Affects Parts: 40, 61
Distribution: General

Regulation No. SR-400A

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

Effective: January 25, 1956
Adopted: November 8, 1955

SPECIAL CIVIL AIR REGULATION

ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES FOR HELICOPTER OPERATIONS

Special Civil Air Regulation No. SR-400, adopted January 25, 1954, effective January 25, 1954, and due to terminate on January 25, 1956, continued and enlarged in scope the authority contained in SR-369 which established an interim regulatory basis for helicopter operations until such time as the Board could complete its preparation of rules governing air carrier helicopter operations. SR-400 gave authority to the Administrator to issue air carrier operating certificates permitting deviations from Parts 40 and 61, as in effect on December 31, 1953, for scheduled air carrier helicopter operations.

The Board in formulating rules governing helicopter operations circulated to the public, for comment, proposed Part 46 entitled "Scheduled Air Carrier Helicopter Certification and Operation Rules." In consideration of the many replies received from interested persons on the proposed part, the Board has revised its proposal to include certain of the suggestions and recommendations received and proposes to recirculate proposed Part 46, for additional comment, by interested persons, in the immediate future. Since the Board contemplates a 60-day period for return comment on proposed Part 46, it is not possible to complete rule making in this matter before the termination date of SR-400. Therefore, it is necessary to extend the authority of the Administrator as provided in SR-400 until air carrier helicopter regulations are adopted by the Board.

While § 4 (a) of the Administrative Procedure Act ordinarily requires general notice of proposed rule making, the Board believes that in this case good cause exists making it unnecessary to give public notice of the adoption of this Special Civil Air Regulation since interested persons have already had opportunity to comment on both SR-369 and SR-400 before being adopted by the Board and because the public has recently had opportunity to comment on proposed Part 46, and soon will have opportunity to comment on it again.

Therefore, the Board finds that good cause exists to adopt Special Civil Air Regulation No. SR-400A without notice of proposed rule making and that the interests of the public will not be adversely affected thereby, and that economy of time and expense will be achieved, all in the interest of the public.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 25, 1956:

COMM-DC-64524

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier for the purpose of engaging in helicopter operations in accordance with the certification requirements of Part 40 of the Civil Air Regulations. Such helicopter operations shall be conducted in accordance with the operation requirements of Part 61 of the Civil Air Regulations. If the Administrator finds that any of the requirements of Parts 40 and 61 can be omitted or modified without adversely affecting safety, the Administrator may approve such omissions or modifications and they shall be listed in the air carrier operations specifications. The Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

All references herein to Parts 40 and 61 are to those Parts as in effect on December 31, 1953.

This Special Civil Air Regulation supersedes Special Civil Air Regulation No. SR-400 and shall terminate upon promulgation by the Board of Part 46 to the Civil Air Regulations entitled "Scheduled Air Carrier Helicopter Certification and Operation Rules," 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, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U.S.C. 551, 554, 555; 62 Stat. 1216. Administrative Procedure Act, Public Law 404, Sec. 4.)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)