

Proposed Rules

Federal Register

Vol. 91, No. 176

Monday, September 14, 2026

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 21, 91, and 119

[Docket No. FAA–2026–10991; Notice No. 26–16]

RIN 2120–AM13

Use of Certain Restricted Category Aircraft for the Transport of Firefighters for Wildfire Suppression

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: FAA is evaluating a future amendment to its regulations to permit firefighters to be transported to and from the site of a wildfire aboard certain restricted category aircraft when the purpose of that transportation is to permit those firefighters to perform ground wildfire suppression. The amendment would apply to civil aircraft operations and public aircraft operations when the restricted category aircraft is owned by a civilian operator. This action responds to a statutory mandate, and FAA has determined it needs additional information to address both the mandate and the assessment of its economic impact. This ANPRM invites public comments on the current availability of firefighter transportation resources, hindrances and needs influencing their transport, and cost-benefit considerations affecting the transport of firefighters on certain aircraft.

DATES: Send comments on or before November 13, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–10991 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, U.S. Department of

Transportation (DOT), 1200 New Jersey Avenue SE, Room W58–213, West Building 5th Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John Attebury, Flight Standards Service, General Aviation and Commercial Division, Operations Group, 800 Independence Avenue SW, Washington, DC 20591. Telephone: 202–267–1100, Email: 9-AFS-800-Correspondence@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

In response to regulatory changes required by section 360, “Wildfire Suppression,” of the FAA Reauthorization Act of 2024 (Pub. L. 118–63), and for FAA to gather additional information to assist in developing a proposed rule and assess its likely economic impact, FAA is publishing this ANPRM, which contemplates proposed amendments to §§ 91.313 and 119.1 of title 14 of the Code of Federal Regulations (14 CFR) to allow for the transportation of firefighters to and from the site of a wildfire to perform active ground wildfire suppression using restricted category aircraft. Currently, under § 91.313(d), no person may be carried on a restricted category civil aircraft ¹

¹ A restricted category aircraft is one that is certificated with a restricted category special airworthiness certificate and may only conduct special purpose operations, as outlined in 14 CFR 21.25(b) (e.g., agricultural, forest and wildlife conservation, aerial surveying, etc.). These aircraft are limited in their operations because they are not subject to the same regulatory safety standards as

unless that person is a flight crewmember, a flight crewmember trainee, performs an essential function in connection with a special purpose operation for which the aircraft is certificated, is necessary to accomplish the work activity directly associated with that special purpose, or is necessary to accomplish an operation outlined in § 91.313(h). Consequently, unless the firefighters are essential to the aerial dispensing of liquids, the transportation of firefighters to and from the site of a wildfire to perform active ground wildfire suppression on a restricted category civil aircraft is currently prohibited. To assist in developing the most appropriate regulatory proposal responding to section 360, FAA is seeking public comment through this ANPRM, as discussed in more detail below.

II. Tips for Preparing Your Comments

FAA seeks public comment on the areas outlined within this ANPRM. FAA also seeks comments on how this rulemaking could be implemented to meet the objective of the proposal in a manner that maximizes benefits without imposing excessive, unjustified, or unnecessary costs.

Specific questions are included in this ANPRM immediately following the discussion of the relevant issues. FAA asks commenters to provide as much information as possible on any questions of interest to the commenter. In some areas, FAA requests very specific information. Whenever possible, please provide citations and copies of any relevant studies or reports on which you rely, including cost data, as well as any additional data that supports your comment. It is also helpful to explain the basis and reasoning underlying your comment. Each commenting party should include the identifying number of the specific question(s) to which it is responding.

aircraft holding a standard airworthiness certificate. In this preamble, when FAA refers to “restricted category civil aircraft,” it includes a restricted category aircraft owned by a civilian operator and used in public aircraft operations. As explained in section IV.C of this preamble, under section 328 of the FAA Reauthorization Act of 2024, civilian operators that own restricted category aircraft, even if they are contracted to conduct public aircraft operations, are subject to FAA’s operating and maintenance regulations. See FAA Reauthorization Act of 2024, sec. 328, Public Law 118–63 (May 16, 2024).

FAA will use comments to make decisions regarding the content and direction of a notice of proposed rulemaking (NPRM) or other future rulemakings related to section 360. Comments, including proposals for rulemaking, will be considered within the context of FAA's existing statutory authority.

III. Authority for This Rulemaking

FAA's authority to issue rules on aviation safety is found in title 49 of the United States Code. Subtitle I, section 106 describes, in part, the rulemaking authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of FAA's authority. In carrying out part A (Air Commerce and Safety) of subtitle VII, the Administrator is charged with prescribing regulations and minimum standards for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This ANPRM is within the scope of that authority.

