AMENDMENT I TO SPECIAL CIVIL AIR REGULATION NO. SR-389B

Effective: September 11, 1959
Adopted: September 11, 1959

Emergency Exits for Airplanes Carrying Passengers for Hire

Special Civil Air Regulation No. SR-389B, adopted by the Civil Aeronautics Board on December 24, 1958, and effective January 30, 1959, specified in part that no large airplane while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-5 effective April 9, 1957, except for those airplanes listed in the table in SR-389B. Special Civil Air Regulations SR-389A, which preceded SR-389B, contained a similar provision but referred to Amendment 4b-4 effective December 20, 1951. The effect of SR-389B was to apply the current Part 4b exit requirements referenced in SR-389A.

A review of the history of the development of SR-389B indicates that such retroactive application of current Part 4b requirements was included inadvertently and that it would impose an unnecessary burden on the operators of certain airplanes. SR-389B is therefore being amended to eliminate this retroactive provision.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment is made effective immediately.

In consideration of the foregoing, Paragraph 1 of Special Civil Air Regulation No. SR-389B is hereby amended to read as follows, effective September 11, 1959.

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated take-off weight) type certificated under Civil Air Regulations effective prior to April 9, 1957, while carrying passengers for hire, shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of Civil Air Regulations as amended by Amendment 4b-4 effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for the emergency egress of passengers.

SPECIAL CIVIL AIR REGULATION NO. SR-425B

Effective: April 7, 1960
Adopted: April 7, 1960

Provisional Certification and Operation of Aircraft

Special Civil Air Regulation No. SR-425A was adopted on July 22, 1958, to provide for provisional certification of turbine-powered transport category airplanes in order to permit certain air carriers and manufacturers to conduct crew training, service testing, and simulated air carrier operations prior to introduction of the airplanes into commercial service. The objective of this regulation was to provide a means whereby the air carriers and manufacturers could obtain as much experience as possible with turbine-powered airplanes which, although safe for flight, had not been approved for the issuance of a type certificate.

Pursuant to the notice of proposed rule making contained in Draft Release 58-23 (24 F.R. 25), notice was given that SR-425A would be amended to extend the application of that regulation to piston as well as turbine-powered transport category aircraft including rotorcraft. The notice also provided that SR-425A would be amended to include personal and executive type aircraft and would permit additional operations such as sales demonstrations and market surveys with aircraft having a provisional type and airworthiness certificate. In substance this proposal provided for the issuance of two classes of provisional type and airworthiness certificates and for amendments to the provisional type certificates. Class I provisional type and airworthiness certificates would be issued for all types of aircraft—turbine or piston—for operation by the manufacturer. Class II provisional type and airworthiness certificates would be limited to transport category aircraft—turbine or piston—but these aircraft could be operated by either the manufacturer or a certificated air carrier. However, the requirements for the issuance of the Class II provisional certificates would be more stringent and the operating limitations would be more confining than those of the Class I provisional certificates.

Comments received from all segments of the aircraft manufacturing and air carrier industries were generally favorable to the basic aim of the regulation. A number of suggestions were made to expand the applicability of the regulation and to eliminate certain of the requirements in the proposal. Certain of the comments expressed the opinion that Class I provisional certificate requirements are unnecessary and that the operations permitted thereunder should be permitted under the authority of an experimental certificate. However, the Agency believes that public safety considerations require that the type of operations permitted under this regulation be conducted in aircraft, the airworthiness of which has been demonstrated beyond that required for experimentally certificated aircraft. In addition, comments received from engine manufacturers suggested that this regulation should permit such manufacturers as well as aircraft manufacturers to obtain provisional type certificates and operate

aircraft under the terms of provisional certificates. This suggestion has been given careful consideration, but the Agency does not feel that it is in a position, at this time, to permit such a substantive change in the provisions of the draft release.

