

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 121, 125 and 135**

[Docket No.: FAA-2003-15682; Amendment Nos. 121-288, 125-42, 135-84]

RIN 2120-AH81

Digital Flight Data Recorder Requirements—Changes to Recording Specifications and Additional Exceptions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the flight data recorder regulations by expanding the recording specifications of certain data parameters for specified airplanes, and by adding aircraft models to the lists of aircraft excepted from the 1997 regulations. In addition, this rule corrects specifications in an operating rule appendix that were inadvertently omitted in previous actions. These changes are necessary to allow the continued operation of certain aircraft that are unable to meet the existing recorder criteria using installed equipment. The changes are also necessary for certain aircraft for which the cost to retrofit under 1997 regulatory changes would be cost prohibitive.

DATES: This final rule is effective August 18, 2003.

FOR FURTHER INFORMATION CONTACT: Gary Davis, Flight Standards Service, Air Transportation Division, AFS-201A, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8166; facsimile (202) 267-5229, e-mail gary.davis@faa.gov.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);

(2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/arm/index.cfm>; or

(3) Accessing the Government Printing Office's Web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to

identify the amendment number or docket number of this rulemaking.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact its local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at <http://www.faa.gov/avr/arm/sbrefa.htm>, or by e-mailing us at 9-AWA-SBREFA@faa.gov.

Background

In response to a series of recommendations issued by the National Transportation Safety Board (NTSB), the FAA revised and updated parts 121, 125 and 135 of Title 14, Code of Federal Regulations (14 CFR) in 1997 to require that flight data recorders on U.S. registered airplanes be upgraded to record additional parameters of data (62 FR 38362, July 17, 1997). The exact number of parameters required depends on the age of the airplane; airplanes manufactured after August 19, 2002, must record 88 parameters of flight data.

Prior to the 1997 rule, the specifications for flight data recorders (the range, accuracy, sampling intervals, and resolution required for each parameter) were found in appendix B to part 121. As part of the 1997 rule upgrade, a new appendix M to part 121 was created, which includes the newly required parameters and new specifications for some of the existing parameters. The standards of appendix M were based in part on the specifications found in the European Organization for Civil Aviation Equipment (EUROCAE)'s Document ED-55, Minimum Operational Performance Specifications (MOPS) for Flight Data Recorder Systems. Appendix M requires increased range, accuracy, sampling interval, and resolution requirements, and reflects the

performance expected of newer technologies. The same changes were made to appendix E to part 125 (appendix E), and appendix F to part 135 (appendix F) to apply to airplanes operating under those parts. Discussion of changes made to appendix M in this document also apply to appendices E and F.

Actions Following the 1997 Rulemaking

Airbus Industries. Following the adoption of the 1997 regulations, Airbus Industries (Airbus) notified the FAA that, in order to comply with the new requirements of appendix M to part 121, several of its airplane models would have to undergo major equipment retrofits, a circumstance the 1997 rule explicitly tried to avoid. Airbus stated that although the DFDR's in its airplanes recorded the required parameters, some of the resolution and sampling intervals for certain parameters differed slightly from those required by appendix M. The FAA found that while Airbus had noted these differences in its comment to the NPRM proposing the 1997 regulations, its comment was not fully addressed in the preamble to the final rule.

After consulting with the NTSB, the FAA determined that the Airbus differences were acceptable as an alternative. The FAA determined the most appropriate way to accommodate the differences was to add footnotes to specific parameters of appendix M noting the Airbus airplanes affected and the different specifications. Footnote changes for Airbus airplanes were adopted in 1999, 2000, and 2002.

Corrections to appendix F to part 135. When the regulations were modified to accommodate Airbus airplanes, and during the adoption of other recent changes affecting all airplanes, the same changes should have been made to appendix M to part 121, appendix E to part 125, and appendix F to part 135 to reflect the fact that affected aircraft may operate under any of these three parts. On at least two occasions the amendments to appendix F were inadvertently omitted. Accordingly, this amendment incorporates all of the corresponding changes to appendix F that were not made previously. These changes are considered conforming changes to appendix F that are in the nature of a correction. The FAA is not specifically requesting comment on these changes, although any operator that finds itself adversely affected by these changes to appendix F may submit this information to the person listed under the **FOR FURTHER INFORMATION CONTACT** heading.