Affects Parts: 4b, 40, 41, 42 Regulation No. SR-401B
Distribution: General

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

Effective: April 1, 1957
Adopted: March 29, 1957

SPECIAL CIVIL AIR REGULATION

SMOKE AND FIRE DETECTORS

Special Civil Air Regulation No. SR-401A waived until April 1, 1957, 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 provided the Administrator with authority 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, 1957, and that the air carrier had shown that it would comply by a date certain. Since the termination date of SR-401A was April 1, 1959, the Administrator, in an extreme case, could have extended the waiver to that date.

On March 15, 1957, the Board received from the Air Transport Association of America (ATA) a request to extend the date of April 1, 1957, in SR-401A, to April 1, 1959. The ATA supported its request by indicating that the air carriers have experienced considerable difficulty in working out methods for complying with the currently effective cargo compartment fire detector requirements, and that an overall satisfactory solution of this problem was not reached until a few months ago. In the light of these circumstances, the ATA contended that a large number of aircraft, involving many operators, would not comply by April 1, 1957, with the necessary cargo compartment fire detector requirements.

The Board regrets that progress with the installation of cargo compartment fire detectors has not met its expectations expressed in SR-401A. However, considering the representation made by the ATA, it appears that the air carriers have made a reasonably diligent effort to comply with the necessary requirements to justify individual extensions of the waiver in accordance with paragraph 2 of SR-401A and, therefore, that the air carriers in general are meeting the basic intent of SR-401A with respect to compliance.

In view of the foregoing, the Board is hereby extending the end date of the waiver of the cargo compartment fire detector requirements. Although the ATA has requested an extension for two years, the Board is desirous of having the industry exert a concerted effort to comply with the necessary requirements at an earlier date and, therefore, is extending the date of the waiver provisions for only one year. This special regulation, in effect, includes the same provisions as SR-401A except that the compliance date of April 1, 1957, is being changed to April 1, 1958, and reference is made to Part 4b of the Civil Air Regulations. The latter change is made for the purpose of making it clear that the waiver 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 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, which interested persons had an opportunity to comment on, and since it would not be in the public interest to permit the authority in SR-401A to lapse, the Board finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this regulation effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective April 1, 1957:

1. Effective until April 1, 1958, contrary provisions of Parts 4b, 40, 41, and 42 of the Civil Air Regulations notwithstanding, no person shall be required to install or maintain smoke or fire detectors in airplane cargo compartments unless otherwise directed by the Administrator.

2. Upon application prior to April 1, 1958, the Administrator may authorize an applicant to operate aircraft without full compliance with the cargo compartment fire detector requirements of Part 4b, 40, 41, or 42 for a temporary period after April 1, 1958, where the Administrator finds that the applicant has made a diligent effort to comply with the necessary fire detector requirements by April 1, 1958, and that the applicant has shown that the aircraft will comply by a date certain.

This regulation supersedes Special Civil Air Regulation No. SR-401A 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/ M. C. Mulligan

M. C. Mulligan
Secretary

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