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Regulation No. SR-425A

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

Effective: July 22, 1958
Adopted: July 22, 1958

SPECIAL CIVIL AIR REGULATION

PROVISIONAL CERTIFICATION AND OPERATION OF MULTIENGINE TURBINE-POWERED TRANSPORT AIRPLANES FOR WHICH TYPE CERTIFICATES HAVE NOT BEEN ISSUED

Special Civil Air Regulation No. SR-425, adopted by the Board on June 20, 1958, authorizes air carriers holding Part 40, 41, or 42 air carrier operating certificates to conduct crew training, service testing, and simulated air carrier operations in provisionally certificated turbine-powered transport category airplanes. The Board's objective in adopting SR-425 was to provide a means whereby air carriers could conduct crew training and obtain as much experience as possible in ground handling, maintenance, and flight of these transports prior to their introduction into commercial service.

The Board did not specifically extend these operating privileges to the manufacturers under SR-425 as it assumed that training of the personnel of air carriers who were purchasing new transports would be conducted in experimentally certificated aircraft as had been the custom in the past. However, recent administrative and regulatory interpretations have cast doubt on the legality of such operations under existing authority.

To clarify the Board's intent on this point, Section III of SR-425A has been worded so as to make it clear that the manufacturer may provide training to air carrier personnel in provisionally certificated airplanes which are under the operational control of the air carrier or in such airplanes which are under the operational control of the manufacturer.

The other provisions of SR-425A are identical to SR-425 and require no further discussion at this time.

In view of the foregoing, SR-425A is being promulgated to continue the authority to permit the provisional certification and operation of multiengine turbine-powered airplanes and specifically permits manufacturers who hold a provisional type certificate for a multiengine turbine-powered airplane to conduct crew training, service testing, and related operations in airplanes so certificated.

Since this special regulation merely clarifies SR-425 and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and this regulation may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 22, 1958.

Contrary provisions of the Civil Air Regulations notwithstanding, a turbine-powered transport airplane for which the issuance of a transport category type certificate is pending shall be eligible for provisional certification and operation in accordance with the provisions of this special regulation.

Section I - Provisional type certificate.

(a) Applicant.

(1) Any U. S. manufacturer of a turbine-powered airplane may apply for the issuance of a provisional type certificate provided that he has applied to the Administrator for the issuance of a transport category type certificate for such airplane. The application for a provisional type certificate shall be made in a manner prescribed by the Administrator.

(2) The applicant shall be a manufacturer who has previously received a type certificate for at least one airplane in the transport category and has a currently effective production certificate for that type.

(b) Requirements for issuance. The Administrator shall issue a provisional type certificate for an airplane for which application is made in accordance with paragraph (a) of this section when the conditions of subparagraphs (1) through (8) of this paragraph are met.

USCOMM-DC-25076

(1) The applicant shall submit the report of flight tests required by § 4b.16 of Part 4b of the Civil Air Regulations and the Civil Aeronautics Administration's official flight test program with respect to the issuance of the type certificate shall be in progress.

(2) The applicant shall certify that, to the best of his knowledge, the airplane for which provisional type certification is sought has been designed and constructed in accordance with those airworthiness requirements applicable to the issuance of the type certificate for that airplane.

(3) An airplane conforming with the type for which a type certificate has been applied shall have been flown at least 100 hours by the applicant under the provisions of an experimental certificate issued in accordance with the provisions of Part 1 of the Civil Air Regulations.

(4) The applicant shall have flown the airplane in all maneuvers necessary to show compliance with those flight requirements applicable to the issuance of the type certificate.

(5) The applicant shall have prepared a provisional airplane flight manual containing all the limitations, information, and procedures as are required for the issuance of the type certificate for that airplane: Provided, That where all limitations, information, and procedures have not been established, the applicant shall establish appropriate restrictions on the operation of the airplane.

(6) The applicant shall state that the airplane is considered safe for operation for the purposes set forth herein when conducted in accordance with the provisional airplane flight manual prescribed in subparagraph (5) of this paragraph.

(7) The applicant shall establish special inspections and maintenance instructions which are considered necessary to insure continued airworthiness of the airplane.

(8) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the provisional airplane flight manual prescribed in subparagraph (5) of this paragraph and maintained in accordance with the inspections and maintenance instructions prescribed in subparagraph (7) of this paragraph.

(c) Transferability. A provisional type certificate issued under this special regulation shall not be transferable.

(d) Duration. A provisional type certificate shall remain in effect for 6 months or until the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board: Provided, That a provisional type certificate which would terminate prior to 6 months after issuance due to the issuance of a transport category type certificate may remain in effect for an additional 60 days.

Section II - Provisional airworthiness certificate.

