Affects Parts: 3, 4b, 6, 7, 40, 41, 42, 43

Regulation No. SR-392D

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D.C.

Effective: June 25, 1962
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[Reg. Docket No. 1010; Reg. No. SR-392D]

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Special Civil Air Regulation; Display of Experimental Exterior Lighting Systems Approved for Use on Aircraft

Special Civil Air Regulation No. SR-392B, adopted on February 25, 1957, and superseded by SR-392C on February 3, 1962, permitted experimentation with exterior lighting systems that did not comply with the standards prescribed in the Civil Air Regulations on aircraft with standard airworthiness certificates. Several conditions were imposed to insure that the number of aircraft engaged in the experiments was reasonably limited; that the experimental exterior lights were in fact installed for bona fide experimentation; and that the results of such experimentation became generally available.

In a notice of proposed rule making contained in Draft Release No. 61-27 and published in the FEDERAL REGISTER, December 23, 1961 (26 F.R. 12294), the Agency gave notice that it had under consideration the termination of SR-392B, which was then in effect, and requested comments from interested persons. However, the nature of the comments received was such that there was not sufficient time remaining, before the February 25, 1962, termination date specified in SR-392B, for their proper review and evaluation. To provide the time needed, the Agency adopted SR-392C which superseded SR-392B without revision other than extension of the termination date from February 25, 1962, to June 25, 1962.

On April 3, 1962, the Agency convened a public conference (previously announced by a notice of conference dated February 12, 1962) to give persons interested in SR-392C an opportunity to supplement their written comments with oral presentations, to make additional evidence available, and to participate in direct discussions with government-industry technical people in the aircraft lighting field.

From a study of all comments made on the issue, those who support the need for an extension of SR-392C contend essentially as follows: (1) Experimental lighting systems now operating under SR-392C are more effective than the system prescribed in the Civil Air Regulations; (2) much money and time has been invested in the experiments, which would be wasted if SR-392C were terminated; (3) extension would continue grass-roots cooperation between experienced FAA inspectors and inventors, and stimulate inventive initiatives; (4) unrestrictive field testing would insure reliability of new lighting equipment by exposing it to actual service conditions; (5) a new lighting concept cannot attract financing, or interest manufacturing management, unless its sales potential is established by flight demonstrations to prospective customers; and (6) there is no satisfactory alternative to extension of SR-392C.

After more than 10 years of experimentation under the provisions of SR-392C and predecessor special regulations, the evidence supporting the contention that various experimental lighting systems surpass the standard system now prescribed in the Civil Air Regulations remains inconclusive. For the most part, reports submitted by experimenters contain subjective evaluations of proposed systems without the use of experimental controls to insure a valid basis for comparison. Tests and studies conducted by the Navy Department and by the Agency's National Aviation Facilities Experimental Center have not corroborated the advantages claimed by private experimenters for their respective systems.

The experiments were no doubt expensive and time-consuming, but the persons who undertook them did so voluntarily and with no assurance of success. In any case, the costs incurred in such experiments do not justify the indefinitely prolonged display of experimental lighting systems, since these systems necessarily introduce some degree of ambiguity and confusion in night operations.

Termination of SR-392C would not prevent further lighting experimentation since such experiments could still be performed under the terms of an experimental airworthiness certificate. There appears to be no reason why cooperation between FAA inspectors and inventors would necessarily diminish if further lighting experiments were conducted only on that basis.

The point that unrestricted field testing insures reliability of experimental lighting equipment is largely irrelevant since the objective of SR-392C was to facilitate experiments with new lighting concepts rather than to achieve component reliability. Component technology is not in question; and, in any case, there is no evidence that unusual

problems exist. Further, reliability can be attained to a large extent by laboratory tests in a simulated environment, a practice which has worked satisfactorily in the past.

It may be true that the privileges granted by SR–392C (as opposed to the generally more restrictive terms of experimental airworthiness certificates) make it easier to finance new lighting concepts, but similar privileges are not granted to those who experiment with aircraft in other ways. This preference for one class of experimenters over all other classes has not been justified in terms of safety improvements achieved to date.

Reasonable alternatives to SR–392C are, in fact, open to experimenters. Experiments may be conducted under the terms of an experimental airworthiness certificate; and the Agency's well-equipped experimental facilities, with trained personnel, are now available for cooperative evaluation of new lighting concepts developed by inventors.

For these reasons, the Agency concludes that the arguments offered in support of an extension of SR–392C are not persuasive; and SR–392C will not be continued in effect beyond June 25, 1962. However, the Agency believes that a reasonable transition period of not less than one year should be established. This would permit 6 months for completion of experiments begun before June 25, 1962, the maximum period of experimentation permitted under SR–392C without special permission, and would allow not less than an additional 6 months for airplane modifications that may be necessitated by the termination of experimentation hereunder.

The various experiments which were conducted under the provisions of SR–392C and predecessor special regulations, although inconclusive, have, nevertheless, helped to crystallize the Agency's position on the need for revisions of the currently effective exterior lighting regulations. Therefore, a proposed rule concerning these requirements is under study by the Agency. If rule making action is initiated as a result of this study, it may ultimately affect some of the details of the lighting systems now required to be installed on aircraft. Moreover, if such rule making action is initiated it may not be completed before December 25, 1962. In such case, a requirement to accomplish the necessary modifications within one year after the termination of SR–392C, i.e., by June 25, 1963, may not provide the operator with a period of 6 months in which to accomplish the modifications, if any, required by the regulation.

In order to permit an adequate transition period for the accomplishment of any necessary modifications, this regulation permits the current experimental lighting systems to be used until June 25, 1963, or 6 months after completion of the proposed rule making action in regard to exterior lighting systems, whichever date is later. If, however, the Agency finds at the conclusion of its studies that rule making action will not be adopted an appropriate notice thereof will be issued and published in the FEDERAL REGISTER. In such case this regulation also permits the experimental lighting systems to be used until June 25, 1963, or 6 months after such notice is published in the FEDERAL REGISTER, whichever date is later.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on June 25, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, 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 until:

(1) 6 months after the date of publication in the FEDERAL REGISTER of either

(i) revised standards adopted by the Agency for exterior lighting systems, or

(ii) a notice that rule making action to revise such standards will not be adopted by the Agency; or

(2) June 25, 1963, if later than that specified in paragraph (1).

This Special Civil Air Regulation shall remain in effect until superseded or rescinded.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on June 22, 1962.

N. E. HALABY,
Administrator.

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