



**PURSUANT** to Sections 29 and 30 of the Civil Aviation Act 1990

**I, HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *23rd* day of *October* 2007

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over a faint, large, stylized outline of the letters 'HJD'.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 121, Amendment 18**

**Air Operations—Large Aeroplanes**

*Docket 4/CAR/8*

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### **Rule objective**

The objective of amendment 18 to Part 121 is to amend the equipment requirements for an aeroplane that is performing a regular air transport service to, and from, countries outside of New Zealand to reflect the international civil aviation organisation (ICAO) standards for the carriage of 406 MHz emergency locator transmitters (ELT). This amendment is consequential to amendment 18 to Part 91.

### **Extent of consultation**

Satellite monitoring of ELT signals is carried out by the international COSPAS-SARSAT system. This search and rescue satellite-aided distress alert and location system currently processes signals on the international civil and military distress frequencies of 121.5 MHz, 243 MHz and 406 MHz. Most of the current ELTs used in civil aviation operate on 121.5 MHz only.

Due to the limitations of the 121.5 and 243 MHz signal characteristics together with a high number of false alerts from 121.5 MHz ELTs, the international agencies involved in search and rescue – the International Maritime Organisation (IMO), International Civil Aviation Organisation (ICAO), and the providers of the COSPAS-SARSAT system – have agreed that satellite monitoring and processing of 121.5 MHz and 243 MHz signals will cease from 1 February 2009. The ICAO standard now requires ELTs to operate on 406 MHz and 121.5 MHz, with the 406 MHz signal providing the initial alert and location via the COSPAS-SARSAT system and the 121.5 MHz signal used for final homing by search aircraft.

In March 2005 the CAA issued a Rule Project Scope Statement to address the change to the carriage of the 406 MHz ELT. This Project Scope Statement identified the issues that would require amendments to various rules to reflect the technical characteristics, carriage requirements, coding and registration, and maintenance aspects associated with the change to the 406 MHz ELT.

Following the publication of the Rule Project Scope Statement considerable discussion took place between the CAA and a number of airline operators, aviation industry representatives, New Zealand distributors of ELT equipment, overseas regulatory authorities, and the Rescue Coordination Centre New Zealand (RCCNZ) regarding various

matters associated with the change to the 406 MHz ELT. These informal discussions formed the basis for the development of the proposed rule amendments.

A Notice of Proposed Rulemaking, NPRM 06-03, containing the proposed amendments to Parts 1, 43, 91, 121 and 129 was issued for public consultation under Docket 4/CAR/8 on 22 June 2006.

The publication of this NPRM was notified in the Gazette on 22 June 2006 and advertised in the daily newspapers in the five main provincial centres on 24 June 2006. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 39 days was allowed for comment on the proposed rule.

### **Summary of submissions**

Twenty-four written submissions were received on the NPRM. These submissions and comments have been considered and as a result, the proposed amendment to rule 121.353 requiring retrofitting of 406 MHz ELT has been withdrawn and replaced by a new rule that reflects the ICAO standards for the carriage of 406 MHz ELT.

The rule as amended was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

### **Examination of submissions**

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

### **Insertion of Amendments**

The amendment to the rule in this Part is reflected by the revocation of an existing rule and replacing it with a new rule.

### **Effective date of rule**

Amendment 18 to Part 121 comes into force on 22 November 2007.

### **Availability of rules**

Civil Aviation Rules are available from—

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

## Part 121 Amendments

### Subpart F—Instruments and Equipment

*Rule 121.353 is revoked and replaced with the following new rule*

#### **121.353 General**

(a) Except as provided in paragraph (b), a holder of an air operator certificate must ensure that an air transport operation does not commence unless—

- (1) the aeroplane is equipped with —
  - (i) the type of instruments and equipment required by Part 91 and this Subpart; and
  - (ii) for an aeroplane that is performing a regular air transport service to, from, and within countries outside of New Zealand and for which the individual airworthiness certificate is first issued after 1 July 2008, an additional ELT that meets the requirements prescribed in A.15 of Appendix A to Part 91; and
  - (iii) the number of instruments and equipment to ensure that the failure of any independent system required for either communication or navigation purposes, or both, does not result in the inability to communicate and navigate safely as required for the route being flown; and
- (2) the instruments and equipment installed in the aeroplane comply with—
  - (i) the applicable specifications and airworthiness design standards listed in the following:
    - (A) Appendix B to this Part;
    - (B) Appendix C to Part 21;
    - (C) Part 26; or

- (ii) an alternative specification or design standard acceptable to the Director; and
  - (3) the instruments and equipment have been installed in accordance with the aeroplane manufacturer's instructions or equivalent instructions acceptable to the Director; and
  - (4) except as may be provided by a MEL approved under rule 91.539 for use for the aeroplane, the instruments and equipment installed in the aeroplane are in operable condition.
- (b) Subject to paragraph (c), a holder of an air operator certificate is not required to comply with rule 91.529(a) until 1 July 2008 if —
  - (1) the individual airworthiness certificate for the aeroplane is first issued before 1 July 2008; and
  - (2) the aeroplane is performing a regular air transport service to, from, and within countries outside of New Zealand.
- (c) An aeroplane to which paragraph (b) applies may be equipped with 2 ELTs of any type that meet the requirements prescribed in A.15 of Appendix A to Part 91 instead of the automatic ELT required by rule 91.529(a).

## Consultation Details

*(This statement does not form part of the rules contained in Part 121. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 06-03, containing the proposed rules was issued for public consultation under Docket 4/CAR/8 on 22 June 2006. A period of 39 days was allowed for comment on the proposed rule.

A total of 24 written submissions were received. Of these, 14 submissions were from organisations and 10 from individuals. The CAA has worked through these submissions and as a result has amended the rules where appropriate.

The consultation details relating to amendment 18 to Part 121 are contained in the consultation details of amendment 18 to Part 91. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road, Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone (04) 560 9603 and ask for docket 4/CAR/8.