

**PART 91—GENERAL OPERATING
AND FLIGHT RULES**

**Prohibition of Flight During Gemini
Operation**

The National Aeronautics and Space Administration and the Department of Defense have designated certain areas for the landing and recovery activities of the pending Gemini spacecraft flight. The purpose of this special regulation is to prohibit the operation of nonparticipating aircraft of United States registry and aircraft piloted by a person operating under a Federal Aviation Agency pilot certificate in the recovery and related areas during the time determined to be necessary for the safe conduct of the Gemini flight and recovery operations.

The Director, Missions Operations, National Aeronautics and Space Administration, stated in his written communication to the Federal Aviation Agency that there is a possibility aircraft chartered by private enterprise will be used to obtain on-site films and video tapes of Gemini landing and recovery activities. The Director further stated that the recovery activities will involve ships, helicopters, airplanes, and pararescue people operating in comparatively small areas. The Agency was informed that the authorized participants have reduced the risks associated with such operations to an absolute minimum by extensive pre-mission briefings and practice drills, as well as precision "real-time" radio coordination.

The Department of Defense recovery forces stated that penetration of these high-density operation areas by nonparticipating aircraft would increase the collision hazard to an unacceptable degree and would create confusion in the "real-time" control of the assigned operational phases. Additionally, it has been determined that the presence of extraneous aircraft would contribute an unnecessary source of electromagnetic interference.

Plans have been developed for the safe and efficient handling of IFR traffic so that these aircraft will be segregated effectively from the recovery areas. The Air Traffic Control system of this Agency will be in close contact with the directors of the Gemini operation to keep the rerouting and delays of IFR traffic in these areas to a minimum.

Since the precise time of the Gemini flight is contingent upon many variable factors, the time at which this regulation will be activated cannot be stipulated until a later date, but will be stated by publication of a Notice to Airmen for domestic and international distribution. The Notice to Airmen will be available at appropriate air traffic facilities, will refer to Special Federal Aviation Regulation No. 16, and will define the recovery areas and specify the period of time during which prohibition of unauthorized flight in the pertinent areas is effective.

For the above reasons and because of the imminence of this operation, I find that, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice and public procedure hereon are impracticable and not in the public interest. Therefore, good cause exists for making this regulation effective within less than 30 days' notice.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted, effective immediately:

1. No pilot may operate a civil or public aircraft of United States registry, and no person operating under any airman certificate issued by the Federal Aviation Agency may pilot any aircraft within the areas contrary to the limitations specified in a Notice to Airmen (NOTAM) to be issued under the Special Regulation.

2. The effective time of this regulation shall be as specified by a Notice to Airmen.

3. This regulation does not apply to any aircraft being operated under the control of the Department of Defense Manager for Manned Space Flight Operations Support, as approved by the National Aeronautics and Space Administration.

(Secs. 307 and 601(6) of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1421)

Issued in Washington, D.C., on March 18, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-2884; Filed, Mar. 19, 1965;
8:48 a.m.]