In addition, section 360 of the FAA Reauthorization Act of 2024 (Pub. L. 118–63), requires FAA to issue a rule not later than 18 months after enactment of section 360 permitting special purpose operations described in 14 CFR 21.25(b)(7) to allow for the transport of firefighters to and from the site of a wildfire to perform ground wildfire suppression and to designate the firefighters conducting the operation as essential crewmembers on board a covered aircraft operated on a mission to suppress wildfires. Section 360 provides the aircraft maintenance, inspections, and pilot training requirements under 14 CFR part 135 may apply to such an operation as determined by the Administrator to be necessary to maintain the safety of firefighters carrying out wildfire suppression missions, and the noise standards described in 14 CFR part 36 shall not apply to such an operation. In addition, section 360 states in issuing a rule, FAA shall not enable aircraft of a type that has been manufactured in accordance with the requirements of the Armed Forces and was later modified to be used for wildfire suppression. Finally, section 360 requires the Administrator to revise FAA Order 8110.56, “Restricted Category Type Certification” (Feb. 27, 2006), to reflect the requirements of section 360.

IV. Background

The landscape and dynamics of fighting wildfires in many areas throughout the United States has changed since 2020. According to data from the National Interagency Fire

Center, from 2020 through 2024 there have been an average of 61,680 wildfires and 7,288,791 acres burned each year within the United States.² Providing greater flexibility by allowing restricted category aircraft conducting civil aircraft operations, or public aircraft operations (PAO) with civilian operators that own restricted category aircraft, to transport firefighters so they may perform ground wildfire suppression has the potential to limit the spread of wildfires and possibly prevent loss of life and property. The purpose of this ANPRM is to gather data to inform the FAA action regarding the transportation of firefighters to and from the site of wildfires onboard restricted category civil aircraft with the goal of enabling more means by which those firefighters can be transported.

A. Section 360 of the FAA Reauthorization Act of 2024

In order to ensure sufficient resources are available to suppress wildfires and protect public safety and property, Congress mandated a rulemaking under section 360 to designate firefighters as “essential crewmembers.”³ Section 360 further directs FAA to issue a rule under which an operation specified by FAA would allow firefighters to be transported on a restricted category civil aircraft to and from the site of a wildfire so those firefighters could perform ground wildfire suppression. Section 360 prohibits former military aircraft from being used to transport firefighters; removes the noise standard requirements of part 36 for such operations; and requires FAA to update FAA Order 8110.56, “Restricted Category Type Certification” to align with the section 360 requirements.

B. Public Aircraft Operations

One pathway for conducting firefighting operations is as a Public Aircraft Operation. Operating under public aircraft status is a statutory authority reserved only for certain government entities and contractors operating on behalf of a valid government entity.⁴ Government entities may elect to operate any given flight, or the flights conducted by operators that are contracted by the governmental entity, as a PAO or as a

Civil Aircraft Operation (CAO).⁵ The determination as to whether the flight will be conducted as PAO or CAO should be made before each flight. When a government entity is operating an aircraft as a PAO, many of FAA's regulations do not apply.⁶ For example, aircraft and airman certification regulations generally do not apply to PAO, but any regulation applicable to “aircraft” (rather than “civil aircraft”) does apply. As a result, FAA has less oversight and regulatory authority over PAO. The government entity conducting PAO is responsible for oversight of those operations.⁷

There are statutory requirements a government entity must meet to conduct PAO. Specifically, the aircraft used must meet the definition of a public aircraft under 49 U.S.C. 40102(a)(41). Public aircraft are defined differently depending on the government entity owning or operating the public aircraft. For example, a public aircraft leased by a State, the District of Columbia, territories and possessions of the United States, or a political subdivision of one of those governments, must be exclusively leased for 90 continuous days.⁸ In addition to meeting the definition of a “public aircraft” under 49 U.S.C. 40102(a)(41), the operation must also meet the public aircraft requirements under 49 U.S.C. 40125. For example, public aircraft, other than those operated by the Armed Forces under certain circumstances, cannot operate for a “commercial purpose”⁹ and can only carry crewmembers or qualified non-crewmembers.¹⁰ The public aircraft statute allows “qualified non-crewmembers” to be on board a public aircraft as long as their presence is “required to perform, or is associated with the performance of, a governmental function.” The definition of “governmental function” includes “firefighting.” As a result, firefighters may be on board public aircraft.¹¹

In summary, under current statutes and regulations, to utilize restricted category aircraft to transport firefighters

⁵ See section IV.C, Civil Aircraft Operations, of this preamble.

