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Regulation Gazette

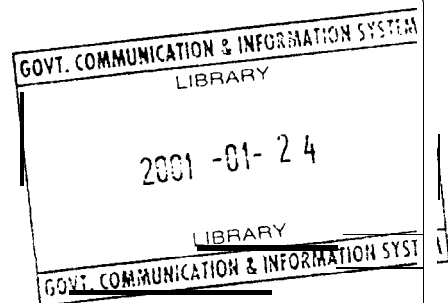
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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT**No. R. 48**

17 January 2001

**AVIATION ACT 1962
PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS,
1997**

Under regulation 11.03.2(l)(a) of the **Civil** Aviation Regulations, the chairperson of the regulations committee hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997 as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee for attention Mr Kim Gorringe or Mr Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax 012 346-5979 or e-mail at goringek@caa.co.za or wildenboerh@caa.co.za before or on 17 February 2001.

SCHEDULE 1**1. PROPOSAL TO AMEND REGULATION 11.05.3 OF PART II OF THE REGULATIONS****PROPOSER**

CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

**1.1 PROPOSED AMENDMENT OF REGULATION 11.05.3
(REMUNERATION OF MEMBERS)**

"A member of the committee referred to in Regulation 11,04.1 shall not receive any remuneration or allowance from the Civil Aviation Authority in respect of the functions performed by such member as a member of the committee".

1.2 MOTIVATION

To bring the provision in line with the fact that the Civil Aviation authority is the legal successor to the Chief Directorate: Civil Aviation Authority of the Department of Transport in terms of the South African Civil Aviation Authority Act, 1998 (Act No, 40 of 1998).

1.3 CURRENT PROVISION

“A member of the committee referred to in Regulation 11.04.1 shall not receive any remuneration or allowance from the department in respect of the functions performed by such member as a member of the committee”

SCHEDULE 2

2. PROPOSAL TO AMEND REGULATION 11.05.4 OF PART II OF THE REGULATIONS

PROPOSER

CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

2.1 PROPOSED AMENDMENT OF REGULATION 11.05.4 (ADMINISTRATION)

“All administration work as well as secretarial work in connection with the performance of the functions of the committee, shall be carried out by officers and employees in the South African Civil Aviation Authority designated for such purpose by the Commissioner for Civil Aviation”.

2.2 MOTIVATION

To bring the provision into line with the fact that the Civil Aviation Authority is the legal successor to the Chief Directorate: Civil Aviation Authority of the Department of Transport in terms of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998).

2.3 CURRENT PROVISION

“All administration work as well as secretarial work in connection with the performance of the functions of the committee shall be carried out by officers and employees in the department designated for such purpose by the Director-General: Transport”

SCHEDULE 3

3 PROPOSAL TO AMEND REGULATION 43.02.02(f) OF PART 43 OF THE REGULATIONS

PROPOSER

CIVIL AVIATION AUTHORITY
PARIVATE BAG X08
WATERKLOOF
0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962, (Act No. 74 of 1962) and regulations issued in terms thereof.

3.1 PROPOSED AMENDMENT OF REGULATION 43.02.02 OF THE REGULATIONS CARRYING OUT OF MAINTENANCE

“Any person who carries out maintenance on an aircraft or aircraft component shall –

- (0 if maintenance is carried out on an aircraft operated under an operating certificate, carry out such maintenance in accordance with the operator’s manual and Maintenance Control Manual (MCM), which may form part of the afore-mentioned document. The requirements for a MCM are laid down in SA-CATS-GMR”.

3.2 MOTIVATION

The ICAO inspection team in their audit of the South African Civil Aviation Authority determined that the Authority was not in compliance with Doc. Annex 6 Chapter 8, paragraph 8.2 dealing with the requirement for an operator to have a Maintenance Control Manual (MCM).

3.3 CURRENT PROVISION

Any person who carries out maintenance on an aircraft or an aircraft component shall -

- (9) if maintenance is carried out on an aircraft operated under an operating certificate, carry out such maintenance in accordance with the operator's operations manual".

SCHEDULE 4

PROPOSAL TO INSERT REGULATION 64.02.9 INTO THE REGULATIONS

PROPOSER: MEMBERS OF THE INDUSTRY

SOUTH AFRICAN AIRWAYS
SOUTH AFRICAN EXPRESS AIRWAYS
SOUTH AFRICAN AIRLINK
BRITISH AIRWAYS / COMAIR
NATIONWIDE AIRLINES

CONTACT: MS CLAIRE WAN
P O BOX 7529
BONAERO PARK
1622

EXPLANATION OF INTEREST OF THE PROPOSER

The proposers are all actively involved in the aviation industry.

