

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 will 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 final rule does not contain a Federal intergovernmental or private sector mandate that exceeds \$100 million in any 1 year.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various

levels of government. Therefore, we determined that this final rule does not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of this rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Public Law 94-163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights, Reporting and recordkeeping requirements, Safety, Transportation.

14 CFR Part 125

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 129

Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements, Security measures.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14, Code of Federal Regulations as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 4901, 44903–44904, 44912, 46105.

■ 2. In § 121.356, revise the section heading and add paragraph (d) to read as follows, effective on May 1, 2003:

§ 121.356 Collision avoidance system.

* * * * *

(d) Effective May 1, 2003, if TCAS II is installed in an airplane for the first time after April 30, 2003, and before January 1, 2005, no person may operate that airplane without TCAS II that meets TSO C-119b (version 7.0), or a later version.

■ 3. Revise § 121.356 to read as follows, effective January 1, 2005:

§ 121.356 Collision avoidance system.

Effective January 1, 2005, any airplane you operate under this part must be equipped and operated according to the following table:

COLLISION AVOIDANCE SYSTEMS

If you operate any—	Then you must operate that airplane with—
(a) Turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight.	<p>(1) An appropriate class of Mode S transponder that meets Technical Standard Order (TSO) C-112, or a later version, and one of the following approved units:</p> <p>(i) TCAS II that meets TSO C-119b (version 7.0), or takeoff weight a later version.</p> <p>(ii) TCAS II that meets TSO C-119a (version 6.04A Enhanced) that was installed in that airplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to TSO C-119a standards, it must be replaced with a TCAS II that meets TSO C-119b (version 7.0), or a later version.</p> <p>(iii) A collision avoidance system equivalent to TSO C-119b (version 7.0), or a later version, capable of coordinating with units that meet TSO C-119a (version 6.04A Enhanced), or a later version.</p>
(b) Passenger or combination cargo/passenger (combi) airplane that has a passenger seat configuration of 10–30 seats.	<p>(1) TCAS I that meets TSO C-118, or a later version, or</p> <p>(2) A collision avoidance system equivalent to has a TSO C-118, or a later version, or</p> <p>(3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.</p>
(c) Piston-powered airplane of more than 33,000 pounds maximum certificated takeoff weight.	<p>(1) TCAS I that meets TSO C-118, or a later version, or</p> <p>(2) A collision avoidance system equivalent to maximum TSO C-118, or a later version, or</p> <p>(3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.</p>