

[Docket No. 12574, Amdt. No. 103-19]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Magnetized Materials

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to correct the inadvertent inclusion of magnetized materials in an amendment to Part 103. This amendment would expressly exclude magnetized materials from those that are required to be located in any passenger-carrying aircraft in a place that is inaccessible to persons other than crewmembers.

Amendment 103-17 (published in 38 FR 17831, July 5, 1973) added a new paragraph (f) to § 103.31 of the Federal Aviation Regulations, prohibiting the carriage of any articles subject to the requirements of Part 103 on passenger-carrying aircraft unless those articles are inaccessible in the aircraft to persons other than crewmembers. It was intended that the requirements of new § 103.31(f) be limited to dangerous articles; however, as adopted, the section was made applicable to magnetized materials as well. The applicability of § 103.31(f) to magnetized materials imposes an unnecessary and unintended restriction, since they are not dangerous articles and their proximity to persons aboard the aircraft is not a safety factor. Magnetized materials were first provided for in the Civil Air Regulations by an amendment to Part 49 which then contained the regulations dealing with the transportation of explosives and other dangerous articles (Amendment No. 49-3; 27 FR 5393; June 1, 1962). The preamble to that amendment explained that magnets and magnetic devices can adversely influence the accuracy of magnetic compasses unless they are properly packed and kept at a safe distance from the aircraft's compass. The FAA believes that the current §§ 103.29 and 103.31(d) are adequate to ensure the safe operation of aircraft carrying magnetized materials.

Accordingly, the FAA has determined that an amendment excluding magnetized materials from the applicability of § 103.31(f) is appropriate and will not adversely affect safety.

Since this amendment removes an unnecessary and unintended restriction, I find that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective on less than 30 days' notice.

(Secs. 313(a) and 601, Federal Aviation Act, 1958 (49 U.S.C. 1354(a) and 1421); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, § 103.31(f) of the Federal Aviation Regulations is amended, effective November 1, 1973, to read as follows:

§ 103.31 Cargo location.

(f) No person may carry an article subject to the requirements of this part that is acceptable for carriage in passenger-carrying aircraft, other than magnetized materials, unless it is located in the aircraft in a place that is inaccessible to persons other than crewmembers.

Issued in Washington, D.C., on October 24, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

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