⁶ As discussed in more detail in section IV.C of this preamble, FAA notes civilian contractors that own restricted category aircraft and operate them as PAO are subject to FAA's civil operating and maintenance regulations. See Public Law 118–63, section 328.

⁷ See 49 U.S.C. 40102(a)(41) and 40125; see also *Public Aircraft Operations—Manned and Unmanned*, Advisory Circular No. 00–1.1B (Sept. 21, 2018).

⁸ 49 U.S.C. 40102(a)(41)(D).

⁹ 49 U.S.C. 40124(a)(1) defines “commercial purposes” as “transportation of persons or property for compensation or hire . . .”.

¹⁰ 49 U.S.C. 40125(b).

¹¹ See 49 U.S.C. 40125(a)(3)(B).

² National Interagency Fire Center, <https://www.nifc.gov/>.

³ 14 CFR part 1 defines a crewmember as “a person assigned to perform duty in an aircraft during flight time.” The phrase “essential” is used to identify those crewmembers essential to the special purpose and is not considered a defined type of crewmember.

⁴ See 49 U.S.C. 40102(a)(41) and 40125 (defining “public aircraft” and “Qualifications for public aircraft status”).

to and from the site of a wildfire to perform ground wildfire suppression, those operations must be conducted as PAO, provided the aircraft is not owned by a civilian operator.¹² Meanwhile, if a standard category aircraft is used to provide that transportation, then the operation could be conducted as a PAO or as a CAO.

C. Section 328 of the FAA Reauthorization Act of 2024

Prior to the FAA Reauthorization Act of 2024, civilian contractors conducting PAO on behalf of government entities and using restricted category aircraft were not subject to FAA's civil regulations. Section 328 of the FAA Reauthorization Act of 2024 now requires FAA's operating and maintenance regulations to apply to civilian operators that own restricted category aircraft even if they are operating on behalf of a government entity as a PAO. Specifically, section 328 states, "Notwithstanding any other provision of law, the Administrator shall have sole regulatory and oversight jurisdiction over the maintenance and operations of aircraft owned by civilian operators and type-certificated in the restricted category under section 21.25 of title 14, Code of Federal Regulations."¹³ As the language states, this provision only applies to restricted category aircraft owned by civilian operators. Section 328 does not impact standard category aircraft owned by civilian operators when conducting PAO, who still are not subject to FAA's civil operating and maintenance regulations.

As a result of this new requirement, there is a subset of PAO that are subject to some of FAA's civil regulations. The new section 328 requirements now prohibit civilian operators that own restricted category aircraft from transporting firefighters because they would not be able to comply with § 91.313, the civil operating rule pertaining to restricted category aircraft.¹⁴ This, in turn, could limit the total number of aircraft available to transport firefighters under PAO.

Rulemaking directed by section 360 could help mitigate the effects of these requirements by enabling restricted category civil aircraft to transport firefighters to and from the site of wildfires for ground-based wildfire suppression.

D. Civil Aircraft Operations

Civil aircraft operations are another pathway by which aerial firefighting operations can be conducted in restricted category civil aircraft provided the operation qualifies as a special purpose operation. Typically, aircraft used to conduct firefighting operations through the aerial dispensing of liquids have been issued a restricted category airworthiness certificate for that special purpose operation.

The requirements for issuing type certificates for restricted category aircraft are codified in 14 CFR 21.25. Section 21.25(b) lists seven special purpose operations including agricultural, forest and wildlife conservation, aerial surveying, patrolling, weather control, aerial advertising, and any other operation specified by FAA. FAA Order 8110.56B further clarifies under the special purpose of Forest and Wildlife Conservation, the term "aerial dispensing of liquids" is included in the special purpose operation for firefighting aircraft. This designation does not include transporting firefighters to or from the site of a wildfire to perform ground wildfire suppression.

When conducting a CAO in a restricted category civil aircraft, an operator must comply with the requirements of § 91.313 ("Restricted category civil aircraft: Operating limitations"). Section 91.313(a) establishes that no person may operate a restricted category civil aircraft for other than the special purpose for which it is certificated, or in an operation other than one necessary to accomplish the work activity directly associated with that special purpose. Section 91.313 contains exceptions to the requirements of § 91.313(a); however, those exceptions do not allow the transportation of firefighters to and from a site to perform ground wildfire suppression. Section 91.313(c) establishes that a restricted category civil aircraft cannot carry "persons or property for compensation or hire." However, paragraph (c) allows an exception for those aircraft to carry persons or material necessary to accomplish a special purpose operation and states those operations are not considered to be the carriage of persons or property for compensation or hire.