While the basic provisions of the regulation being adopted are substantially the same as those contained in the draft release, some of the changes suggested by the industry have been incorporated into this regulation. For example, the regulation has been expanded to permit helicopters certificated under Class II provisional certificates to be operated by scheduled helicopter air carriers. It further provides that flight time accumulated by a prototype aircraft under the auspices of a United States military service may be counted toward the requirements for a provisional type certificate. In this connection, certain manufacturers of Part 3 airplanes have suggested that the provision requiring a prototype airplane to be flown for at least 50 hours should be reduced to 5 hours. In view of the fact that such time may now be acquired under the auspices of a United States military service as well as under the authority of an experimental certificate, the 50 hours of required flight time will not impose any unnecessary burden upon the manufacturers of Part 3 airplanes.

In addition to the foregoing, the draft release proposed that provisional type certificates would remain in effect for an indefinite period of time unless sooner superseded, revoked, or otherwise terminated by the Administrator. Further analysis indicates that this feature of the proposal would permit the existence for an indefinite period of time of two certificates, type and provisional type, for substantially the same type design aircraft. To preclude such dual type certification, this regulation provides for the expiration of a Class I provisional type certificate 24 months after its issuance or upon the issuance of the corresponding type certificate, whichever occurs first. The regulation provides for the expiration of the Class II provisional type certificate 6 months after its issuance or 60 days after the issuance of the corresponding type certificate, whichever occurs first. Thereafter, manufacturers desiring to make changes to the approved type design may apply for an amendment to the type certificate and, pending approval of the amendment, to obtain a provisional amendment for such changes which would be in effect for 6 months, or until the amendment to the type certificate is approved, whichever occurs first. Aircraft conforming to the provisionally amended type certificate would then be issued provisional airworthiness certificates.

Certain other minor changes of a clarifying nature have also been made after consideration of the comments received. Not all of the suggested changes obtained in the comments on Draft Release No. 58–23 are included in this amendment because they would necessitate an unwarranted delay in its adoption by requiring additional rule making procedures. The Agency has under study amendments to the airworthiness classifications which will take into consideration the various suggestions submitted.

Interested persons have been given an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matters presented. Since this regulation relaxes a present restriction, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation, No. SR–425B, is adopted to become effective April 7, 1960:

GENERAL

1. *Applicability.* Contrary provisions of the Civil Air Regulations notwithstanding, provisional type and airworthiness certificates, amendments to provisional type certificates, and provisional amendments to type certificates, will be issued as prescribed in this regulation to a manufacturer or an air carrier. As used in this regulation, a manufacturer shall mean only a manufacturer who is a citizen of the United States; and the term air carrier shall not include an air taxi operator.

2. *Eligibility.*

(a) A manufacturer of aircraft manufactured by him within the United States may apply for Class I or Class II provisional type and provisional airworthiness certificates, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

(b) An air carrier holding an air carrier operating certificate authorizing him to conduct operations under Parts 40, 41, 42, or 46 of the Civil Air Regulations may apply for Class II provisional airworthiness certificates for transport category aircraft which meet the conditions of either subparagraphs (1) or (2) of this paragraph.

(1) The aircraft has a currently valid Class II provisional type certificate or an amendment thereto;

(2) The aircraft has a currently valid provisional amendment to a type certificate which was preceded by a corresponding Class II provisional type certificate.

3. *Application—*

(a) *General.* Applications for provisional type and airworthiness certificates, for amendments to provisional type certificates, and for provisional amendments to type certificates, shall be submitted to the Chief, Flight Standards Division, FAA, of the Regional Office in which the manufacturer or air carrier is located and shall be accompanied by the pertinent information specified in this regulation.

4. *Duration.* Unless sooner surrendered, superseded, revoked, or otherwise terminated, certificates and amendments thereto, shall have periods of duration in accordance with paragraphs (a) through (f) of this section.

(a) A Class I provisional type certificate shall remain in effect for 24 months after the date of its issuance or until the date of issuance of the corresponding type ceritficate, whichever occurs first.

