

## Aviation Group Client Update

Date: December 3, 2012  
Contact: Lisa A. Harig, Partner  
Washington DC Office  
[lharg@mklawdc.com](mailto:lharg@mklawdc.com)  
+1 703 247 5487

### FAA ISSUES FINAL RULE ON PILOT LOADING OF AERONAUTICAL DATABASE UPDATES

Last week, FAA amended 14 CFR Part 43 by removing the task of updating databases used in self-contained, front-panel or pedestal-mounted navigation equipment from the preventive maintenance category. The final rule differs from the Notice of Proposed Rulemaking (NPRM), issued on October 19, 2011, with regard to the description of the equipment eligible for pilot-performed updates. In addition, the regulatory text has been modified from the NPRM to permit pilot-performed updates on all certificated aircraft upon compliance with the certificate holder's procedures or the manufacturer's instructions.

This final rule allows all pilots operating aircraft equipped with certain certificated avionics equipment to perform updates of aeronautical databases. The safety record established by pilots performing those database updates under the 1996 final rule, the evolution of installed avionics equipment, and the expansion of database use in avionics equipment installed in all classes of certificated aircraft have prompted changes put into effect by this final rule.

This final rule amends Appendix A to 14 CFR Part 43 by removing paragraph (c)(32) and 14 CFR 43.3 by adding new paragraph (k) to read as follows:

(k) Updates of databases in installed avionics meeting the conditions of this paragraph are not considered maintenance and may be performed by pilots provided:

- (1) The database upload is:
  - (i) Initiated from the flight deck;
  - (ii) Performed without disassembling the avionics unit; and
  - (iii) Performed without the use of tools and/or special equipment.
- (2) The pilot must comply with the certificate holder's procedures or the manufacturer's instructions.
- (3) The holder of operating certificates must make available written procedures consistent with manufacturer's instructions to the pilot that describe how to:
  - (i) Perform the database update; and
  - (ii) Determine the status of the data upload.

The final rule is effective **January 28, 2013**. If you have any questions regarding the amendments to 14 CFR Part 43 regarding pilot loading of aeronautical database uploads, please contact our office.

\* \* \* \* \*

McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.