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

Civil Air Regulations Amendment 42-40
Effective: July 9, 1962
Issued: May 31, 1962

[Reg. Docket No. 1062; Amdt. 42-40]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Proving Period for Large Airplanes

A notice of proposed rule making was published in the FEDERAL REGISTER on February 9, 1962 (27 F.R. 1219), and circulated to the industry as Civil Air Regulations Draft Release No. 62-5 dated February 5, 1962, which proposed to amend Part 42 of the Civil Air Regulations to provide for proving tests for large aircraft not previously proved for use in air carrier operations and large aircraft which have been previously proved but which are materially altered in design or are to be used by an air carrier or commercial operator who has not previously proved the aircraft.

In general, the comments received were in favor of requiring proving tests for large aircraft and reflected endorsement of the principles of the proposal. However, there was some concern relative to the applicability of this revision to a type of an aircraft previously proved by operators other than the affected carrier, and whether or not the rule would apply to all aircraft in use before or after the effective date of the rule.

With regard to the applicability of this amendment, it is not intended to require retroactive proving periods for large aircraft placed into service by an air carrier or commercial operator prior to the effective date of this amendment. However, after the effective date of this amendment, it is intended to require proving periods for large aircraft not previously proven for use in air carrier or commercial operations and large aircraft which have been previously proven but which are materially altered in design or are to be used by an air carrier or commercial operator who has not previously proven the aircraft.

Suggestions were also made that air taxi operators and operators using aircraft under the provisions of Part 43 should be required to conduct proving flights. Since this would be the subject of a separate study it is not considered pertinent to this amendment.

In proposing this amendment, the Agency considered the fact that for a number of years proving periods for aircraft placed into service by air carriers operating under the provisions of Part 40, 41, or 46 of the Civil Air Regulations have been required in accordance with the applicable provisions of these Civil Air Regulations before being used in air carrier operations. These proving periods have been conducted under the surveillance of the Federal Aviation Agency or its predecessor agencies.

There are two primary reasons for requiring a proving period: (1) It provides the Administrator with basic information to assist him in determining that an air carrier or commercial operator can safely operate a new or different type of aircraft; and (2) it affords the air carrier or commercial operator an opportunity to acquire, first hand, the experience necessary to operate new equipment with the highest degree of safety. Proving periods are also of value since they help to familiarize the operator's personnel with the peculiarities of new or different types of aircraft with regard to operations, maintenance, servicing, and handling.

Until recently, aircraft placed into service by an air carrier or commercial operator operating under the provisions of Part 42 were not required to undergo any specific proving period. Prior to the adoption of this amendment, it was the responsibility of the Administrator to find the aircraft safe for the service offered. This determination did not pose any problem in the past since the aircraft placed in service by operators had undergone a previous proving period either when operated by a scheduled air carrier or had been proven by virtue of many years of safe and successful operation by the military services. Recently, however, newly certificated aircraft not previously proved, and previously proved aircraft which were subsequently altered in design, have been placed into service by certain supplemental and irregular operators operating under the provisions of Part 42. Prior to utilizing these aircraft in operations under the provisions of Part 42, the operators concerned conducted fairly extensive familiarization and training programs. While these programs did, to some extent, accomplish many of the objectives of the proving period, they did not fully comply with, or were not as comprehensive as, the specific proving period requirements set forth in either Part 40, 41, or 46. Accordingly, it is determined that there is a requirement for proving periods for large aircraft in Part 42.

Interested persons have been afforded an opportunity to participate in the making of this regulation (27 F.R. 1219), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended by adding a new § 42.17 to read as follows, effective July 9, 1962:

§ 42.17 Proving tests for large aircraft.

(a) A type of aircraft not previously proved for use in air carrier operation shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total, at least 50 hours shall be flown in en route operation and at least 10 hours shall be flown at night.

(b) A type of aircraft which has been previously proved for use in air carrier operation shall be tested for at least 50 hours, of which at least 25 hours shall be flown in en route operation, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the aircraft:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

NOTE: A type of aircraft will be considered to be materially altered in design when the alterations include, but are not necessarily limited to: (a) Installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated; (b) major alteration to the aircraft or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the test and those designated by the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.

(Secs. 313(a), 601, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1425)

Issued in Washington, D.C., on May 31, 1962.

N. E. HALABY,
Administrator.

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