Affects Parts: 40, 41, 42; 43, 45, 46

Regulation No. SR-446A

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

Effective: May 25, 1962
Issued: May 22, 1962

[Reg. Docket No. 737; Reg. SR-446A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Special Civil Air Regulation; Use of Portable Frequency Modulation (FM) Type Radio Receivers on Aircraft During Flight

In 1961, during tests conducted by the Federal Aviation Agency's Aviation Research and Development Service, it was found that radio receivers having local oscillators operating within or near the VHF omnirange (VOR) frequency band (108 to 118 Mcs.) cause interference which adversely affects the operation of an aircraft's VOR navigational system. Various types of portable radio receivers (i.e., radio receivers capable of being carried aboard an aircraft by a passenger) were used in these tests to determine which would produce interference to the VOR equipment. It was determined that the portable frequency modulation (FM) radio receiver is the only type radio receiver, which is commonly used by the general public, that would create this unwanted interference. Therefore, it was found that immediate regulatory action was necessary in order to provide adequately for safety in air commerce.

Accordingly, on May 4, 1961, the Federal Aviation Agency issued Special Civil Air Regulation No. SR-446 (26 F.R. 4011) to become effective May 25, 1961. This regulation, which will expire May 24, 1962, prohibits the operation of portable FM radio receivers during flight on all civil aircraft of the United States operated by an air carrier or a commercial operator. It also prohibits the operation of portable FM radio receivers on all other VOR-equipped civil aircraft of the United States while such VOR equipment is being used for navigational purposes. The added restriction in the case of aircraft operated by an air carrier or a commercial operator was necessary since most of these aircraft are equipped with VOR navigational equipment and it would be difficult, if not impossible, for a passenger to know when the pilot in command was depending upon this equipment for navigational purposes. In addition, although not all portable FM radio receivers utilize local oscillators which will create interference, it was necessary to make the rule applicable to all portable FM radio receivers since it would not be feasible to expect the general public, airline personnel, or air crewmembers to distinguish which will cause this interference.

The tests which disclosed the interference problems caused by FM radio receivers were not completed at the time SR-446 was issued in 1961. Therefore, to simplify revision of the rule if additional interference problems were found by the tests, SR-446 was issued as a temporary rule, effective for a one-year period. When SR-446 was issued, the Agency had intended, prior to its expiration, to incorporate the provisions of the rule into the applicable operating parts, i.e., Parts 40, 41, 42, 43, 45, and 46. However, since the final evaluation of these tests by all interested industry parties has not been completed, this action has not been taken. Accordingly, since the conditions under which SR-446 was issued still exist, it is necessary, in order to provide adequately for safety in air commerce, to extend the provisions of that rule for a period of one year.

Since this regulation extends the provisions of a currently effective regulation which expires on May 24, 1962, and a lapse in the effectiveness of the regulation would endanger safety in air commerce, I find that notice and public procedure hereon would be contrary to the public interest, and that good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, Special Civil Air Regulation No. SR-446 is superseded by the following Special Civil Air Regulation which is hereby adopted to become effective on May 25, 1962:

No person shall operate, nor shall any operator or pilot in command of an aircraft permit the operation of, a portable frequency modulation (FM) radio receiver on the following civil aircraft of the United States while such aircraft are engaged in flight in air commerce: (a) Aircraft operated by an air carrier or commercial operator; and (b) any other aircraft equipped with VHF omnirange (VOR) navigational equipment while such VOR equipment is being used for navigational purposes.

This special regulation supersedes Special Civil Air Regulation No. SR-446 and shall remain in effect for one year unless sooner superseded or rescinded by the Federal Aviation Agency.

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

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

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 62-5085; Filed, May 24, 1962; 8:51 a.m.]

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