(a) Applicant. The holder of a provisional type certificate or a certificated U. S. air carrier authorized to conduct operations by Section III of this regulation may apply for the issuance of a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued in accordance with the provisions of Section I of this special regulation. The application for a provisional airworthiness certificate shall be made in a manner prescribed by the Administrator.

(b) Requirements for issuance.

(1) An applicant for a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued shall be issued such provisional airworthiness certificate upon presentation of a statement of conformity by the manufacturer that such airplane conforms to the provisional type certificate.

(2) The airplane shall have been manufactured under a quality control system established in anticipation of, and intended to be used as a basis for, the production certificate to be issued to cover that airplane.

(3) The airplane shall have been flown at least 5 hours by the manufacturer and found by him to be in safe operating condition.

(4) The airplane shall be furnished with a provisional airplane flight manual as required by subparagraph (b) (5) of Section I of this special regulation.

(5) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it

unsafe when operated in accordance with the provisional airplane flight manual prescribed in subparagraph (b) (5) of Section I of this special regulation and maintained in accordance with the inspections and maintenance instruction prescribed in subparagraph (b) (7) of Section I of this special regulation.

(6) The words "provisional airworthiness" shall be displayed on the exterior of the airplane near each entrance to the cabin or cockpit of the airplane with letters not less than 2 inches in height.

(c) Transferability. A provisional airworthiness certificate issued under this special regulation shall be transferable only to an air carrier authorized to conduct operations by Section III of this regulation.

(d) Duration. A provisional airworthiness certificate shall remain in effect for 6 months, or until the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board: Provided, That provisional airworthiness certificates which would terminate prior to 6 months after issuance due to the issuance of a transport category type certificate may remain in effect for an additional 60 days.

Section III - Operation rules. A manufacturer holding a provisional type certificate, or an air carrier holding an air carrier operating certificate issued by the Administrator in accordance with Part 40, 41, or 42 of the Civil Air Regulations, may operate turbine-powered transport category airplanes certificated in accordance with Sections I and II of this special regulation in accordance with the following operating rules:

(a) General

(1) An air carrier or manufacturer may conduct flights for the purpose of crew training, service testing, and simulated air carrier operations not in air transportation, or as otherwise specifically authorized by the Board.

(2) Operations which are conducted for the purposes delineated in the definition of "flight test" in § 60.60 of Part 60 of the Civil Air Regulations shall be conducted in accordance with § 60.24.

(3) The airplane shall be operated in accordance with the limitations, information, and procedures prescribed in the provisional airplane flight manual prepared in accordance with subparagraph (b) (5) of Section I of this special regulation.

(4) An air carrier or manufacturer shall establish procedures for the use and guidance of flight and ground operations personnel in the conduct of its operations. Specific procedures shall be established for operations from airports where the runways may require a take-off or approach over populated areas. These procedures shall be approved by the Administrator.

(5) In addition to crew members, only those persons listed in § 40.356 (c) of Part 40 shall be carried in operations conducted under this special regulation.

(6) Each air carrier or manufacturer shall insure that each flight crew member possesses adequate knowledge of, and familiarity with, the airplane and the procedures to be used by him.

(7) Airplanes operated under this special regulation shall be maintained in accordance with applicable Civil Air Regulations, including any special inspections and maintenance instructions prescribed by the manufacturer or the Administrator.

(8) No airplane issued a provisional airworthiness certificate under this special regulation shall be operated if the manufacturer or the Administrator determines that a change in design, construction, or operation is necessary to insure safe operation until such change is made. (See also § 1.24 of Part 1 of the Civil Air Regulations.)

(9) The provisional airworthiness certificate shall be prominently displayed in the airplane at all times.

(10) Operations under this special regulation shall be restricted to the United States, its territories, and possessions, unless otherwise authorized by the Board.

(b) Additional Air Carrier Rules

(1) Each air carrier shall maintain current records for each flight crew member. These records shall contain such information as is necessary to show that the crew member is properly trained and qualified to perform his assigned duties.

(2) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency of each flight crew member and such certification shall become a part of the flight crew member's record.

(3) A log of flights conducted under this special regulation, and accurate and complete records of the inspections made, shall be kept by each air carrier and made available to the manufacturer and the Administrator.

This special regulation supersedes Special Civil Air Regulation No. SR-425 and shall terminate on June 20, 1961, unless sooner superseded or rescinded by the Board.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply Secs. 601, 603, 605, 608, 609, 52 Stat. 1007, 1009, 1010, 1011, as amended; 49 U.S.C. 551, 553, 555, 558, 559)

By the Civil Aeronautics Board:

/s/ Mabel McCart

Mabel McCart
Acting Secretary

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