4.1 PROPOSED INSERTION OF REGULATION 64.02.9

"Cabin Crew Licence Re-issuance

64.02.9 An applicant for the issuance of a duplicate licence shall:

- (a) report the loss of a licence to the Commissioner within a period not exceeding 48 hours, or in the case where the crew member is outside the Republic on return.
- (b) substantiate the loss by submission of an affidavit to the Commissioner.
- (c) notify the operator of the loss.
- (d) be entitled to continue operating as a crew member provided that the crew member is in possession of the affidavit and a certified copy of the licence, and provided that such loss is reported to the Commissioner on the operator's letterhead
- (e) not continue to operate for a period of more than 21 days from the date of issuance of the affidavit unless a duplicate licence has been issued by the Commissioner".

4.2 MOTIVATION

At the present time, should a cabin crew member lose their licence for whatever reason (loss / theft etc.), a crew member is prohibited from operating until a duplicate licence has been issued. In the experience of industry, the current regulation does not adequately address the problems faced by individual crew members and operators. Example, a crew member on an overseas stop has his licence stolen. Legislation prohibits this crew member from operating the flight back to the Republic. In some instances this may prevent the operation of the aircraft or reduce the crew complement, which has a direct effect on flight safety.

The proposal is to ensure compliance with regulation at all times, to ensure that safety is not compromised, and prevents negative financial impact on both the operator and the crew member.

4.3 CURRENT PROVISION

No current regulation to address this issue exists.

SCHEDULE 5

5 PROPOSAL TO AMEND REGULATION 91.04.5 OF PART 91 OF THE REGULATIONS

PROPOSER

CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

5.1 PROPOSED AMENDMENT OF REGULATION 91.04.5 (FLIGHT, NAVIGATION AND ASSOCIATED EQUIPMENT FOR AIRCRAFT OPERATED UNDER IFR)

Flight, navigation and associated equipment for aircraft operated under IFR

91.04.5 No owner or operator of an aircraft shall operate the aircraft in accordance with IFR, unless such aircraft is equipped with -

(a)

- (b)
- (c)
- (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)
- (k)

5.2 MOTIVATION

It is estimated that 90% of all aircraft operating in South Africa do NOT comply with this regulation. A preliminary investigation of piston and turboprop aircraft currently operated in the country has revealed that only the Dash 8 and Jetstream 41 can comply with this regulation. It is assumed that jet aircraft will all be able to comply. On Beechcraft King Air 200, PC12 and Cessna 208 aircraft these items are available as optional extras.

From this investigation it is concluded that only the newer aircraft in the category 10,000kg. to 20,000 kg, are equipped to comply.

As a result of an investigation it appears that no record exists to prove that a pitot heat failure has ever been the cause of an accident or incident in South Africa.

5.3 CURRENT PROVISION

“Flight, navigation and associated equipment for aircraft operated under IFR

91.04.5 No owner or operator of an aircraft shall operate the aircraft in accordance with IFR, unless such aircraft is equipped with -

- (a)
- (b)
- (c)
- (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;
- (e)
- (f)

- (g)
- (h).....
- (i)
- (j)
- (k)

SCHEDULE 6

6 PROPOSALS TO AMEND REGULATION 121.01.1 OF PART 121 OF THE REGULATIONS

PROPOSER

A CIVIL AVIATION AUTHORITY
 PRIVATE BAG X08
 WATERKLOOF
 0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

6.1(1) PROPOSED AMENDMENT OF REGULATION 121.01.1(1) OF THE REGULATIONS (APPLICABILITY **AIR TRANSPORT OPERATIONS - LARGE AEROPLANES**)

SUBPART 1: GENERAL

Applicability

“**121.01.1** (1) This part shall apply to-

- (a) aeroplanes with a maximum certified mass exceeding 5700 kilograms, and a maximum CAA approved passenger seating configuration of more than twelve seats, engaged in commercial air transport within the Republic;
- (b) aeroplanes with a maximum certified mass exceeding 5700 kilograms, and a maximum CAA approved passenger seating configuration of more than **twelve** seats, registered in the Republic, but engaged in commercial international air transport operations;
- (c)
- (d)

6.2(1) MOTIVATION

Several aircraft operators are at present operating aircraft which can be operated in both Part 135 and Part 121. It is a requirement that these aircraft be placed in one category to comply with current regulations and in particular to Subpart 5 (Aeroplane instruments and equipment). Several operators have expressed the concern that their insurance may not be valid if they operate these aircraft under Part 121 and do not fully comply with Subpart 5. By changing this regulation the affected aircraft can be operated under Part 135, **thereby utilising the aircraft to its maximum capability**. The aircraft mainly affected by this change are : **Beechcraft King Air 200, Cessna Caravan (C208) and Pilatus PC12**. All these aircraft have a carrying capacity of 12 or more passengers and in this configuration allows for an additional crew member to be carried if so required for Subpart 2, 135.02.1 (6).

