Affects Parts: 4b, 40, 41, 42
Distribution: General

Regulation No. SR-401C

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

Effective: August 13, 1958
Adopted: August 13, 1958

SPECIAL CIVIL AIR REGULATION

SMOKE AND FIRE DETECTORS

Special Civil Air Regulation No. SR-401B waived until April 1, 1958, those provisions of the Civil Air Regulations which required the installation of smoke or fire detectors in aircraft cargo compartments of types "B" and "C." Furthermore, that special regulation authorized the Administrator to permit an air carrier, upon application, to operate aircraft without full compliance with the currently effective cargo compartment fire detector requirements if the Administrator found that the air carrier had made a diligent effort to comply with such requirements by April 1, 1958, and that the air carrier had shown that it would comply by a date certain. Since the termination date of SR-401B is April 1, 1959, the Administrator, in an extreme case, could have granted extensions up to that date.

At the present time there are a number of operators requesting extensions beyond those which were granted by the Administrator. It is anticipated that more and more of these requests will be received as the extensions granted by the Administrator terminate and some operators find themselves not in full compliance with the smoke or fire detector requirements.

The Board has been seriously concerned with the delays which have been encountered in the installation of this equipment, and has authorized further extensions only in unusual circumstances.

The justification given in the increasing number of requests for extensions has been that the required parts have not been delivered by the supplier, or the systems installed have not been approved by the Administrator in the time authorized. Such circumstances indicate that the air carriers have made the necessary effort to comply with the smoke or fire detector requirements, and that compliance may be achieved by the operators if the extensions which recently terminated, or will terminate in the near future, were to be reinstated and/or continued in effect for a reasonable period of time.

In view of the foregoing, the Board is making those individual extensions of the smoke or fire detector requirements which were in effect on July 31, 1958, effective until 90 days beyond their present expiration date, subject to the condition that such extensions shall not, in any event, continue beyond April 1, 1959. This regulation will provide for any circumstance which may prevent the installation of approved equipment within the period of the extensions previously granted, and will not be further extended beyond the period granted by this regulation.

The provisions of this special regulation are applicable to all airplanes certificated in the transport category in accordance with Part 4b, effective November 1, 1946, regardless whether these airplanes are used in cargo or passenger service, as well as to all other airplanes having engines rated at more than 600 horsepower each when used in passenger operations in accordance with Part 40, 41, or 42 of the Civil Air Regulations.

Since this superseding Special Civil Air Regulation is substantively the same as SR-401A and SR-401B, which interested persons have had an opportunity to comment on, and since this regulation imposes no additional burden on any person, the Board finds that notice and public procedure are unnecessary and that good cause exists for making this regulation 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 August 13, 1958.

Contrary provisions of Parts 4b, 40, 41, and 42 of the Civil Air Regulations notwithstanding, any extension of the date for compliance with the smoke or fire detector requirements of those parts which was in effect on July 31, 1958, shall be effective for 90 days beyond its present expiration date: Provided, That such authorization shall not continue beyond April 1, 1959.

This regulation supersedes Special Civil Air Regulation No. SR-401B and shall terminate on April 1, 1959, 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, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U.S.C. 551, 553, 554)

By the Civil Aeronautics Board:

/s/ Phyllis T. Kaylor
Phyllis T. Kaylor
Acting Secretary

(SEAL)

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