(b) A Class I provisional type certificate shall expire immediately upon issuance of a Class II provisional type certificate for aircraft of the same type design.

(c) A Class II provisional type certificate shall remain in effect for 6 months after the date of its issuance or 60 days after the date of issuance of the corresponding type certificate, whichever occurs first.

(d) An amendment to a Class I or a Class II provisional type certificate shall remain in effect for the duration of the corresponding provisional type certificate.

(e) A provisional amendment to a type certificate shall remain in effect for 6 months after its approval or until the amendment to the type certificate is approved, whichever occurs first.

(f) Provisional airworthiness certificates shall remain in effect for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or a provisional amendment to the type certificate.

5. *Transferability of certificates.* Certificates issued pursuant to this regulation are not transferable except that a Class II provisional airworthiness certificate may be transferred to an air carrier eligible to apply for such certificate under section 2 of this regulation.

6. *Display of certificates and markings.* A provisional airworthiness certificate shall be prominently displayed in the aircraft for which it is issued. The words "Provisional Airworthiness" shall be painted in letters not less than 2 inches high on the exterior of such aircraft adjacent to each entrance to the cabin and cockpit of the aircraft.

REQUIREMENTS FOR ISSUANCE

7. *Class I provisional type certificates.* A Class I provisional type certificate and amendments thereto will be issued for a particular type design when the manufacturer of the aircraft shows compliance with the provisions of paragraphs (a) through (f) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (d) of this section and in section 13 of this regulation.

(a) The manufacturer has applied for the issuance of a type certificate for the aircraft.

(b) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(c) The manufacturer has submitted a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issuance of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(d) The manufacturer has established limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided,* That, where such limitations have not been established,

appropriate restrictions on the operation of the aircraft shall be established.

(e) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(f) A prototype aircraft has been flown by the manufacturer for at least 50 hours pursuant to the authority of an experimental certificate issued under Part 1 of the Civil Air Regulations or under the auspices of a United States military service: *Provided,* That the number of flight hours may be reduced by the authorized representative of the Administrator in the case of an amendment to a provisional type certificate.

8. *Class I provisional airworthiness certificates.* Except as provided in section 12 of this regulation, a Class I provisional airworthiness certificate will be issued for an aircraft, for which a Class I provisional type certificate is in effect, when the manufacturer of the aircraft shows compliance with the provisions of paragraphs (a) through (d) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft which would render the aircraft unsafe when operated in accordance with the limitations established in sections 7(d) and 13 of this regulation.

(a) The manufacturer is the holder of the provisional type certificate for the aircraft.

(b) The manufacturer submits a statement that the aircraft conforms to the type design corresponding with the provisional type certificate and has been found by him to be in safe operating condition under the applicable limitations.

(c) The aircraft has been flown at least 5 hours by the manufacturer.

(d) The aircraft has been supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by sections 7(d) and 13 of this regulation.

9. *Class II provisional type certificates.* A Class II provisional type certificate and amendments thereto will be issued for a particular transport category type design when the manufacturer of the aircraft shows compliance with the provisions of paragraphs (a) through (h) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (f) of this section and in sections 13 and 14 of this regulation.

(a) The manufacturer has applied for the issuance of a transport category type certificate for the aircraft.

(b) The manufacturer holds a type certificate and a currently effective production certificate for at least one other aircraft in the same transport category as the subject aircraft.

(c) The Agency's official flight test program with respect to the issuance of a type certificate for the aircraft is in progress.

(d) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(e) The manufacturer has submitted a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issuance of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(f) The manufacturer has prepared a provisional aircraft flight manual which includes limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided,* That, where such limitations have not been established, the provisional flight manual shall contain appropriate restrictions on the operation of the aircraft.

(g) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(h) A prototype aircraft has been flown by the manufacturer for at least 100 hours pursuant to the authority of either an experimental certificate issued under Part 1 of the Civil Air Regulations or a Class I provisional airworthiness certificate: *Provided,* That the number of flight hours may be reduced by the authorized representative of the Administrator in the case of an amendment to a provisional type certificate.