Finally, § 91.313(d) contains a listing of the persons who may be carried on a restricted category civil aircraft; these are: a flight crew member, a flight crew member trainee, a person who performs an essential function in connection with the special purpose operation for which the aircraft is certificated, a person who is necessary to accomplish the work activity associated with that special purpose, or a person who is necessary to accomplish an operation outlined in § 91.313(h).

Under the current regulatory requirements, conducting a CAO using restricted category civil aircraft for the purpose of transporting firefighters to and from the site of a wildfire to perform ground wildfire suppression is not permitted. The restrictions in § 91.313 preventing that transportation are:

1. That transportation is other than the special purpose of the "aerial dispensing of liquids" for which the restricted category civil aircraft is certificated (§ 91.313(a)(1));
2. That transportation is an operation other than one necessary to accomplish the "aerial dispensing of liquids" (§ 91.313(a)(2)); and
3. The firefighters are not performing an essential function in connection with the "aerial dispensing of liquids" nor are they necessary to accomplish the work activity directly associated with the "aerial dispensing of liquids" (§ 91.313(d)(3) & (4)).

Another consideration when conducting this type of CAO is determining the applicability of 14 CFR part 119 ("Certification: Air Carriers and Commercial Operators"), which outlines the certification requirements for operators intending to operate civil aircraft as, among other things, an air carrier or commercial operator in air commerce. Section 119.1(e) contains a listing of operations for which part 119 does not apply, and "firefighting" is listed in § 119.1(e)(4)(iv) under "Aerial work operations." The transportation of firefighters to and from the site of a wildfire to perform ground wildfire suppression is not considered an "aerial work operation;"¹⁵ therefore, those operations would not be excepted from the part 119 certification requirements and would be required to operate under part 135 ("Operating Requirements:

¹² See section 328 of the FAA Reauthorization Act of 2024 and section IV.C of this preamble.

¹³ FAA Reauthorization Act of 2024, Public Law 118–63, Sec. 328 (May 16, 2024).

¹⁴ As discussed in section IV.D of this preamble, § 91.313 is a civil operating rule that applies to restricted category civil aircraft operations. Because restricted category civil aircraft owned by civilian operators are now subject to FAA's civil operating rules under section 328, even when conducting PAO, § 91.313 applies to those operators. As explained below, those operators cannot comply with § 91.313 because transportation of firefighters is not currently recognized as a special purpose operation.

¹⁵ The *Duncan Legal Interpretation* outlines why the transportation of firefighters cannot currently be conducted as a special purpose operation under § 91.313 and does not fall under the "aerial work operation" under § 119.1(e)(4)(iv). This interpretation is discussed in more detail below. See *Duncan Legal Interpretation* (May 24, 2018), <https://drs.faa.gov/browse/excelExternalWindow/FAA0000000000LEGALINTPR2018008PDF.0001?modalOpened=true>.

In a 2018 legal interpretation, FAA addressed the question of whether firefighters transported aboard restricted category civil aircraft to extinguish fires from the ground are deemed to be performing an essential in-flight function in connection with a special purpose operation and whether the transportation of firefighters falls under the § 119.1(e) exception of an “aerial work operation.” FAA determined the transportation of firefighters for ground firefighting from one location to another is not related to the special purpose operation for which the aircraft is certificated.¹⁷ FAA also determined

Below, FAA poses questions to the public it hopes will further inform FAA's consideration of a section 360 rulemaking. Please reference the specific question(s), or number of the question(s), to which you are responding. Please include what government entity or private organization is providing the responses and any other information that may help FAA develop an NPRM. Also include any sources for your information and any data or context that you use in developing your comment.

A. In your answer, please include: the make and model of each aircraft used in firefighter transport; the average number of annual flight segments per aircraft and how many hours on average were spent per flight segment transporting firefighters to and from the site of wildfires; the hourly cost to operate and maintain each aircraft; and whether those aircraft were operated²⁰ using a standard airworthiness or a restricted category certificate and whether they were operated under CAO, PAO, or both. What percent of these flights would you replace a standard category aircraft with a restricted category aircraft if allowed to operate restricted category aircraft to transport firefighters? What would be the hourly cost to operate and maintain each of these restricted category aircraft?

²⁰FAA recognizes some aircraft can have multiple airworthiness certificates but can only operate under one certificate at a time.

B. Of your flights transporting firefighters to and from the site of a wildfire to perform ground wildfire suppression over the last five years, what percentage of CAO operations out of the total number of desired CAO operations for transportation of firefighters did you have to cancel or not pursue due to the lack of available aircraft because of the restriction on using restricted category civil aircraft?

3. Are you facing difficulties in finding contractors to transport firefighters under CAO to suppress wildfires? If so, what are these difficulties?

