

tions governing nonemergency parachute jumping. The notice also proposed to amend § 43.47(b) of Part 43 of the Civil Air Regulations to make Part 38 the governing rule for nonemergency parachute jumping.

In order to avoid the issuance of a new part of the Civil Air Regulations and then its immediate reissuance in a recodified form, this amendment is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material. In the "Outline and Analysis" for the proposed recodification, contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), provision was made for a new Subchapter F "Air Traffic and General Operating Rules". This amendment, as the first final rule to be published in that subchapter, adds the new Subchapter F to Chapter I of Title 14. Other new parts will be added to the subchapter at a later date in conformity with the "Outline and Analysis".

The rules in Part 105 are directed primarily to three major areas of concern with respect to parachute jumping. They are: (1) Jumps over or within the congested areas of cities, towns, settlements, or an open air assembly of persons; (2) jumps made in controlled airspace; and (3) parachute equipment requirements. In addition, the Part prescribes certain basic operating rules.

The majority of comments received in response to the notice were favorable. Some expressed approval of the proposed rules as they were written and others recommended various changes. The significant changes which have been made, and the reasons why some recommended changes were not made are discussed in the following paragraphs.

The Department of the Army expressed general approval of the intent of the proposed rules but pointed out that some of their training activities are conducted outside of military reservations and restricted areas, during hours of darkness, and under poor weather conditions. It was explained that compliance with the proposed rules relating to clearance from clouds, weather conditions, and jumps at night, would seriously detract from the practical value of the military training conducted. The Department of the Air Force also objected to the restrictions placed on military operations in controlled airspace. The new Part has been modified to reflect these comments. The provisions governing clearance from clouds, flight visibility, and jumps at night do not apply to a member of an Armed Force when jumping in restricted areas under the control of an Armed Force or to jumps made during military operations in uncontrolled airspace.

Section 105.11 exempts from the operating rules of Subpart B a parachute jump made because of an emergency on the surface when the jump is made at the direction, or with the approval, of an agency of the Federal, State, or local government. However, the parachute equipment requirements of Subpart C would apply to the jump. An example of the type of emergency the section

contemplates would be a natural disaster requiring parachute jumps to aid victims.

A number of comments recommended that a jumper be required only to give notification to Air Traffic Control, instead of obtaining an authorization, for jumps in certain controlled airspace outside control zones. It was pointed out that as jumps are required to be made in VFR weather conditions an authorization is unnecessary. The FAA recognizes the validity of this argument and Part 105 requires an authorization for jumps in certain control zones and in positive controlled airspace, but only notification elsewhere in controlled airspace. Further, it provides that notice need be given only six hours in advance of the jump.

In response to comments, the proposed requirement that an application for an authorization to jump over a congested area be made seven days in advance has been reduced to four days. The 24-hour requirement for jumps in positive control airspace has been retained to meet the requirements of Air Traffic Control.

Two additions, aircraft identification and radio frequencies available in the aircraft, have been made to the list of information required by Air Traffic Control for jumps in controlled airspace.

Some comments objected to the proposed requirement of one mile horizontal clearance from clouds for jumps within the continental control area, as being too restrictive. Other comments proposed permitting jumps through clouds. While the Agency recognizes that under some circumstances jumps through or near clouds would not create a hazard to air traffic or the jumper, such situations are nearly impossible to define. It is clear, however, even to a person not familiar with parachute jumping, that neither a pilot nor a jumper located above a cloud can see air traffic below or within it and that a jump through the cloud under such circumstances could be disastrous. Considering the potential hazards and the doubtful value of jumps through or from within clouds, the FAA believes the proposed cloud clearances represent the minimums needed for safety and they have been retained. The specific prohibition against jumping through clouds has been dropped to avoid any misunderstanding of the requirement that the jumper must, at all times, remain clear of clouds by the distances specified in § 105.29.

Several recommendations were made to relax the requirements of § 38.20 regarding who may pack a parachute. It was also recommended that the proposed 60-day packing period be increased for both the main and the auxiliary parachutes. The Agency believes that the 60-day packing period for the main parachute can be extended to 120 days without adversely affecting safety and the rule has been changed accordingly. However, we do not believe that any relaxation is possible, at this time, with respect to who may pack a parachute and the packing period for auxiliary parachutes.

Recommendations were received that proposed § 38.22, relating to repairs,

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency [Reg. Docket No. 1491]

SUBCHAPTER A—CIVIL AIR REGULATIONS PART 43—GENERAL OPERATING RULES

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

PART 105—PARACHUTE JUMPING [NEW]

Miscellaneous Amendments

This amendment amends Part 43 of Chapter I of Title 14 of the Code of Federal Regulations and adds to that chapter a Part 105—Parachute Jumping [New]. Part 105 [New] contains regulations governing parachute jumps made in the United States other than jumps made because of an emergency in flight.

