

Australia, New Zealand and Polynesia; south Atlantic oceanic areas; Indian Oceanic areas; oceanic areas between Australia and South America, and South Pole area. The operator must designate the nearest available ETOPS alternate(s) along the planned route of flight. For such operations, the airframe and engine combination must be type design approved for at least the maximum authorized ETOPS diversion time necessary for that operation. All requirements specified in the Configuration Maintenance and Procedures (CMP) Standard for beyond 240 minute ETOPS are applicable to such operations.

B. ETOPS Authorizations: Airplanes with more than two engines

Approvals may be granted to conduct ETOPS on a routine basis with maximum diversion times up to 240 minutes in any area of operations. For all such operations, the nearest available ETOPS Alternate within 240 minutes diversion time (in still air at one engine inoperative speed) must be specified. If an ETOPS Alternate is not available within 240 minutes, the nearest alternate ETOPS alternate must be specified. In either case the operator must designate the nearest available ETOPS Alternate(s) along the planned route of flight. On all such operations, MEL limitations for ETOPS apply and in addition, the Fuel Quantity Indicating System (FQIS) and the communications requirements of § 121.99(d) or § 121.122(c) must be operational. For company communications on such operations, operators must use the system required by § 121.99(d). For such operations, the airframe and engine combination must be type design approved for the maximum authorized ETOPS diversion time.

C. Polar Area (North & South Pole) and ETOPS Beyond 180 Minutes North of the NOPAC Area

Approvals may be granted to conduct any operations within these areas. To obtain such approvals, in addition to the requirements in paragraphs (A) and (B) of this appendix, the operator must consider airport requirements for ETOPS Alternates, airline recovery plan for passengers at diversion alternates, fuel freeze strategy and monitoring, communication capability, Minimum Equipment List considerations, airline training issues specific to polar operations, long range crew requirements, dispatch and crew considerations during solar flare activity, special equipment requirements, and validation requirements for area approval in a manner acceptable to the Administrator.

PART 135—OPERATING REQUIREMENTS; COMMUTER AND ON DEMAND OPERATION AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

33. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 44113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

34. Add § 135.98 to read as follows:

§ 135.98 Polar operations.

Except for intrastate operations within the State of Alaska, no person may operate an aircraft in the region north of N 78° 00', designated as Polar, unless authorized by the Administrator and unless the certificate holder's operation specifications address the following items:

(a) Designation and requirements for airports that may be used for enroute diversions.

(b) Recovery plan for passengers at diversion alternates.

(c) Fuel freeze strategy and monitoring requirements for Polar operations.

(d) Communication capability for Polar operations.

(e) MEL considerations for Polar operations.

(f) Training issues for Polar operations.

(g) Crew considerations during solar flare activity.

(h) Special equipment for Polar operations

35. Amend § 135.345 by removing the word "and" from the end of (a)(7), redesignating paragraph (a)(8) as (a)(10), and by adding new paragraphs (a)(8) and (a)(9) to read as follows:

§ 135.345 Pilots: Initial, transition, and upgrade ground training.

* * * * *

(a) * * *

(8) ETOPS, if applicable;

(9) Passenger Recovery for ETOPS, if applicable; and

* * * * *

36. Add § 135.364 to read as follows:

§ 135.364 Multi-engine airplane limitations: Maximum distance from an airport.

Unless approved by the Administrator in accordance with Appendix H of this part (Extended Operations (ETOPS)), no certificate holder may operate an airplane outside the continental U.S. unless the planned route for that airplane remains within 180 minutes flying time (in still air at normal cruise speed with one engine inoperative) from an airport meeting the requirements of §§ 135.385, 135.387, 135.393 or 135.395, as applicable, and §§ 135.219 or 135.221 as applicable.

37. Amend § 135.411 by adding paragraph (d) to read as follows:

§ 135.411 Applicability.

* * * * *

(d) A certificate holder performing Extended Operations must comply with paragraph (a)(2) of this section and the additional requirements of Appendix H of this part.

38. Add appendix H to read as follows:

Appendix H to Part 135—Extended Operations (ETOPS)

The Administrator may approve ETOPS for various areas of operation in accordance with the requirements and limitations specified in this appendix

(A) Definitions

(1) ETOPS: Extended operations.

ETOPS is an operation authorized under part 135 for flights beyond 180 minutes flying time (in still air at normal cruise speed with one engine inoperative) from an airport meeting the requirements of §§ 135.385, 135.387, 135.393 or 135.395, as applicable, and §§ 135.219 or 135.221 as applicable. However, ETOPS flights must be planned so as to remain within 240 minutes flying time (in still air with one engine inoperative) from an airport meeting the requirements of §§ 135.385, 135.387, 135.393 or 135.395, as applicable, and §§ 135.219 or 135.221 as applicable.

(2) ETOPS dual maintenance.

Maintenance actions performed on the same element of identical, but separate ETOPS maintenance significant systems, during the same routine or non-routine visit. This is to recognize and preclude common cause human failure modes without proper verification process or operation test prior to ETOPS.

(B) Certificate Holder Experience Prior to Conducting ETOPS

(1) Prior to applying for authorization to conduct ETOPS, the certificate holder must have at least 12 months operating experience with a type of transport category turbine-engine powered airplane conducting international operations (excluding Canada and Mexico). For the purpose of this subparagraph, operations to or from the State of Hawaii may be considered as experience in international operations.

(2) Certificate holders granted authority to operate under part 135 or part 121 before [insert date final rule is effective] may credit up to 6 months of domestic operating experience (including Canada and Mexico) in a transport category turbojet airplane as part of the required 12 months of international experience.

(3) A certificate holder's previous ETOPS experience with other aircraft types may be considered by the Administrator as meeting the requirements of paragraph (B)(1) in whole or in part.

(C) Airplane Requirements

(1) No person may conduct ETOPS in a multi-engine airplane that was added to the certificate holder's U.S. operations specifications after [insert date that is eight years after the effective date of this final rule] unless the airplane is certificated to § 25.1535.

(2) No person may conduct ETOPS in a multi-engine airplane that was added to the certificate holder's U.S. operations specifications on or before [insert date that is eight years after the effective date of this final rule] unless the airplane has the following systems capability acceptable to the Administrator:

(a) *Electrical System.* Three or more independent electrical power sources must