

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Adminis- tration, Department of Transportation

[Docket No. 9244; Amnts. Nos. 91-68; 121-53;  
135-10]

#### PYROTECHNIC SIGNALING DEVICES

The purpose of these amendments to Parts 91, 121, and 135 of the Federal Aviation Regulations is to eliminate inconsistent requirements for signaling devices on aircraft operated for compensation or hire.

These amendments are based on a notice of proposed rule making (Notice 68-29) issued on November 13, 1968, and published in the *FEDERAL REGISTER* on November 16, 1968 (33 F.R. 17114). The notice indicated the proposal might be changed in the light of comments received. As a result of the comments, two minor changes are being made in the amendments as adopted.

As explained in the notice, § 91.33(b)(11), which prohibits the operation of a powered civil aircraft with a standard category U.S. airworthiness certificate for hire over water beyond power-off gliding distance from shore unless that aircraft contains a Very pistol, applies to aircraft operated under Parts 121 and 135. In addition, air carriers and commercial operators are required by present § 121.339 to have suitable pyrotechnic signaling devices on airplanes while flown in extended overwater operations. Air taxi and commercial operators of small aircraft are required by present § 135.163 to carry one pyrotechnic pistol and six cartridges on each life raft aboard aircraft operated in extended overwater operations. As proposed in the notice, the requirement that the device be of a pistol configuration for Part 135 operations has been dropped, allowing the use of any pyrotechnic signaling device which is appropriate for the operation being conducted considering time of day, distance from shore and rescue facilities, means of rescue expected, and so forth.

This amendment deletes the requirement for a "Very pistol" in Part 91 and

substitutes a requirement for at least one "pyrotechnic signaling device," thus making the terminology in Part 91 consistent with that used in Parts 121 and 135 as amended herein.

One comment pointed out that proposed § 91.33(b)(11) can be interpreted as requiring one pyrotechnic signaling device for each occupant of the aircraft. The intent of the amendment adopted herein is to require at least one such device for each aircraft. The carriage of additional devices is a discretionary matter which rests with the operator of the aircraft.

Under Part 135, at least one pyrotechnic signaling device is required by this amendment for each life raft carried aboard the aircraft. As proposed, the requirement for Part 121 operations was not related to the number of life rafts aboard. One comment pointed out that it is not realistic to require only one signaling device for operations under Part 121 in aircraft which may have several life rafts. The FAA agrees and the amendment of § 121.339 as adopted requires that at least one pyrotechnic signaling device be carried for each life raft.

In the case of a cartridge type device, responsibility for determining the number of individual signal flares to be carried for a particular operation will rest with the operator of the aircraft.

Several other comments are considered to be outside the scope of the notice. These include comments with respect to suggested specifications for signaling devices such as shelf life, color, and flotation capability, the use of other kinds of signaling devices such as strobe lights, and comments with respect to the kinds of operations to which the signaling device requirement should be applied, such as flights over uninhabited areas and flights not for hire. However, each of these comments has merit and may be considered by the FAA in future rule-making actions.

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

In consideration of the foregoing, Parts 91, 121, and 135 of the Federal Aviation Regulations are amended effective October 30, 1969, as follows:

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By amending § 91.33(b)(11) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(b) \* \* \*

(11) If the aircraft is operated for hire over water and beyond power-off gliding distance from shore, approved flotation gear readily available to each occupant, and at least one pyrotechnic signaling device.

#### PART 121—CERTIFICATION AND OP- ERATIONS; DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. By amending § 121.339(a)(3) to read as follows:

§ 121.339 Equipment for extended overwater operations.

(a) \* \* \*

(3) At least one pyrotechnic signaling device for each life raft.

#### PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

3. By amending § 135.163(o) to read as follows:

§ 135.163 Emergency equipment: overwater operations.

(o) \* \* \*

(o) At least one pyrotechnic signaling device.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 22, 1969.

D. D. THOMAS,  
Deputy Administrator.

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