6.3(1) CURRENT PROVISION

“Applicability

121.01,1 (1) This part shall apply to-

- (a) **aeroplanes** with a maximum certified mass exceeding 5700 kilograms, or a maximum approved passenger seating configuration of more than nine seats, engaged in commercial air transport within the Republic;
- (b) **aeroplanes** with a maximum certified mass exceeding 5700 kilograms, or a maximum approved passenger seating configuration of more than nine seats, registered in the Republic, but engaged in commercial international air transport operations;
- (c)
- (d) ”

PROPOSER

B Carpenters Charter cc
Star Air Charter cc
P O Box 1637
Benoni
1500

EXPLANATION OF INTEREST OF THE PROPOSER

The abovementioned Charter companies operate BE-20 (King Air) and C 425 (Conquest) aircraft in the General Aviation sector,

6.1(2) PROPOSED AMENDMENT OF REGULATION 121.01.1 (paragraphs (a) and (b))

“Applicability

(1) This part shall apply to-

(a) **aeroplanes** with a maximum certified mass exceeding 5700 kilograms, engaged in commercial air transport within the Republic;

(b) **aeroplanes** with a maximum certified mass exceeding 5700 kilograms, registered in the Republic, but engaged in commercial international air transport **operations;**”

(c).....

(d).....

6.2(2) MOTIVATION

The current regulation, and a proposal made by the CAA for an amendment to this part refer to the number of seats approved, namely a passenger seating of more than 9 seats. It is proposed to delete any mention of seating for the following reasons:

1. The ICAO definition in Annex 6 (page 3) is as follows:

“Large **aeroplane**. An aeroplane of a maximum certified take-off mass of over 5700 kilograms.”

Since we would like to follow best international practice and adhere to the ICAO recommendations, it seems obvious that a simplification of this applicability would be in order.

2. The aircraft, which would be affected by this definition, are those just below or above 5700 kilograms - BE 20, C425. The BE 20 is certified by **Beechcraft** to operate with 13 persons on board, and it would seem that the manufacturer is satisfied with more than 9 passengers (with one or two pilots).

3. It is not obvious why the regulation would like to put this type of aeroplane into Part 121 instead of Part 135. It has an exceptionally good record (in terms of safety) whether operated with 9 or more passengers. Part 121 requires much more equipment and crew. If the existing definition is enforced, it will give unreasonable extra expense to the operator, with very little (if any) improvement in safety.
4. The existing definition uses the preposition "*or*" and not "*and*" (when referring to the approved passenger seating) and at the moment the CAA are interpreting this as "*and*". In their proposal (Regulation No R.148 of 2000 dated 11 Feb 2000), they have indeed proposed to change this word to "*and*". In fact, Africon who originally consulted with the industry in drawing up these regulations, assures us that it was the intention for this preposition to be "*or*" to accommodate these aeroplanes in Part 135.

6.3(2) CURRENT PROVISION

"Applicability

- (1) This part shall apply to-
 - (a) aeroplanes with a maximum certified mass exceeding 5700 kilograms, or a maximum approved passenger seating configuration of more than nine seats, engaged in commercial air transport within the Republic;
 - (b) aeroplanes with a maximum certified mass exceeding 5700 kilograms, or a maximum approved passenger seating configuration of more than nine seats, registered in the Republic, but engaged in commercial international air transport operations;
 - (c)
 - (d) "

SCHEDULE 7

7 PROPOSAL TO AMEND REGULATION 121.05,3 OF PART 121 OF THE REGULATIONS

PROPOSER

CIVIL AVATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962 (Act No. 74 Of 1962) and regulations issued in terms thereof.