4. What types of restricted category civil aircraft, other than surplus military aircraft, would be capable of transporting firefighters if allowed by a change in regulations as proposed in section 360?

5. A. Does your organization have policies, procedures, or contractual requirements that prevent the transportation of firefighters on restricted category aircraft, regardless of whether operating as a PAO or CAO? If so, why?

B. If FAA revises the rules to permit transportation of firefighters on restricted category aircraft, would you revise your policies and procedures to permit transportation of firefighters on restricted category aircraft? Why or why not?

B. Additional Economic Questions

Wildfires are by their nature chaotic, unique, and unpredictable, and they can have disastrous economic impacts on the United States. Government entities and those organizations they contract with to fight wildfires expend considerable resources on the prevention and mitigation of wildfires, and firefighting efforts save untold billions in potential damages as well as saving lives. FAA seeks information related to the economic impact a rulemaking based on section 360 would have on your organization, the financial constraints and realities of operating restricted category aircraft for transporting firefighters, and information related to the types and costs of the aircraft being used.

1. If the 14 CFR part 135 aircraft maintenance, inspections, and pilot training requirements are applied to restricted category aircraft that transport firefighters, please provide the estimated costs to meet these part 135 requirements by aircraft make and model. If these requirements were applied to restricted category aircraft to transport firefighters, what percent of the flight segments you provide in standard category aircraft would you

replace with a restricted category aircraft?

2. For operators currently providing transportation of firefighters on aircraft that are not in the restricted category, what impact would this rulemaking have on your operation?

3. As compared to current response times to get firefighters on location to perform ground wildfire suppression actively, will allowing the transport of firefighters on restricted category aircraft improve wildfire response times and if so, how much?

4. What additional quantitative or qualitative benefits or drawbacks does your organization anticipate from a rulemaking based upon the directives Congress stipulated in section 360?

V. Executive Order 14192

This rule is exempt from the requirements of Executive Order 14192 as it is a prerulemaking action.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments explain the reason for any recommendations and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this ANPRM. Before acting on this rulemaking, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay.

Privacy: In accordance with 5 U.S.C. 553(c), FAA solicits comments from the public to inform its rulemaking process better. FAA posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

B. Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and

actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this ANPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this ANPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this ANPRM. Submissions containing CBI should be sent to the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

C. Electronic Access and Filing

A copy of this ANPRM, all comments received, any NPRM and final rule, and all background material may be viewed online at www.regulations.gov using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at www.federalregister.gov and the Government Publishing Office's website at www.govinfo.gov. A copy may also be found at the FAA's Regulations and Policies website at www.faa.gov/regulations_policies.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this ANPRM, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official or the person listed under

the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit www.faa.gov/regulations_policies/rulemaking/sbre_act/.

Issued under authority provided by 49 U.S.C. 106(f) and section 360 of Public Law 118–63 in Washington, DC.

Hugh Thomas,

Executive Director, Flight Standards Service.

[FR Doc. 2026–18799 Filed 9–11–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8808; Project Identifier MCAI–2025–01393–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Bombardier, Inc., Model BD–100–1A10 airplanes. This proposed AD was prompted by reports of pitch upset upon autopilot disconnect following engine indication and crew alerting system (EICAS) messages that indicated that the autopilot was holding significant nose up or nose down forces on the elevator. This proposed AD would require revising the existing airplane flight manual (AFM) to change the procedure for the AP STAB TRIM FAIL (C) advisory message from a non-normal procedure to an emergency procedure to provide the flightcrew with emergency procedures to follow to stabilize airspeed in certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 29, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to regulations.gov. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2026–8808; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation. It is also available at regulations.gov under Docket No. FAA–2026–8808.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA–2026–8808; Project Identifier MCAI–2025–01393–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to regulations.gov, including any personal information you provide. The agency

will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–42, dated August 26, 2025 (Transport Canada AD CF–2025–42) (also referred to as the MCAI), to correct an unsafe condition for all Bombardier, Inc., Model BD–100–1A10 airplanes. The MCAI states that there have been reports of pitch upset upon autopilot disconnect. Investigation of these events identified common factors leading to the pitch upset. Prior to each event, there were EICAS messages that indicated that the autopilot was holding significant nose up or nose down forces on the elevator. Flightcrew delays in responding to these EICAS messages and not stabilizing airspeed could result in the horizontal stabilizer becoming severely out of trim. Disengagement of the autopilot when the horizontal stabilizer is not correctly trimmed could result in a sudden elevator movement if the control column is not held firmly, which could adversely affect the safe operation of the airplane.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2026–8808.