

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b, 6, 7, 40, 41, 42,
43, 46, 91 (New)]

[Reg. Docket No. 1617; Reference Draft
Release 63-7; SR-392D]

AIRCRAFT AIRWORTHINESS AND OPERATION

Exterior Lighting; Withdrawal and Termination of Proposed Rule Mak- ing Proceedings

The Flight Standards Service of the Federal Aviation Agency has had under consideration a proposal to amend the exterior lighting provisions in the various airworthiness and operating parts of the Agency's regulations. The proposed amendments were described, and the reasons therefor were set forth, in a notice of proposed rule making that was published in the *Federal Register* (28 F.R. 1879) and circulated as Draft Release 63-7 dated February 20, 1963.

The numerous comments received in response to DR 63-7 indicated a wide diversity of views concerning the proposed rules. Among those who supported the proposal, a number considered the proposed anticollision light system an improvement over the one prescribed; others recommended that it be adopted as an "interim" system pending development of an "optimum" system.

Of those who apposed adoption of the proposed rules, some contended that the proposed anticollision light system offers little, if any, improvement over the currently prescribed system, and certainly not enough to warrant regulatory action. Others felt that the need for any change whatever in current lighting standards had not been conclusively demonstrated. Several persons stated that anticollision light systems that emit white light exclusively transmit signals over considerably greater distances, and are more effective during day operations, than the anticollision light system proposed, which requires color filters for certain of the lights. Some commented that the hoped-for standardization would be only partial, and even that would not be attained for many years; further, the proposed standard would be contrary to international exterior lighting standards.

There were also those who felt that by excluding supplementary lights (lights in addition to those prescribed) the proposal would inhibit further development of exterior lighting systems, since the installation and evaluation of possibly superior systems would be prevented. Finally, some persons commented that improvements in exterior lighting were possible without changing the current standards.

A detailed review of the comments received, and of other available information, has persuaded the Agency that the service record in night operations does not adequately support the need for the proposed amendments; that the measure of standardization attainable was not sufficient to warrant their adoption; and that there was still no conclusive evidence that any known anticollision light system (including the one proposed in DR 63-7) is superior to the one currently prescribed, at comparable intensity levels. The last of these findings is based, in part, on the analysis contained in the Agency's research report titled "The Role of Exterior Lights in Mid-Air Collision Prevention" and dated July 1962. For these reasons, the Agency has concluded that adoption of the amendments proposed in DR 63-7 is not justifiable. Accordingly, the notice of proposed rule making titled "Proposed Revision of the Exterior Lighting Regulations in the Airworthiness Parts and the Operating Parts of the Civil Air Regulations" (28 F.R. 1879) and circulated as Draft Release 63-7, dated February 20, 1963, is hereby withdrawn. This withdrawal does not preclude the Agency from issuing another notice in the future or commit it to any course of action in the future.

Concerning its program for the development of an "optimum" exterior lighting system to replace the currently prescribed standard, the Agency, on the basis of extensive research to date, does not believe that standardization on any known new lighting configuration would provide sufficiently superior collision-avoidance capability (relative to that provided by the currently prescribed standard) to justify the heavy expenditure of public funds necessary to obtain conclusive research data.

By withdrawing the notice circulated as DR 63-7, the Agency also gives notice, in relation to the provisions of Special Civil Air Regulation No. SR-392D, that rule making action to revise exterior lighting systems will not be adopted. In accordance with paragraph (1)(ii) of SR-392D, experimental exterior lighting systems which do not comply with the Civil Air Regulations, and which were installed for the purposes of experimentation on aircraft with standard airworthiness certificates under the provisions of SR-392B or SR-392C, may be displayed not later than six months after April 30, 1964, the date of publication of this notice in the *Federal Register*. Thereafter, experimentation will be permitted only on aircraft with experimental certificates.

(Sec. 313(a) of the Federal Aviation Act of 1958 (72 Stat. 752; 49 U.S.C. 1354))

Issued in Washington, D.C., on April 24, 1964.

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Flight Standards Service.

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