7.1 PROPOSED AMENDMENT OF REGULATION 121 .05.3 (l)(d) AND 2(b)

Flight, navigation and associated equipment for aeroplanes operated under IFR

“121.05.3 (1) The operator of a large commercial air transport aeroplane shall not operate the aeroplane in accordance with IFR, unless such aeroplane is equipped with-

- (a)
- (b)
- (c)
- (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
- (e)
- (0)
- (9)
- (h)
- (i)
- (j)

- (2) The second pilot's station of a large commercial air transport aeroplane shall be equipped with -
 - (a)
 - (b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing;
 - (c)
 - (d)
 - (e)
 - (g)

7.2 MOTIVATION

This is a very controversial regulation of which the origin cannot be found, It is estimated that 90% of all aircraft operating in South Africa do NOT comply with this regulation. A preliminary investigation of piston and turboprop aircraft currently operated in the country has revealed that only the Dash 8 and Jetstream 41 can comply with this regulation. It is assumed that jet aircraft will all be able to comply. On Beechcraft King Air 200, PC 12 and Cessna 208 aircraft these items are available as optional extras.

From this investigation it is concluded that only the newer aircraft in the category 10,000 kilograms. to 20,000 kilograms. are equipped to comply. As a result of an investigation it appears that no records exist to prove that a pitot heat failure has ever been the cause of an accident or incident in South Africa.

7.3 CURRENT PROVISION

Flight, navigation and associated equipment for aeroplanes operated under IFR

- "121.05.3 (1) The operator of a large commercial air transport aeroplane shall not operate the aeroplane in accordance with IFR unless such aeroplane is equipped with -
- (a)
 - (b)
 - (c)

(d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;

(e).....

(f).....

(g).....

(h).....

(i).....

(j)....

(2) The second pilot's station of a large commercial air transport aeroplane shall be equipped with –

(a).....

(b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing including a warning indicator of pitot heater failure;

(c).....

(d).....

(e).....

(f).....

SCHEDULE 8

8 PROPOSALS TO AMEND REGULATION 135.01.1

A PROPOSER

CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

8.1(1) **PROPOSED AMENDMENT OF REGULATION 135.01.1 (APPLICABILITY - AIR TRANSPORT OPERATIONS, SMALL AIRCRAFT)**

SUBPART 1: GENERAL

Applicability

“135.01.1 (1) This part shall apply to-

- (a) **aeroplanes** with a maximum certified mass of 5700 kilograms or less, and a maximum CAA approved passenger seating configuration of not more than twelve seats, engaged in commercial air transport within the Republic;
- (b) **aeroplanes** with a maximum certified mass of 5700 kilograms or less, and a maximum CAA approved passenger seating configuration of not more than twelve seats, ‘registered’ in the Republic, but engaged in commercial international air transport operations;
- (c)
- (d)

8.2(1) MOTIVATION

Several aircraft operators are at present operating aircraft which can be operated in both Part 135 and Part 121.

It is a requirement that these aircraft be placed in one category to comply with current regulations and in particular to Subpart 5 (**Aeroplane** instruments and equipment).

Several operators have expressed the concern that their insurance may not be valid if they operate these aircraft under **Part 121** and do not fully comply with Subpart 5.

By changing this regulation the affected aircraft can be operated under Part 135, thereby **utilising** the aircraft to **its** maximum capability.

The aircraft mainly affected by this change are: **Beechcraft** King Air 200, **Cessna** Caravan (C208) and **Pilatus** PC 12. All these

aircraft have a carrying capacity of 12 or more passengers and in this configuration allows for an additional crew member to be carried if so required for Subpart 2, 135.02. 1(6).

8.3(1) CURRENT PROVISION

“135.01.1 (1) This part shall apply to-

- (a) aeroplanes with a maximum certified mass of 5700 kilograms or less, or a maximum approved passenger seating configuration of not more than nine seats, engaged in commercial air transport within the Republic;
- (b) aeroplanes with a maximum certified mass of 5700 kilograms or less, or a maximum approved passenger seating configuration of not more than nine seats, registered in the Republic, but engaged in commercial international air transport operations;
- (c)
- (d) ”

PROPOSER

B Carpenters Charter cc
STAR Air Charter cc
P O Box 1637
Benoni
1500

EXPLANATION OF INTEREST OF THE PROPOSER

The above Charter companies operate BE-20 (King Air) and C425 (Conquest) aircraft in the General Aviation sector.’

8.1(2) PROPOSED AMENDMENT OF REGULATION 135.01.1 (paragraphs (a) and (b))

“Applicability

- (1) This part shall apply to -
 - (a) aeroplanes with a maximum certified mass of 5700 kilograms or less, engaged in commercial air transport within the Republic;
 - (b) aeroplanes with a maximum certified mass of 5700 kilograms or less, registered in the

Republic, but engaged in commercial international air transport operations;”

(c).....

