UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

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Civil Air Regulations Amendment 5-2
Effective: May 18, 1954
Adopted: April 13, 1954

GLIDER AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

A study of the Administrative portions of Part 5 of the Civil Air Regulations indicates that they do not set forth in sufficient detail and clarity the scope of the part and the choice of regulations applicable to issuance of and changes in type certificates. This has caused some difficulty in the administration of the regulations with respect to these matters. This amendment is concerned mainly with setting forth clearly the scope of the Part, § 5.0, and those regulations that are applicable to the issuance of and change to a type certificate.

Although no basic change in policy from that followed in the past is contemplated, this amendment specifies in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the rules regarding the designation of applicable regulations (§5.11) apply not only to a new glider type for which application for a type certificate is made but also to all types irrespective of the date of original application for a type certificate. For example, the provisions which require, or which permit the applicant to elect, compliance with newer regulations would be effective not only to new type gliders but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the glider need not comply with any regulations made effective subsequent to the date of application for a type certificate. A significant clarification is being made which will require that when sufficiently extensive changes are made in a glider type, it shall be treated as a new type. Another important change is the establishment of a time limitation of 3 years for the effectiveness of an application for type certification. The amendments to the other administrative provisions, §§ 5.12, 5.13, and 5.19, also include minor changes for purposes of clarification.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 5 of the Civil Air Regulations (14 CFR, Part 5, as amended) effective May 18, 1954:

1. By amending § 5.0 by inserting the words "and changes to" between the words "issuance of" and "type certificates", and by adding the following date in parentheses "(March 5, 1952)" after the phrase "effective date of this part".

2. By amending § 5.11 to read as follows:

5.11 Designation of applicable regulations. The provisions of this section shall apply to all glider types certificated under this part irrespective of the date of application for type certificate.

(a) *Unless otherwise established by the Board, the glider shall comply with the provisions* of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to §1.24 of this subchapter, a change to the type certificate (see § 5.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 5.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject

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