U.S. Department
of Transportation
**Federal Aviation
Administration**

JUL 25 2012

David Ziemer, Chief Operating Officer
Seaborne Airlines
1210 Watergut
Christiansted, USVI 00820

Dear Mr. Ziemer,

This letter responds to your request for an interpretation of 14 CFR §121.359(i) that you sent to FAA Deputy Chief Counsel Marc Warren on March 26, 2012.

Your request notes that §121.359(i) uses the phrase "all turbine engine-powered airplanes" in describing the applicability of the cockpit voice recorder requirements of that section. Your position is that the section should not apply to your airplane, a DeHavilland DHC-6, a "turbopropeller powered" airplane.

You indicate that the applicability of §121.359 "hinges on the definition of a "turbine engine powered" airplane," which is not defined in 14 CFR Part 1. You suggest that the definition in § 121.358(d) should apply because it "does identify each category of engine described as "turbine engine-powered," as well as specifically eliminating "turbopropeller powered airplanes"" from its definition and therefore from applicability.

We do not agree with your conclusion. First, the term "turbine engine powered airplanes" as used in §121.359 is intended as a simple delineator between airplanes that are powered by any type of turbine engine, versus those that have a reciprocating engine. Your DHC-6 has a turbine engine that powers a propeller; it is a turbine engine-powered aircraft and is subject to the requirements of §121.359(i).

Second, §121.358 addresses the requirements for low-altitude windshear system equipment. The distinction made in §121.358 between the type of turbine engine airplanes described was done specifically for the described windshear equipment, in some cases by aircraft model. The paragraph you cite, §121.358(d), states that the definitions therein are "for the purposes of this section." Accordingly, the definition does not apply to the term as used in any other regulatory section. Sections 121.358 and 121.359 address completely separate equipment systems and their terminology is not interchangeable.

We trust that this information responds to your inquiry. If you need further assistance, please contact my staff at 202-267-3073. This response was prepared by Karen Petronis, Senior Attorney on my staff, and was coordinated with the Aircraft Maintenance Division of the Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations