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

Civil Air Regulations Amendment 42-22
Effective: April 1, 1954
Adopted: March 31, 1954

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EXTENSION OF DATE REQUIRING NONTRANSPORT CATEGORY AIRPLANES USED IN PASSENGER OPERATIONS TO BE CERTIFICATED IN THE TRANSPORT CATEGORY

Section 42.15 (c) of Part 42 of the Civil Air Regulations for several years stated that after December 31, 1953, all airplanes used in irregular air carrier passenger operation shall comply with the transport category requirements of Parts 4a or 4b and with transport category operating limitations. This provision, which until recently was identical to provisions in Parts 40 and 41, was intended to require nontransport category airplanes, principally the Douglas DC-3, the Lockheed L-18, and the Curtiss C-46, to comply with stricter requirements than those now in effect for passenger operations pursuant to Part 42. In the case of the C-46, these operations are further limited by Special Civil Air Regulation SR-391 which temporarily establishes a maximum certificated weight of 44,300 pounds, with an additional 1,000 pounds for those airplanes having certain type propellers.

In Civil Air Regulations Amendment 42-20, adopted December 23, 1953, the date by which nontransport category airplanes used in passenger operations conducted under this part were required to comply with transport category requirements was extended to April 1, 1954. This extension was granted in order to permit certain interested persons to submit proposals for a modification of the current requirements for certification of the C-46 in the transport category. By that time, however, Parts 40 and 41 had been amended to no longer require that all airplanes used after December 31, 1953, in passenger operations be certificated in the transport category, but only to require that this apply to airplanes certificated as a basic type after June 30, 1942. The effect of this was to permit the DC-3 and the L-18, both of which were certificated prior to June 30, 1942, to continue to operate under their present requirements. In making this change, it was stated that the safety record of the DC-3 and the L-18 clearly justified their continued use under present conditions in scheduled air carrier passenger operations.

The decision to postpone the effective date of the comparable requirement in Part 42 was motivated primarily by our concern with the C-46. This airplane type falls short of compliance with the transport category requirements to a greater degree than the DC-3 and the L-18 which can more than meet the transport category performance requirements at sea level at their currently certificated weights. The C-46, on the

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other hand, is unable to comply with these requirements at its certificated weight at sea level. In view of this and the action taken in Parts 40 and 41, there appears to be no reason for continuing in Part 42 any provision which would require airplanes certificated as a basic type prior to June 30, 1942, to comply with transport category requirements. This amendment, therefore, permits such airplanes to be used in irregular air carrier passenger operations under their present airworthiness certification status, thus conforming to the requirements in Parts 40 and 41.

It is still doubtful, however, whether the present performance capabilities and other airworthiness features of the C-46 justify its continuation in irregular air carrier passenger operations under the present requirements. Proposals have been made for modifying the C-46 to increase its performance and other airworthiness capabilities, and are being considered by the Board. This amendment, therefore, extends until July 1, 1954, the date by which nontransport category airplanes must comply with the transport category requirements, to permit the consideration and evaluation of these proposals. Concurrently with the issuance of this amendment or shortly thereafter, these proposals will also be issued as a notice of proposed rule making and circulated to the industry for comment. Because of the time required to perform tests on the C-46 and to present the proposals to the Board, it has not been possible to issue prior notice on the action to be taken in this matter.

For the reasons stated above, notice and public procedure hereon are impracticable. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) effective April 1, 1954:

1. By amending § 42.15 to read as follows:

42.15 Airplane certification requirements for large airplanes used in passenger operations.

(a) Airplanes certificated on or before June 30, 1942. Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 42.80, or

(2) Comply with either the performance requirements of §§ 4a.737-T through 4a.750-T of this subchapter or the performance requirements of §§ 4b.110 through 4b.125 of this subchapter and in addition shall meet the requirements of § 42.70 through § 42.78:

Provided, That should any type be so qualified all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) Airplanes certificated after June 30, 1942. Airplanes certificated as a basic type after June 30, 1942, shall be certificated as transport category airplanes and shall meet the requirements of § 42.70: Provided, That airplanes certificated as a basic type after June 30, 1942, and prior to July 1, 1951, which are not transport category airplanes, need not be so certificated prior to July 1, 1954, in which case such airplanes shall comply with paragraph (a) of this section.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U.S.C. 551, 554)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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