Advance copy

CAM-43

TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

[Regulatory Docket No. 933; Amendment 43-17]

PART 43 - GENERAL OPERATION RULES

Continuation of Flight with Inoperative Anticollision Light

This amendment clarifies the continuation of flight provisions in the event of the failure of anticollision lights and withdraws that portion of Draft Release No. 61-22 requiring flight recorders on certain large aircraft.

The Federal Aviation Agency published as a Notice of Proposed Rule Making (26 F. R. 9916) and circulated as Civil Air Regulations Draft Release No. 61-22 dated October 16, 1961, a proposal to amend Part 43 of the Civil Air Regulations to require the installation and use of approved flight recorders on all large (more than 12,500 pounds maximum certificated takeoff weight) airplanes certificated for operation above 25,000 feet altitude, and on all large turbine-powered airplanes. In addition, Draft Release 61-22 proposed an amendment to Part 43 which would clarify the provisions for continuation of flight with inoperative anticollision lights.

The written comments relating to the proposal to require flight recorders and the statistical data collected since the release of the Notice of Proposed Rule Making made it apparent that the requirement would be premature at this time. The public benefit, as weighed against the cost of installation and proper maintenance, the remote accident prevention data potential (one accident in affected aircraft in the last 24 months), the high ground time in the event that the instrument has to be repaired (one week or better for repairs and testing), and the fact that the few aircraft affected by the requirement (approximately 180) involve a wide variety of types and configurations, thereby reducing the applicability of acquired data, does not justify the requirement at this time.

If it is subsequently determined as a result of a study that the increased use of flight recorders is feasible and is required in the interest of safety, a new notice of proposed rule making will be published.

The proposal to amend Part 43 to clarify the provisions for continuation of flight with an inoperative anticollision light was brought about by the fact that the term "continue flight," as used in § 43.30(b)(3), has caused some misunderstanding as to the meaning of the word "flight". This term is readily understandable when applied to air carrier operations, where aircraft are usually dispatched and operated as numbered flights, but most persons who use aircraft for company or personal transportation do not use this system of numbering or naming their flights. This amendment clarifies the continuation of flight provisions of § 43.30(b)(3) by the use of a more meaningful term.

The new wording should make it clear that when an anticollision light fails, an operator is allowed to continue his trip as planned, including intervening stops. He is not required to repair or replace the device until he arrives at a stop where this can be done without causing an undue delay in his operations with the aircraft. Comments received reflected general agreement with this proposal. Therefore, this amendment is being adopted as proposed. Additionally, the obsolete term "NC powered aircraft" is being deleted from the title of § 43.30 and the term "visual flight rules" is being substituted for the obsolete term "contact flight rules" throughout the section.

Interested persons have been afforded an opportunity to participate in the making of this amendment (26 F.R. 9916), and due consideration has been given to all relevant matter presented and, since it relieves a restriction and imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

This amendment is subject to the FAA Recodification Program recently announced in Draft Release No. 61-25 (26 F.R. 10698). This recodification, however, will not result in any substantive change in the rule as adopted herein.

In consideration of the foregoing, Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) is hereby amended as follows, effective May 3, 1963 :

By amending § 43.30 by changing the term "contact flight rules" to "visual flight rules" wherever it appears, and by revising the title of the section and paragraph (b)(3) to read as follows:

§ 43.30 Instruments and equipment for powered aircraft with standard U. S. airworthiness certificates. * * *

(b) Visual flight rules (night).

* * * * *

(3) An approved anticollision light system for aircraft having a maximum certificated takeoff weight of more than 12,500 pounds and for all aircraft which are required by the terms of their airworthiness certificate to have anticollision light systems installed; except that, in the event of failure of any light of such system, operations with the aircraft may be continued until arrival at a stop where repairs or replacements can be made without undue delay.

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

Administrator

Issued in Washington, D. C., on April 26, 1963.