

this section does not allow the use of an RNAV system in lieu of DME.

**14 CFR 95.1. Applicability.** Part 95 prescribes altitudes governing the operation of aircraft under IFR on Federal airways, jet routes, area navigation low or high routes, or other direct routes for which a minimum enroute altitude (MEA) is designated. In addition, it designates mountainous areas and changeover points. In general, the IFR altitudes prescribed in this section are determined by a route analysis based on the following factors: (1) An obstacle clearance assessment; (2) the lowest altitude at which the aircraft radio navigation receivers are able to receive the ground-based radio navigation fixes defining the airway, segment or route; and (3) the lowest altitude at which two-way voice communication between the aircraft and the air traffic control unit can be maintained. No accommodation is made for IFR altitudes determined by the above route analysis factors over routes that may be defined by fixes other than ground-based navigation aid fixes. Under SFAR 97, operators using IFR certified GPS/WAAS RNAV systems are permitted to conduct operations over routes in Alaska at the lowest minimum en route altitude based only on route obstacle assessments and ATC two-way voice communication capability. This MEA is defined as the "special MEA" for purposes of SFAR 97 to distinguish it from MEAs established under part 95.

**14 CFR 121.349(a). Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.** Section 121.349(a) requires airplanes to be equipped with two independent radio navigation systems that are able to receive radio navigational signals from all primary en route and approach navigational facilities intended to be used. This section does not allow, nor does any other section of part 121, allow the use of RNAV GNSS for IFR navigation on Federal airways and other routes. SFAR 97 allows the use of IFR-certified RNAV GPS/WAAS systems for IFR navigation.

**14 CFR 125.203(b) and (c). Radio and navigational equipment.** These sections state that no person may operate an airplane over-the-top or under IFR unless it has two independent receivers for navigation that are able to receive radio signals from the ground facilities to be used and which are capable of transmitting to, and receiving from, at any place on the route to be flown, at least one ground facility. These sections do not allow the use of RNAV GNSS for IFR navigation for any airplanes conducting IFR operations under part

125 in the NAS. SFAR 97 allows for the use of IFR-certified RNAV GPS/WAAS systems for IFR navigation.

**14 CFR 129.17(a) and (b). Radio Equipment.** Sections 129.17(a) and (b) state that subject to the applicable laws and regulations governing ownership and operation of radio equipment, each foreign air carrier shall equip its aircraft with such radio equipment as is necessary to properly use the air navigation facilities. This section does not include or allow IFR RNAV GNSS to be used for air navigation on Federal airways or other published routes. SFAR 97 allows the use of IFR-certified RNAV GPS/WAAS systems for air navigation on Federal airways or other published routes.

**14 CFR 135.165. Radio and navigational equipment: Extended overwater or IFR operations.** Section 135.165 excludes turbojet airplanes with 10 or more passenger seats, multiengine airplanes in a commuter operations, as defined under 14 CFR part 119, and other aircraft from conducting IFR or extended overwater operations unless they have a minimum of two independent receivers for navigation appropriate to the facilities to be used that are capable of transmitting to, and receiving from, at any place on the route to be flown, at least one ground facility. Since IFR-certified RNAV GPS/WAAS systems do not receive navigation position information from ground facilities, they would not be acceptable for navigation based on this section. SFAR 97 allows the use of IFR-certified RNAV GPS/WAAS systems in lieu of aircraft navigation equipment that uses ground-based navigation facilities to navigate.

#### Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there are no new information collection requirements associated with this final rule.

#### International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to SFAR 97.

#### Economic Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal agency to 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 Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act also requires agencies to consider international standards and, where appropriate, use them as the basis for U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation).

In conducting these analyses, FAA has determined that this rule: (1) Will generate benefits and not impose any costs, is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, and is not "significant" as defined in DOT's Regulatory Policies and Procedures; (2) will not have a significant economic impact on a substantial number of small entities; (3) will not constitute a barrier to international trade; and does not impose an unfunded mandate on State, local, or tribal governments, or on the private sector.

The Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If it is determined that the expected impact is so minimal that the rule does not warrant a full evaluation, a statement to that effect and the basis for it is included in the regulation. No comments were received that conflicted with the economic assessment of minimal impact published in the notice of proposed rulemaking for this action. Given the reasons presented below, and the fact that no comments were received to the contrary, the FAA has determined that the expected impact of this rule is minimal and that the final rule does not warrant a full evaluation.

This rule establishes a minimum equipment and operational approval