42

FEDERAL AVIATION AGENCY
FLIGHT STANDARDS SERVICE
Washington 25, D. C.

February 5, 1962

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 62-5

SUBJECT: Proving Period for Large Aircraft Operated Under the Provisions of Part 42

The Flight Standards Service of the Federal Aviation Agency has under consideration amendments to Part 42 of the Civil Air Regulations to add thereto provisions similar to those in Parts 40, 41, and 46 which require all large aircraft to undergo a specific proving period prior to their being used in air carrier operations. The reasons for these amendments are set forth in the explanatory statement of the attached proposal, which is being published in the Federal Register as a notice of proposed rule making.

The Flight Standards Service desires that all persons who will be affected by the requirements of this proposal be fully informed as to its effect upon them and is therefore circulating copies in order to afford interested persons ample opportunity to submit comments as they may desire.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comment will be given careful consideration.

It should be noted that comments should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, and in order to insure consideration must be received on or before April 12, 1962

Director,
Flight Standards Service

1122

FEDERAL AVIATION AGENCY

FLIGHT STANDARDS SERVICE

[14 CFR Part 42]

[Regulatory Docket No. 1062; Draft Release No. 62–5]

NOTICE OF PROPOSED RULE MAKING

Proving Period for Large Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue, N.W., Washington 25, D.C. All communications received on or before April 12, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

For a number of years, the aircraft placed into service by air carriers operating under the provisions of Part 40, 41, or 46 of the Civil Air Regulations have had to undergo a specific proving period in accordance with the provisions of those parts prior to being used in air carrier operations. This proving period has been conducted under the surveillance of the Federal Aviation Agency, or its predecessor agencies.

The purpose of a proving period is twofold: It provides the Administrator with established criteria to assist him in determining that an air carrier can safely operate a new or different type of aircraft; and it affords the air carrier an opportunity to acquire, first hand, the experience necessary to operate new equipment safely and efficiently. Proving periods are also of great value since they help to familiarize air carrier personnel with the various peculiarities of a new or different type aircraft with regard to operations, maintenance, servicing, and handling. The extent of this proving period varies with the newness of the type aircraft being placed into service by the air carrier. For example, the regulations require that an aircraft recently type certificated and not previously proved in air carrier operations have a more extensive proving period than one which has been proved by another air carrier or one which has previously been proved and is subsequently altered in design.

The aircraft placed into service by air carrier and commercial operators conducting operations under the provisions of Part 42 have not been required to undergo any specific proving period. Under this part, it has only been required that the Administrator find the aircraft to be safe for the service offered without having to establish specific proving period requirements. This determination posed no problem in the past since the aircraft placed in service by these operators had either undergone a previous proving period when operated by a scheduled air carrier or had been proved 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 air carriers operating under the provisions of Part 42. Prior to utilizing these aircraft in air carrier operations, the operators concerned have conducted fairly extensive training and familiarization programs. While these programs may, to some extent, accomplish the objective of the proving period, they may not fully comply with, or be as comprehensive as, the specific proving period requirements set forth in either Part 40, 41, or 46.

In view of the foregoing, the Federal Aviation Agency considers it appropriate to propose an amendment to Part 42 of the Civil Air Regulations to add thereto provisions similar to those in Parts 40, 41, and 46 which require all aircraft to undergo a specific proving period prior to their being used in air carrier operations. Such an amendment, if adopted, would be applicable to all large aircraft used for the first time after the effective date of the amendment by an air carrier or commercial operator operating under the provisions of Part 42.

Accordingly, notice is hereby given that it is proposed to amend Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) by adding a new § 42.17 to read as follows:

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.

This amendment is proposed under the authority of sections 313(a), 601, 605, of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1425).

Director,
Flight Standards Service

Issued in Washington, D.C., on February 5, 1962.