U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JUL 29 2010

Ronald J. Hinderberger, Lead Administrator
BCA Designated Compliance Organization
The Boeing Company
P.O. Box 3707 MC 67-LR
Seattle, WA 98124-2207

Dear Mr. Hinderberger:

Thank you for your letter of April 2, 2010 requesting clarification of the term "required by the operating rules of this chapter" as used in 14 CFR §§ 25.1457 and 25.1459. Any time the phrase "of this chapter" is used in our regulations, it refers to any part of 14 CFR Chapter 1, which includes parts 1 through 199. Thus the phrase "operating rules of this chapter" refers to any of those parts under which an aircraft operator may conduct its operations.

Your letter states that Boeing understands the phrase used in those two sections of Part 25 to refer to N-registered airplanes only. This is not a yes or no answer. Your question starts with a certification rule and its applicability to an operating airplane, while we begin the assessment of applicability with the operating rule. In other words, when an operating rule (such as §121.344) requires a flight recorder to be installed, then the certification requirements for installation (such as §25.1459) must also be met. The certification regulations do not presume operation under any particular part; hence, the applicability of the Part 25 regulations to the equipment "required by the operating rules of this chapter" without specifying what an operating rule that might apply would be.

Most of the operating rules in 14 CFR chapter 1 apply only to U.S.-registered airplanes. Certain operating rules, such as those contained in part 91, may apply to all aircraft operating in the United States regardless of registration, but generally do not include equipment requirements.

We did not intend any of the equipment requirements in the 2008 amendments to the flight recorder regulations to affect any non-U.S. registered aircraft.

You also requested clarification of the applicability statements in 14 CFR §129.1 (a) and (b) regarding flight recorder regulations. Paragraph (a) applies to "*[F]oreign air carrier operations in the United States*, and means certain foreign-registered aircraft operating in the United States. Paragraph (b) refers to "*Operations of U.S.-registered aircraft solely outside the United States,*" and refers to any U.S-registered aircraft operated "in common carriage

by a foreign person or foreign air carrier" whether or not it operates in U.S. airspace. The most common example of the latter would be an aircraft operated by a foreign air carrier but carrying an N registration because the aircraft remains under title to a U.S. bank or other owner.

The flight data recorder requirements of §129.20 apply to the aircraft described in §129.1(b). Section 129.20 specifies that it applies only to U.S.-registered aircraft, and §129.1(b) specifically calls out §129.20. The requirements of §129.20 do not apply to airplanes described in 129.1(a).

We trust that this interpretation responds to your request. If you have any questions, please contact my staff at 202-267-3073. This response was prepared by Karen Petronis, Senior Attorney for Regulations in my office and coordinated with the Avionics Maintenance Branch of the Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200