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

Civil Air Regulations Amendment 43-13
Effective: June 6, 1961
Issued: May 1, 1961

[Reg. Docket No. 580; Amdt. 43-13]

PART 43—GENERAL OPERATION RULES

Installation and Use of Flight Recorders in Certain Airplanes Used by Air Carriers and Commercial Operators

The currently effective provisions of Parts 40, 41, and 42 of the Civil Air Regulations require the installation and use of an approved flight recorder on all large airplanes (more than 12,500 pounds maximum certificated takeoff weight) certificated for operations above 25,000 feet, and on all large turbine-powered airplanes, when such airplanes are being operated under the terms of an air carrier or commercial operator certificate. These rules are not applicable while the airplanes are being used by an air carrier or a commercial operator for flight checks, training flights, ferry flights, airworthiness test flights, or other operations conducted in accordance with the general operation rules of Part 43.

Civil Air Regulations Draft Release No. 60-18, dated November 23, 1960 (25 F.R. 12299, 12524), proposed to amend Part 43 to require the holder of an air carrier or commercial operating certificate to have installed and in operation an approved flight recorder on all large turbine-powered airplanes, and on all other large airplanes certificated for operation above 25,000 feet, when such airplanes are being used for flights conducted in accordance with the general operation rules. For purposes of clarity, the usual types of operation to which the rule would be applicable were listed in the proposal as flight checks, training flights, ferry flights, or airworthiness test flights. Provisionally certificated airplanes falling within the scope of this proposed rule were to be allowed until May 1, 1961, to comply.

As stated in Draft Release 60-18, the safety considerations which formed the basis of the flight recorder provisions of Parts 40, 41, and 42 are equally applicable to other operations, such as flight checks, training flights, airworthiness test flights, and ferry flights, when such flights are conducted by air carriers and commercial operators with large airplanes certificated for operation above 25,000 feet and with large turbine-powered airplanes. It is essential, therefore, that information be obtained for accident investigation and other safety purposes when these airplanes are being used to conduct any flight, regardless of the regulations under which such flights are conducted.

All comments received in response to Draft Release 60-18 indicated general concurrence with the rule as proposed. However, several persons pointed out the need for greater flexibility in the conduct of ferry flights with an inoperative flight recorder, and of airworthiness test flights with the recorder turned off. In light of these comments, the rule as adopted herein will permit the ferry flight of a newly acquired airplane not equipped with a flight recorder from the place of delivery to a base where a recorder is to be installed. Also, the rule will permit an airplane with an inoperative flight recorder, when located at a place where repair or replacement facilities are not available, to be ferried to a place where the recorder can be repaired or replaced. In addition, in the event of failure of the flight recorder after the airplane becomes airborne on a ferry flight, the flight will be permitted to continue as planned, rather than required to terminate at the next stop where repairs or replacements can be made. Provisions have also been included to allow the flight recorder to be turned off during airworthiness test flights con-

ducted to test the operations of the recorder, or communication or electrical systems, when the successful conduct of such tests so requires.

Since the effective date of this amendment is later than the May 1, 1961, compliance date proposed for provisionally certificated airplanes, the requirement for flight recorders on such airplanes is not stated as a separate provision in the rule. However, the requirement for flight recorders, as set forth herein, is applicable to provisionally certificated airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) is amended by adding a new § 43.32 to read as follows, effective June 6, 1961.

§ 43.32 Flight recorders.

(a) The holder of an air carrier or commercial operator certificate shall not operate any of the following airplanes in the conduct of flights (other than a ferry flight conducted for the purpose of delivering a newly acquired airplane from the place where an air carrier or commercial operator takes possession to a base where a flight recorder is to be installed), unless there is installed on the airplane an approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading:

(1) Airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude;

(2) Turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight.

(b) When an air carrier or commercial operator conducts a flight with an airplane which has a flight recorder installed as required by paragraph (a) of this section, the flight recorder shall be operated continuously from the instant the pilot commences the takeoff roll until he has completed the landing roll at a place of landing, subject to the following exceptions:

(1) If an airplane with an inoperative flight recorder is located at a place where facilities for the repair or replacement of the recorder are not available, the airplane may be ferried with the flight recorder inoperative to a base where the recorder can be repaired or replaced.

(2) If the flight recorder becomes inoperative after the airplane has become airborne, the particular flight may be continued and completed as originally planned.

(3) During an airworthiness flight test, the flight recorder may be turned off for any period of time necessary to conduct tests of the operation of the recorder, or any communication or electrical equipment, installed in the airplane.

(c) Recorded information shall be retained by the air carrier or commercial operator 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; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

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N. E. HALABY,
Administrator.

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