A notice of proposed rule making, published in the FEDERAL REGISTER on April 28, 1962 (27 F.R. 4099), and circulated as Draft Release No. 62-19, gave notice that the Federal Aviation Agency had under consideration a proposal to adopt a new Part 28 of the Civil Air Regula-

be made from that aircraft, in or into a positive control area or positive control route segment without, or in violation of, an authorization issued under this section.

(b) Each request for an authorization issued under this section must be submitted to the FAA air route traffic control center having jurisdiction over the area or segment concerned at least 24 hours before the parachute jump is to be made and must include the information prescribed in § 105.25.

§ 105.23 Jumps in or into other controlled airspace.

No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft, in or into controlled airspace (other than a positive control area, positive control route segment or a control zone in which there is a functioning control tower operated by the United States) unless the nearest FAA air traffic control facility or FAA flight service station was notified of that jump at least six hours before the time of that jump and the notice contained the information prescribed in § 105.25.

§ 105.25 Information required.

Each person requesting an authorization under § 105.19 or § 105.21, and each person submitting a notice under § 105.23, must include the following information in that request or notice:

- (a) The date and time jumping will begin.
- (b) The location of the jumping site or drop zone in relation to the nearest city or town, and airport.
- (c) The altitudes above the surface at which jumping will take place.
- (d) The duration of the intended jumping.
- (e) The name, address, and telephone number of the person requesting the authorization or giving notice.
- (f) The identification of the aircraft to be used.
- (g) The radio frequencies, if any, available in the aircraft.

§ 105.27 Jumps over or within restricted or prohibited areas.

No person may make a parachute jump, and no pilot in command may allow a parachute jump to be made from that aircraft, over or within a restricted area or prohibited area unless the controlling agency of the area concerned has authorized that jump.

§ 105.29 Clearance from clouds requirements.

(a) No person may make a parachute jump:

- (1) Within the continental control area, at a distance less than 1,000 feet under, 1,000 feet over, or one mile horizontally from any cloud formation; or
- (2) Outside the continental control area, at a distance less than 500 feet under, 1,000 feet over, or 2,000 feet horizontally from any cloud formation.

(b) No pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft unless cloud conditions allow that person

to comply with the requirements of paragraph (a) of this section.

§ 105.31 Flight visibility.

No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft:

(a) Through any part of the continental control area when the flight visibility in that part is less than five miles; or

(b) Through any part of the airspace outside the continental control area when the flight visibility in that part is less than three miles.

§ 105.33 Parachute jumps at night.

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft, at night, unless that person is equipped with a means of producing a light visible for at least three miles.

(b) Each person making a parachute jump at night shall display the light required by paragraph (a) of this section from the time his canopy opens until he reaches the surface.

§ 105.35 Liquor and drugs.

No person may make a parachute jump while, and no pilot in command of an aircraft may allow a person to make a parachute jump from that aircraft if that person appears to be:

- (a) Under the influence of intoxicating liquor; or
- (b) Using any drug that affects his faculties in any way contrary to safety.

§ 105.37 Inspections.

The Administrator may inspect (including inspections at the jump site), any parachute jump operation to which this part applies, to determine compliance with the regulations of this part.

Subpart C—Parachute Equipment

§ 105.41 Applicability.

(a) Except as provided in paragraph (b) of this section, this subpart prescribes rules governing parachute equipment used in parachute jumps to which this part applies.

(b) This subpart does not apply to a parachute jump made by a member of an Armed Force using parachute equipment of an Armed Force.

§ 105.43 Parachute equipment and packing requirements.

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft, unless that person is wearing a single harness dual parachute pack, having at least one main parachute and one approved auxiliary parachute that are packed as follows:

(1) The main parachute must have been packed by a certificated parachute rigger, or by the person making the jump, within 120 days before the date of its use.

(2) The auxiliary parachute must have been packed by a certificated and appropriately rated parachute rigger within 60 days before the date of its use.

(b) For the purpose of this section, an "approved" parachute is:

(1) A parachute manufactured under a type certificate or a technical standard order (C-23 series); or

(2) A personnel-carrying military parachute (other than a high altitude, high-speed, or ejection kind) identified by an NAF, AAF, or AN drawing number, an AAF order number, or any other military designation or specification number.

Issued in Washington, D.C., on November 21, 1962.

N. E. HALABY,
Administrator,

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