10. *Class II provisional airworthiness certificates.* Except as provided in section 12 of this regulation, a Class II provisional airworthiness certificate will be issued for an aircraft, for which a Class II provisional type certificate is in effect, when the applicant shows compliance with the provisions of paragraphs (a) through (e) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft which would render the aircraft unsafe when operated in accordance with the limitations established in section 9(f), 13, and 14 of this regulation.

(a) The applicant submits evidence that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(b) The applicant submits a statement by the manufacturer that the aircraft has been manufactured under a quality control system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(c) The applicant submits a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The applicant submits a statement that the aircraft has been flown at least 5 hours by the manufacturer.

(e) The aircraft has been supplied with a provisional aircraft flight manual containing the limitations required by sections 9(f), 13, and 14 of this regulation.

11. *Provisional amendments to type certificate.* A provisional amendment to a type certificate will be approved when the manufacturer of the type certificated aircraft shows compliance with the provisions of paragraphs (a) through (g) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (e) of this section, and section 13 and, if applicable, section 14 of this regulation.

(a) The manufacturer has applied for an amendment to the type certificate.

(b) The Agency's official flight test program with respect to the amendment of the type certificate is in progress.

(c) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(d) The manufacturer has submitted a report showing that the aircraft incorporating the modifications involved had been flown in all maneuvers necessary to show compliance with the flight requirements applicable to these modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(e) The manufacturer has established, in a provisional aircraft flight manual or other document and appropriate placards, limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided,* That where such limitations have not been established, appropriate restrictions on the operation of the aircraft shall be established.

(f) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(g) An aircraft modified in accordance with the corresponding amendment to the type certificate has been flown by the manufacturer for the number of hours found necessary by the authorized representative of the Administrator, such flights having been conducted pursuant to the authority of an experimental certificate issued under Part 1 of the Civil Air Regulations.

12. *Provisional airworthiness certificates corresponding with provisional amendment to type certificate.* A Class I or a Class II provisional airworthiness certificate, as specified in section 2 of this regulation, will be issued for an aircraft, for which a provisional amendment to the type certificate has been issued, when the applicant shows compliance with the

provisions of paragraphs (a) through (e) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, which would render the aircraft unsafe when operated in accordance with the limitations established in sections 11(e) and 13 and, if applicable, section 14 of this regulation.

(a) The applicant submits evidence that approval has been obtained for the relevant provisional amendment to the type certificate for the aircraft.

(b) The applicant submits evidence that the modification to the aircraft was accomplished under a quality control system adequate to ensure that the modification conforms to the provisionally amended type certificate.

(c) The applicant submits a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The applicant submits a statement that the aircraft has been flown at least 5 hours by the manufacturer.

(e) The aircraft has been supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by section 11(e) and 13 and, if applicable, section 14 of this regulation.

OPERATING LIMITATIONS

13. *Operation of provisionally certificated aircraft.* An aircraft for which a provisional airworthiness certificate has been issued shall be operated only by a person eligible to apply for a provisional airworthiness certificate in accordance with section 2 of this regulation. Operations shall be in compliance with paragraphs (a) through (j) of this section.

(a) The aircraft shall not be operated in air transportation unless so authorized in a particular case by the Director, Bureau of Flight Standards.

(b) Operations shall be restricted to the United States, its Territories and possessions.

(c) The aircraft shall be limited to the types of operations listed in subparagraphs (1) through (7) of this paragraph.

(1) Flights conducted by the manufacturer of the aircraft in direct conjunction with the type certification of the aircraft;

(2) Training of flight crews, including simulated air carrier operations;

(3) Demonstration flights conducted by the manufacturer for prospective purchasers;

(4) Market surveys by the manufacturer;

(5) Flight checking of instruments, accessories, and equipment, the functioning of which does not adversely affect the basic airworthiness of the aircraft;

(6) Service testing of the aircraft;

(7) Such additional operations as may be specifically authorized by the authorized representative of the Administrator.

