

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 91, 121 and 135

#### Terrain Awareness and Warning System

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability for public comment.

**SUMMARY:** This notice announces the availability of and requests comments on proposed Technical Standard Order (TSO) C151, Terrain Awareness and Warning System (TAWS). The proposed TSO prescribes the minimum operational performance standards that a TAWS must meet to be identified with the applicable TSO marking.

**DATES:** Comments submitted must identify the TSO file number and be received on or before January 26, 1999.

**ADDRESSES:** Send all comments on the proposed technical standard order to: Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Avionic Systems Branch, AIR-130, 800 Independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, Room 815, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Michelle Swearingen, Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Avionic Systems Branch, AIR-130, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-3817, FAX: (202) 267-5340.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments, as they desire, to the aforementioned specified address. Comments received on the

proposed technical standard order may be examined, before the closing date, in Room 815, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

#### Background

The Federal Aviation Administration (FAA) has proposed issuing operating rules that would prohibit operation of turbine-powered U.S. registered airplanes type certificated to have six or more passenger seats, exclusive of pilot and copilot seating, unless that airplane is equipped with an FAA-approved terrain awareness and warning system (also referred to as an enhanced ground proximity warning system) (63 FR 45628, August 26, 1998). That proposal would affect aircraft operated under parts 91, 121 and 135. Because operators under part 125 and operators of U.S. registered airplanes under part 129 must comply with part 91, they would also have to meet this proposed requirement.

The change is needed because there have been several accident investigations and studies that have shown a need to expand the safety benefits of ground proximity warning systems to certain additional operations. In addition, the investigations and studies have shown that there is a need to increase the warning times and situational awareness of flight crews to decrease the risk of controlled flight into terrain accidents.

Currently, the FAA approves the manufacture and installation of Ground Proximity Warning Systems (GPWS) through Technical Standard Orders. Section 121.360 of 14 CFR requires the use of a GPWS meeting TSO-C92, which has been reissued as TSO-C92a, TSO-C92b, and TSO-C92c. The FAA does not intend to revise TSO-C92c to include TAWS requirements.

Instead, the FAA is developing and plans to issue a new and separate TSO for TAWS. The new TSO-C151, TAWS, is being developed through the FAA TSO process that allows for public comments. Any person desiring to review and comment on the draft TSO-C151 may obtain a copy of the draft TSO-C151 from the person mentioned

in the section entitled **FOR FURTHER INFORMATION CONTACT**. This TSO would be the means to obtain FAA approval of the TAWS product.

The standards of the TSO apply to equipment intended to provide the flight crew with both aural and visual alerts and terrain information on a display to aid in preventing an inadvertent controlled flight into terrain (CFIT) event. The TAWS includes: (a) a terrain display, (b) terrain awareness and alerting functions which use position information provided by either a suitable internal position sensor or an on-board area navigational system and an on-board terrain database, and (c) ground proximity detection and alerting functions that are described in the TSO as modes 1-6.

Comments submitted in response to this TSO notice will also be included in the docket for the TAWS NPRM. A preliminary review of comments submitted in response to the NPRM indicates that several commenters are very interested in the provisions of the proposed TAWS TSO. Accordingly, to the extent that commenters want to clarify or supplement their comments submitted to the NPRM docket, they should so identify those clarifying and supplementary comments submitted to the TSO-C151 docket.

#### How To Obtain Copies

A copy of the proposed TSO-C151 may be obtained via Internet (<http://www.faa.gov/avr/air/100home.htm>) or on request from the office listed under **FOR FURTHER INFORMATION CONTACT**. RTCA Document No. DO-161A, "Minimum Performance Standards—Airborne Ground Proximity Warning Equipment," dated May 27, 1976; DO-160D, "Environmental Conditions and Test Procedures for Airborne Equipment," dated July 29, 1997; DO-178B, "Software Considerations in Airborne Systems and Equipment Certification," dated 1992; and DO-200, "Preparation, Verification and Distribution of User-Selectable Navigation Data Bases," dated November 28, 1988, may be purchased from the RTCA Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 22036. Copies of the RTCA documents may be inspected at the **ADDRESSES** listed above. However, those documents are copyrighted and may not

be copied without the written consent of RTCA, Inc.

Issued in Washington, DC, on October 26, 1998.

