \* \* \* \*

(i) Notwithstanding the provisions of paragraph (g) of this section, in accordance with an approval issued to the holder of a certificate issued under part 135 of this chapter, a pilot of an aircraft type-certificated for 9 or fewer passenger seats, excluding any pilot seat, may perform the removal and reinstallation of approved aircraft cabin seats, approved cabin-mounted stretchers, and when no tools are required, approved cabin-mounted medical oxygen bottles, provided—

(1) The pilot has satisfactorily completed an approved training program and is authorized in writing by the certificate holder to perform each task; and

(2) The certificate holder has procedures to evaluate the accomplishment of the task.

\* \* \* \* \*

#### Appendix A to Part 43—[Amended]

3. In Appendix A to part 43, paragraph (c)(30)(i), the reference "§ 147.21(f)" is corrected to read "§ 147.21(e) of this chapter".

4. In Appendix A to part 43, paragraphs (c)(31) and (c)(32) are added to read as follows:

#### Appendix A to Part 43—Major Alterations, Major Repairs, and Preventive Maintenance

\* \* \* \* \*

(c) \* \* \*

(31) Removing and replacing self-contained, instrument panel-mounted navigation and communication devices (excluding automatic flight control systems, transponders, and microwave frequency distance measuring equipment (DME)) if the approved unit is designed to be readily and repeatedly removed and replaced, and pertinent instructions are provided.

(32) Updating self-contained, instrument panel-mounted Air Traffic Control (ATC) navigational software data bases (excluding those of automatic flight control systems, transponders, and microwave frequency distance