(d) All operations shall be conducted within the prescribed limitations displayed in the aircraft or set forth in the provisional aircraft flight manual or other document containing the limitations for the safe operation of the aircraft: *Provided,* That operations conducted in direct conjunction with the type certification of the aircraft shall be subject to the experimental aircraft limitations of section 1.74 of Part 1 of the Civil Air Regulations, and all "flight tests" as defined in section 60.60 of the Civil Air Regulations shall be conducted in accordance with the requirements of section 60.24 of that part.

(e) The operator shall establish procedures for the use and guidance of flight and ground personnel in the conduct of operations under this section. Specific procedures shall be established for operations from and into airports where the runways require takeoffs or approaches over populated areas. All procedures shall be approved by an authorized representative of the Administrator. All operations shall be conducted in accordance with such approved procedures.

(f) The operator shall ensure that each flight crewmember is properly certificated and possesses adequate knowledge of, and familiarity with, the aircraft and the procedures to be used by him.

(g) The aircraft shall be maintained in accordance with applicable Civil Air Regulations, with the inspection and maintenance program established in accordance with this regulation, and with any special inspections and maintenance conditions prescribed by an authorized representative of the Administrator.

(h) No aircraft shall be operated under authority of a provisional airworthiness certificate if the manufacturer or the authorized representative of the Administrator determines that a change in design, construction, or operation is necessary to ensure safe operation, until such change is made and approved by the authorized representative of the Administrator. Section 1.24 of Part 1 of the Civil Air Regulations shall be applicable to operations under this section.

(i) Only those persons who have a bona fide interest in the operations permitted under this section or who are specifically authorized by both the manufacturer and the authorized representative of the Administrator may be carried in provisionally certificated aircraft: *Provided,* That they have been advised by the operator of the provisional certification status of the aircraft.

(j) The authorized representative of the Administrator may prescribe such additional limitations or procedures as he finds necessary. This shall include limitations on the number of persons who may be carried aboard the aircraft.

14. *Additional limitations to operations by air carriers.* In addition to the limitations in section 13 of this regulation, operations by air carriers shall be subject to the provisions of paragraphs (a) through (d) of this section.

(a) In addition to crewmembers, the aircraft may carry only those persons who are listed in section 40.356(c) of Part 40 of the Civil Air Regulations or who are specifically authorized by both the air carrier and the authorized representative of the Administrator.

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(b) The air carrier shall maintain current records for each flight crewmember. These records shall include such information as is necessary to show that each flight crewmember is properly trained and qualified to perform his assigned duties.

(c) The appropriate instructor, supervisor, or check airman shall certify to the proficiency of each flight crewmember and such certification shall become a part of the flight crewmember's record.

(d) A log of all flights conducted under this regulation, and accurate and complete records of inspections made and maintenance accomplished, shall be kept by the air carrier and made available to the manufacturer and to an authorized representative of the Administrator.

15. *Other operations.* The Director, Bureau of Flight Standards, may credit toward the aircraft proving test requirements of the applicable air carrier regulations such operations conducted pursuant to this special regulation as he finds have met the applicable aircraft proving test requirements: *Provided*, That he also finds that there is no significant difference between the provisionally certificated aircraft and the aircraft for which application is made for operation pursuant to an air carrier operating certificate.

CERTIFICATES ISSUED UNDER SR–425A

16. *Duration.* Currently valid provisional type and airworthiness certificates issued in accordance with Special Civil Air Regulation No. SR–425A shall remain in effect for the durations and under the conditions prescribed in that regulation.

This special regulation supersedes Special Civil Air Regulation No. SR–425A and shall terminate on June 30, 1963, unless sooner superseded, rescinded, or otherwise terminated.

