

this document (*i.e.*, the Enhanced Flight Visibility Systems NPRM), the FAA amends the December 17, 2002 RNAV NPRM regarding this section in three ways.

First, in regard to paragraph (c) in the December 17, 2002 RNAV NPRM, the FAA makes the following amendments: The words “and touch down” would be removed. Thus, *regardless of which proposals are adopted first* (*i.e.*, RNAV or EFVS), those three words would be removed from paragraph (c) of § 121.651. The FAA is proposing to remove those words because it believes they are redundant of the landing requirements in both the existing and the proposed § 91.175(d), which also apply to part 121 operations.

Second, in paragraph (c), the words “if either the requirements of § 91.175(l) of this chapter, or the following requirements are met” would be added at the end. Thus, if the proposed amendments in this EFVS NPRM are adopted at the same time as the RNAV NPRM or after the adoption of the RNAV proposals, then today’s proposal would allow for operations under the current requirements of § 121.651(c), or approach to straight-in-landing operations using an EFVS under § 91.175(l) when the EFVS proposals are adopted. By the same token, if the RNAV proposed rules are adopted before the EFVS proposals are adopted, then the language in proposed § 121.651(c) in this document would be adopted but without the reference to § 91.175(l). That is, the FAA would adopt proposed paragraph (c) without the clause “\* \* \* either the requirements of § 91.175(l) of this chapter or \* \* \*”. Thus, in this situation, that language would only be adopted when the substantive EFVS rules are adopted.

Third, in paragraph (d), by this document (*i.e.*, the Enhanced Flight Visibility Systems NPRM), the FAA amends its December 17, 2002 proposal. Paragraph (d) introductory text, as proposed in the FAA’s Area Navigation (RNAV) NPRM published on December 17, 2002 (67 FR 77341; Dec. 17, 2002), would be further revised to include the words “the requirements of § 91.175(l) of this chapter, or the following requirements are met” at the end. This would allow for operations under the current requirements of § 121.651(d), or approach to straight-in-landing operations using an EFVS under § 91.175(l). (Note that the abbreviation “PAR” stands for “precision approach radar.”) Thus, if the RNAV proposal is adopted first, then the new proposed language in proposed § 121.651(d) in this document (*i.e.*, “\* \* \* the

requirements of § 91.175(l) of this chapter, or the following requirements are met: \* \* \*”) would not be adopted at that time but would only be adopted when, and if, the proposals in the EFVS NPRM are adopted.

#### *Section 125.381 Takeoff and Landing Weather Minimums: IFR*

The FAA is proposing to further amend paragraph (c) as proposed in the FAA’s Area Navigation (RNAV) NPRM published on December 17, 2002 (67 FR 77346). There are several reasons for the FAA’s actions. First, as currently published in the Code of Federal Regulations, it appears as if a clause that is wholly contained within paragraph (c)(3) only applies to (c)(3), when, in fact, that language was, and is, intended to apply to paragraphs (c)(1), (c)(2) and (c)(3). That language begins “\* \* \* the approach may be continued \* \* \*”. Thus, in this proposal, the FAA has reorganized the regulatory language to more clearly set forth the requirements.

Second, the FAA proposes to remove language in the current rule (*i.e.*, “\* \* \* and a landing may be made \* \* \*”) and similar language (*i.e.*, “\* \* \* and landing \* \* \*”) in the RNAV NPRM. The FAA is proposing this because this language is redundant of the regulatory requirements in the existing § 91.175(d), which does, and would continue to, apply to part 125 operators, and it is redundant of the proposed requirements in proposed § 91.175(d).

Third, all of the following changes to the proposed § 125.381(c) in the RNAV NPRM that are described in this paragraph would be adopted regardless of which rule is adopted first. In other words, the section and paragraph citations below are in reference to the proposed regulatory sections and paragraphs in the RNAV NPRM. Moreover, if the proposals in the EFVS NPRM are adopted first, the changes described below would amend the current § 125.381(c), even though the other proposals in the RNAV NPRM would not have been adopted at that point. The FAA is proposing to amend the end of paragraph (c) introductory text by changing the words, “continue with the approach and landing only if both of the following conditions are met—” to read “continue with the approach only if the requirements of § 91.175(l) of this chapter, or both of the following conditions are met—.” The FAA is also proposing to make technical corrections to paragraph (c)(1) to specify that the airplane would have to be in one of the prescribed approach phases of the flight (not a landing phase) when a later weather report is received indicating below minimum conditions,

or the pilot in command would not be authorized to continue the approach to DA, DH, or MDA. Also, in (c)(1)(i), the word “approach” would be added after “APV” to improve readability. In (c)(1)(iii), the paragraph would be reworded to define the final approach on ASR/PAR (airport surveillance radar/precision approach radar) procedures and be renumbered as (c)(1)(ii). Paragraph (c)(1)(ii) would be renumbered as (c)(1)(iii) and be rewritten to more specifically describe the airplane position during the nonprecision final approach. In paragraph (c)(2) of the RNAV proposal (and in paragraph (c)(3) of the existing rule), the reference to “MAP” (missed approach point) would be corrected with “MDA.” Also in paragraph (c)(2) of the RNAV proposal the reference to the words “in the certificate holder’s operations specifications” would be replaced with the words “for the procedure being used” because the minimums would not be prescribed in operations specifications. If only the RNAV proposal is adopted, the changes described above would be included in the RNAV final rule except for references to § 91.175(l).

#### *Section 135.225 IFR: Takeoff, Approach, and Landing Minimums*

The FAA is proposing to further amend § 135.225(c) as proposed in the FAA’s Area Navigation (RNAV) NPRM published on December 17, 2002 (67 FR 77346). There are several reasons for the FAA’s actions. First, as currently published in the Code of Federal Regulations, it appears that the clause, “\* \* \* the approach may be continued and a landing made \* \* \*” in paragraph (c)(3)(ii) only applies to (c)(3)(ii), when, in fact, that language was, and is, intended to apply to paragraphs (c)(1), (c)(2), and (c)(3)(i) as well. Second, in this proposal, the words “and a landing made” would be removed. Additionally, a second clause in (c)(3)(ii) beginning with the words “\* \* \* if a pilot finds \* \* \*” would be recodified as a new condition for paragraph (c). This would be renumbered as (c)(2). All of the paragraphs in (c)(1) would be renumbered and the content of those paragraphs would mirror the proposal of § 125.381 as explained above, except that the word “aircraft” would be used instead of “airplane.” The proposed changes to the sections and paragraphs of the RNAV NPRM in this EFVS NPRM would be adopted regardless of which rule is adopted first. However, if only the RNAV proposal is adopted, these proposed changes would be included in the RNAV final rule except for