UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Civil Air Regulations Amendment 40-20
Effective: November 6, 1959
Issued: September 30, 1959

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Retention of Flight Recorder Tapes and Clarification of Period the Flight Recorder Shall Be in Operation

Section 40.208 of the Civil Air Regulations requires the installation of flight recorders on all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude. The regulations further require that the flight recorders shall be operating continuously during flight time.

In promulgating this regulation, the period of time for retention of the recorder tapes was not included in the rule as it was assumed that air carriers would retain these records for a sufficient length of time for the investigation of accidents and incidents which may have occurred during the time of flight. The tapes also can furnish information to the operator concerning performance and operation of these airplane types for which there does not exist a substantial amount of operational experience.

In view of the importance of the information obtained from flight recorders, and since there may be some question as to the length of time that such tape recordings should be maintained by the air carriers, the Federal Aviation Agency believes that a clarification of the rule is needed.

As stated above, § 40.208 requires that the flight recorders "shall be operating continuously during flight time." It was the intent of this regulation to require the operation of the recorder only during flight and not during taxi operation to and from the runway. Therefore, in order to clarify this point, the word "time" is being deleted from this phrase since flight time has been defined as block-to-block time. In deleting the word "time," it is intended that the flight recorder must be in full operating condition at the instant the aircraft starts its takeoff roll and be in continuous operation during the flight and until the aircraft has completed its landing at an airport.

Accordingly, § 40.208 is being amended to clarify these matters. Similar amendments are being made concurrently to Parts 41 and 42 of the Civil Air Regulations to provide identical rules for the types of air carrier operations covered by those parts.

Inasmuch as this amendment is a clarification of the present requirements and imposes no, or very little additional burden on any person, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, § 40.208 of the Civil Air Regulations (14 CFR Part 40) is hereby amended as follows to become effective November 6, 1959:

§ 40.208 Flight recorders.

A flight recorder which records time, airspeed, altitude, vertical acceleration, and heading shall be installed on all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude, and shall be operating continuously during flight. The recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

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E. R. QUESADA,
Administrator.

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