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

Civil Air Regulations Amendment 40-30
Effective: September 21, 1961
Issued: September 15, 1961

[Reg. Docket No. 890; Amdt. 40-30]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Landing Flare Requirements

Section 40.200(d) of the Civil Air Regulations requires that each airplane used at night for extended overwater operations be equipped with landing flares.

In 1958, a requirement for the carriage of flares in night operations over land was deleted from Part 40 by Amendment 40-10 (23 F.R. 292). This requirement was deleted because there had been very little use of flares from 1947 to 1958, and the records revealed numerous instances of flares being inadvertently discharged on the ground or in the air, causing damage to the airplane, other airplanes, ramps, and hangars. Instances were also reported of flares contributing to the intensity of a fire following a crash. The Civil Aeronautics Board, after consideration of all the facts involved, concluded that equipping an airplane with flares should not be a mandatory safety requirement for operations conducted over land at night.

The military transport services discontinued the use of flares in their passenger transport operations several years ago for reasons involving cost, maintenance, the hazard of carrying flares, and their questionable value under emergency conditions.

Recently, the Federal Aviation Agency received several requests from air carriers for relief from the flare requirement for overwater operations at night. In view of those requests, the Agency has carefully reviewed the subject of flare requirements. Consideration has been given to all of the data available to the Board in 1958 when it deleted the requirement for the carriage of flares in night operations over land. In addition, the Agency has weighed the probability of having to ditch an airplane as opposed to diverting to a land area, in view of such factors as improved airplane performance, reliability, operating range, and the development of more accurate and dependable communication aids. In this connection, we consider it significant that to our knowledge no multiengine air carrier airplane has been involved in the dropping of flares during the past 14 years. Finally, it should be pointed out that the Air Transport Association and the Air Line Pilots Association have recently advised the Agency that they favor deletion of the requirement for flares in night overwater operations.

Upon consideration of the foregoing, the Agency has concluded that flares for passenger-carrying airplanes should not be required as mandatory safety equipment for air carrier overwater operations conducted at night. Deletion of the flare requirement will not preclude the carriage of flares by an air carrier who may desire to continue carrying them as optional equipment.

Since this amendment relieves a restriction and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 40.200(d) of Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby deleted, effective September 21, 1961.

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

Issued in Washington, D.C., on September 15, 1961.

N. E. HALABY,
Administrator.

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