(d).....”

8.2(2) MOTIVATION

The current regulation, and a proposal made by the CAA for an amendment to this part refer to the number of seats approved passenger seating of 9 seats or less. It is proposed to delete any mention of seating for the following reasons:

1. The ICAO definition in annex 6 (page 4) is as follows:

“Small aeroplane. An aeroplane of a maximum certified take-off mass 5700 kilograms or less. ”

Since we would like to follow best international practice and adhere to the ICAO recommendations, it seems obvious that a simplification of this applicability would be in order.

2. The aircraft which would be affected by this definition are those just below or above 5700 kilograms – BE20, C425. The BE 20 is certified by Beechcraft to operate with 13 persons on board, and it would seem that the manufacturer is satisfied with more than 9 passengers (with one or two pilots).
3. It is not obvious why the regulation would like to put this type of aeroplane into Part 121 instead of Part 135. It has an exceptionally good record (in terms of safety) whether operated with 9 or more passengers. Part 121 requires many extra equipment and crew. If the existing definition is enforced, it will give unreasonable extra expense to the operator, with very little (if any) improvement in safety.
4. The existing definition uses the preposition “or” and not “and”, (when referring to the approved passenger seating) and at the moment the CAA are interpreting this as “and”. In their proposal (Regulation No R. 148 of 2000 dated 11 Feb 2000), they have indeed proposed to change this word to ‘and’). In fact, Africon who originally consulted with the industry in drawing up these regulations, assures us that it was the intention for this preposition to be “or” to accommodate these aeroplanes in Part 135.

8.3(2) CURRENT PROVISION

“Applicability

- (1) This part shall apply to –
- (a) aeroplanes with a maximum certified mass of 5700 kilograms or less, or a maximum approved passenger seating configuration of not more than nine seats, engaged in commercial air transport within the Republic;
- (b) aeroplanes with a maximum certified mass of 5700 kilograms or less, or a maximum approved passenger seating configuration of not more than nine seats, registered in the Republic, but engaged in commercial international air transport operations;
- (c)
- (d)”

SCHEDULE 9**9 PROPOSAL TO AMEND REGULATION 135.05.3 OF PART 135 OF THE REGULATIONS****PROPOSER****CIVIL AVIATION AUTHORITY**

PRIVATE BAG X08

WATERKLOOF

0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

9.1 PROPOSED AMENDMENT OF REGULATION 135.05.3(l)(d) AND 2(b)

Flight, navigation and associated equipment for aeroplanes operated under IFR

- 135.05.3 (1) The operator of a small commercial air transport aeroplane shall not operate the aeroplane in accordance with IFR, unless such aeroplane is equipped with -

(a).....

- (b)
 - (c)
 - (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
 - (e)
 - (g)
 - (g)
 - (h)
 - (i)
 - (j)
- (2) If two pilots are required to operate a small commercial air transport aeroplane, the second pilot's station shall be equipped with –
- (a)
 - (b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing;
 - (c)
 - (d)
 - (e)
 - (f)

9.2 MOTIVATION

This is a very controversial regulation of which the origin cannot be found. It is estimated that 90% of all aircraft operating in South Africa do NOT comply with this regulation. A preliminary investigation of piston and turboprop aircraft currently operated in the country has revealed that only the Dash 8 and Jetstream 41 can comply with this regulation, It is assumed that jet aircraft will *all* be able to comply. On Beechcraft King Air 200, PC 12 and Cessna 208 aircraft these items are available as optional extras.

From this investigation it is concluded that only the newer aircraft in the category 10,000 kilograms. to 20,000 kilograms. are equipped to comply.

As a result of an investigation it appears that no record exist to prove that a pitot heat failure has ever been the cause of an accident or incident in South Africa.

9.3 CURRENT PROVISION

Flight, navigation and associated equipment for **aeroplanes operated under IFR**

- 135.05.3 (1) The operator of a small commercial air transport aeroplane shall not operate the **aeroplane** in accordance with IFR, unless such **aeroplane** is equipped with -
- (a)
 - (b)
 - (c)
 - (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;
 - (e)
 - (f)
 - (g)
 - (h)
 - (i)
 - (j)
- (2) If two pilots are required to operate a small commercial air transport aeroplane, the second pilot's station shall be equipped with -
- (a)
 - (b) an airspeed indicator system with heated pitot tube or equivalent means for

preventing malfunction due to either condensation or icing, including a warning indicator of pitot heater failure;

(c).....

(d).....

(e).....

(f)