

the engine can deliver rated takeoff power or thrust within approved limits prior to the start of the test.

Section 33.200(e)

This section establishes what the required inspections are and what the pass/fail criteria is for section 33.200 compliance. Further detail on a MoC for this section can be found in the companion advisory circular.

Section 33.200(f)

This section establishes the requirements for utilizing paragraph 33.200(c) 3,000-cycle test data to show compliance to section 33.90 Initial Maintenance Inspection. The companion AC provides details of an acceptable MoC.

Part 121

Global Issues for Part 121

FAA General Changes to the ARAC Proposal for Part 121

(1) Section 121.368 Has Become 121.374

The ARAC proposed rule number had to be changed due to other FAA rule writing projects. The content and concepts from the proposal were retained wherever possible within the new rule. Specific format changes and the differences between this proposed rule and the ARAC proposal are discussed in each section below.

Section-by-Section Discussion of the Proposed Changes to Part 121

Proposed New Section 121.7 Definitions and Designations

The FAA proposes to add a new section in part 121 for definitions applicable to ETOPS.

Explanation

Many of the terms used in the proposed regulatory and guidance material for ETOPS under this part are unique to these operations. Requirements and concepts for ETOPS require precise definition to assure common understanding and compliance. Definitions are added for:

- Adequate Airport
- ETOPS Alternate
- ETOPS Area of Operation
- ETOPS Dual Maintenance
- ETOPS Entry Point
- ETOPS Maintenance Significant System
- ETOPS Qualified Personnel
- Maximum Diversion Time
- One Engine Inoperative Cruise Speed (Approved)

The following areas are designated as ETOPS areas by the Administrator in which the planning, operational, and equipment requirements for ETOPS apply. The areas are defined as:

NOPAC
North Pacific
Polar Areas
North Pole
South Pole

Proposed New Section 121.97 (b)(1)(ii) Airports: Required Data

The FAA proposes to clarify the "public protection" requirement of section 121.97 to include consideration of facilities available for public safety, protection, and welfare during regular and irregular operations (including diversions to the airport).

Explanation

Airlines must consider passenger facilities when selecting an ETOPS Alternate and in diversion planning. The facilities at an airport or in the immediate area must be sufficient to protect the passengers and crew from the elements and to see to their welfare during the time required to transport them onward.

By definition, ETOPS operations are those with long segments over water or remote areas. Some of these remote areas are affected by severe weather conditions such as, but not limited to, extreme cold or high winds and cold temperatures. Some of the airports that are well positioned for use as enroute alternates are in remote areas. These airports may have only limited or seasonal facilities that could be used to shelter passengers and crew after an unscheduled landing. As ETOPS operations have expanded in scope and extended in length, operations over more remote areas with more extreme weather possibilities have become routine. Northern Canada and the Russian Far East are typical examples. Facilities at some of the airports in those areas have not been maintained because of political, economic and military changes. It cannot be assumed that the passengers and crew of an aircraft will be safe simply because a safe landing can be made at an airport. Therefore, certificate holders are obligated to be aware of the available facilities and satisfy them that there will be adequate facilities to protect the passengers and crew should it be necessary to make an unscheduled landing for any reason.

These are new requirements. The FAA is proposing to add these additional requirements to this regulation because it has learned that not all certificate holders have planned for these contingencies in the past, apparently because the current wording of the regulation did not require them to do so. The FAA believes regulations are needed to prudently insure carriers recognize "the duty of an air carrier to

provide service with the highest possible degree of safety in the public interest * * * 49 U.S.C. sec. 44701 (d)(1)(A). The ARAC recommendation included arguments that since ETOPS flights are generally international flights, treaties limit damages for negligence that passengers on international flights may recover from airlines. The ARAC further stated that absent the compelling motivation of unlimited liability for proven damages available to domestic passengers, carrier motivation to avoid findings of negligence may also be lessened somewhat.

Others have pointed out that in the Polar Policy letter the FAA has already included instructions and requirements detailing the treatment of passengers in case of diversions or accidents and the facilities to be made available for them. Further, the addition of passenger related contingencies are based on rules, regulations and International Treaties, which have been and are in the process of being enacted for the protection of passengers well being such as: "Aviation Disaster Family Assistance Act of 1996", the DOT/NTSB Task Force Report on Assistance to Families of Aviation Disasters of 1997, Public Law 105-148 of 1997 (105th Congress), ICAO Circular 285-AN166 (33rd Assembly, 2001), European Union Regulation (EG) 2027/97, the "Convention for the Unification of Certain Rules for International Carriage by Air" of 1999 and others. Providing for the safety, security, comfort and well being of all of the occupants of an airplane has become especially important on long range flights because of increasing medical consequences. It was also pointed out that ignoring those requirements expose the carriers to increasing liability claims and to loss of business because of passengers' discomfort.

Proposed New Sections 121.99(c) and (d) Communications Facilities

The FAA proposes to add sections 121.99(c) and 121.99(d). Section 121.99(c) would create a baseline ETOPS equipage requirement for flag operations. Section 121.99(d) would create an additional equipage requirement for operations beyond 180-minutes.

Explanation

Under this proposal a certificate holder would have to provide for voice communication between the crew and air traffic services and the crew and the certificate holder wherever and whenever it is available. In areas where voice communication is not possible,