MS-126

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

Civil Air Regulations Amendment 40-17
Effective: July 29, 1959
Issued: July 29, 1959

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Extension of Compliance Date for Oxygen System Requirements for Turbine-Powered Airplanes

Currently effective §§ 40.202-T(a), 40.203-T(a), and 40.204(b) provide that on and after July 31, 1959, turbine-powered airplanes shall comply with requirements therein with respect to supplemental oxygen for sustenance, supplemental oxygen for emergency descent and first aid, and oxygen equipment standards.

These regulations, which were adopted on August 27, 1958, were not made mandatory until July 31, 1959, in recognition of the fact that currently operating turbine-powered airplanes were not type certificated in accordance with these provisions and operators would need reasonable time to arrange for appropriate design changes and procurement and installation of the required equipment.

The Administrator has been advised that, despite diligent efforts by air carriers operators and the manufacturer involved, compliance by July 31, 1959, is not possible, due primarily to the time required for system evaluation and late delivery of necessary parts. It now appears that an additional four months will be required to show full compliance with the requirements.

The selection of the July 31, 1959, date for compliance was predicated on the belief that this afforded sufficient time to make the necessary changes. It is recognized, however, that difficulties have been encountered by the air carriers in accomplishing an orderly procurement and installation program without serious disruption of scheduled service and that a period of relief may be granted without affecting safety adversely in air carrier operations by extending the compliance date to November 30, 1959. As before the currently effective oxygen system requirements will apply, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use.

Since this amendment grants relief by extending the date for compliance with a requirement of the Civil Air Regulations, and delay in extending such relief would impose an undue hardship, the Administrator for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted and that this amendment may be made effective immediately.

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR, Part 40, as amended) is amended as follows, effective July 29, 1959.

1. By amending §§ 40.202-T(a) and 40.204(b) by deleting the date "July 31, 1959" wherever it appears in these sections, and inserting in lieu thereof the date "November 30, 1959".

2. By amending § 40.203-T(a) by deleting the first sentence and inserting in lieu thereof the following: "Prior to November 30, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of § 40.203, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use; or, alternatively, with the provisions of this section except that effective November 30, 1959, all such turbine-powered airplanes shall comply with the provisions of this section."

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on July 29, 1959.

E. R. QUESADA,
Administrator.

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