**James C. Jones,**

*Manager, Aircraft Engineering Division,  
Aircraft Certification Service.*

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 14

RIN 2900-AI93

#### Recognition of Organizations and Accreditation of Representatives, Attorneys, and Agents

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) proposes to revise existing procedures and requirements regarding recognition of service organizations and accreditation of their representatives and agents, attorneys, and individuals seeking to represent claimants for benefits administered by VA. These amendments are necessary to improve clarity and to enhance VA's ability to assure high quality representation of claimants.

**DATES:** Comments must be received on or before January 4, 1999.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AI93." All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:** Martin J. Sendek, Staff Attorney, Office of the General Counsel (022C), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, (202) 273-6330.

**SUPPLEMENTARY INFORMATION:** We are proposing to make numerous minor changes in the provisions governing recognition of organizations and accreditation of representatives, agents, attorneys, and individuals for purposes of updating, clarification, and conformity and to enhance VA's ability to protect the interests of claimants.

New definitions of "complete claims service," "cross-accreditation," and "facilities" would be added to § 14.627 to assist in implementation of other provisions discussed below. The definition of "facilities" would reflect General Counsel opinions interpreting that term. The definition of "claimant" in § 14.627 would be amended to reflect that representation may begin before a claim is filed.

In § 14.628, minor changes would be made in provisions governing recognition of "national," "state," and "other organizations." In order to meet the diversification requirement for recognition as a "national" organization, an organization would be required to have a sizable number of chapters or offices in more than one region of the country, rather than merely in more than one state, as is currently required. This would provide better evidence that an organization is truly "national" in the scope of its operations. In the case of "state" organizations, the regulation would be amended to require that the organization not only be created by a state government, as is currently required, but that it also be funded by the state government. This change would assure that the organization is in fact affiliated with and supported by the state government. Also, provisions currently designated as relating to "other" organizations would be given the more descriptive heading of "regional or local organization." Provisions in § 14.628 pertaining to the qualification of service organizations for recognition would be condensed and simplified. The requirements for recognition would be revised to make clear that an organization seeking recognition must establish that it has adequate funding to fulfill the representational responsibilities it wishes to assume. Requirements relating to the provision of complete claims service would be modified to reflect that certain organizations may not choose to represent every claimant seeking their assistance and to assure that the interests of claimants are protected in such cases. Rules governing the decision to grant or deny recognition would be simplified and would be revised to make clear that only the Secretary of Veterans Affairs may grant recognition and that the General Counsel may deny recognition, subject to appeal to the Secretary.

Provisions pertaining to the accreditation of service organization representatives in § 14.629(a) would be amended to delete certain obsolete material relating to the qualifications of representatives. Provisions pertaining to the accreditation of agents in § 14.629(b)

would be amended to require that applicants for accreditation as agents use VA Form 21a prescribed by VA for that purpose. The information required to be submitted on this form would be set forth in the regulation at proposed § 14.629(b). The information required to be included on the form is necessary to establish that statutory eligibility requirements, i.e., good character and reputation, are met. This change is intended to assure that all necessary information will be supplied with the application. Section 14.629(b) would also be simplified by omission of certain provisions pertaining to internal VA procedures. Further, § 14.629(b) would provide that an applicant must achieve a score of 75 percent or more on a written examination administered by VA. We believe this will ensure sufficient proficiency to represent claimants before this Department.

Provisions in §§ 14.629 and 14.631 concerning authorization of representation by attorneys and use of legal interns, law students, and paralegals would be consolidated and clarified. Provisions governing attorneys' access to records would be removed from § 14.629(c). Rules governing access to records are stated in part 1 of title 38, Code of Federal Regulations, and their duplication in this part is unnecessary.

Proposed amendments to § 14.630 would incorporate VA's long-standing interpretation that the authorization to represent a claimant under that section is available on a one-time-only basis and may not be used to represent a series of claimants one at a time. The revised provisions would also specify factors which may be considered by the General Counsel in determining whether to grant an exception to this limitation.

The provisions pertaining to powers of attorney in § 14.631 would be modified to reflect a change in the law made by section 508 of Pub. L. 104-275. Under the revised provision, when a claimant executes a power of attorney in favor of a representative of a recognized service organization, unless the claimant indicates otherwise in the specific manner prescribed in the regulations, the power of attorney would be considered as designating the whole organization as the claimant's representative. Also, the regulation would be amended to reflect that a claimant may select an individual service organization representative as his or her representative if prescribed procedures are followed. A provision would be added to make clear that a representative designated in a power of attorney can decline to accept the