SPECIAL CIVIL AIR REGULATION NO. SR-428

Effective: February 3, 1959
Adopted: December 30, 1958

Authorization for Student Pilots in Alaska To Operate on International Flights

Section 43.52 of Part 43 of the Civil Air Regulations currently provides, among other things, that no student pilot shall pilot an aircraft on an international flight.

Increasing flying activity in the northern area of Alaska's southeastern panhandle has lead to active student instruction at the Juneau and Gustavus Airports, and the formation of a flying club at the Haines Airport. The topography of the country and the adverse weather conditions which prevail to the south are such that they do not lend themselves to practical cross-country training for student pilots and, in addition, present an unsafe situation.

To the south, the nearest airport which falls within the 100-mile minimum distance required to qualify for a private pilot certificate is Annette Island. Annette Island is 310 miles from Haines Airport along a route which is impracticable for cross-country training because of treacherous winds, sudden weather changes, and terrain which provides virtually no accessibility for a successful forced landing.

To the north, the nearest airport beyond 100 miles from Haines would be White Horse, located in the Yukon Territory. White Horse is 110 miles from Haines along the route of the White Pass and the Yukon Railroad over terrain which provides accessibility for a successful forced landing. In addition, the weather conditions along this route are more favorable and predictable. Although this route represents the only practical and safe cross-country training for student pilots, it would require their participating in international flights which are prohibited by the present regulations.

Special arrangements have been concluded with Canada to provide similar reciprocal privileges should the need arise to conduct cross-country flights to specific points within the United States.

For the reasons stated, and since this regulation places no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 3, 1959.

Contrary provisions of section 43.52 of Part 43 of the Civil Air Regulations notwithstanding, a student pilot may make international flights for the purpose of solo cross-country training from the Haines, Gustavus, and Juneau Airports, located in that part of Alaska lying east of the one hundred and forty-first meridian of west longitude, to White Horse located in the Yukon Territory, over the province of British Columbia, Canada, and return.

Addendum

Preambles to Amendments to Civil Air Regulations Part 43

NOTE

Part 43 of the Civil Air Regulations was last revised by the Civil Aeronautics Board with an effective date of October 1, 1954. This was not a general revision of the part, but only a reprint to incorporate outstanding amendments and to make minor editorial changes. This revision was published in the Federal Register on October 2, 1954 (19 F.R. 6370).

Amendment 43–1

Additional Instruments for IFR Operations	Adopted:	July 20, 1955.
	Effective:	Aug. 1, 1956.
	Published:	July 26, 1955. (20 F.R. 5312)

This amendment includes a substantive change which requires an artificial-horizon and a directional gyro as additional instruments for IFR flight operations. This additional equipment is made mandatory because flight tests on small aircraft have shown that safe instrument flight without such equipment is extremely difficult under rough air conditions.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F.R. 369), and due consideration has been given to all relevant matter presented.

Amendment revised section 43.40 by adding a note after the introductory paragraph and by adding new subparagraphs (8) and (9) to paragraph (c).

Amendment 43–2

Elimination of the Annual Inspection of General Aircraft	Adopted:	Apr. 13, 1956.
	Effective:	July 17, 1956.
	Published:	Apr. 20, 1956. (21 F.R. 2587)

Currently effective maintenance provisions of Part 43 of the Civil Air Regulations require owners and operators of general aircraft to maintain their aircraft in accordance with Part 18 and to have the aircraft inspected once a year by a representative of the Administrator or an appropriately certificated repair station. In addition, prior to the annual inspection, such aircraft must receive a periodic inspection conducted by an appropriately certificated mechanic or repair station. If the aircraft is used for hire, it must also receive an inspection each 100 hours of operation. The owner or operator is presently required to retain various CAA forms in addition to his aircraft and engine records.

Amendments to other parts of the Civil Air Regulations are being made concurrently with these amendments to Part 43 in order to simplify the procedures for inspection, retention of records, and return to service, of general aircraft and to assign to the industry the final responsibility for making inspections and for maintaining documentary evidence of continued airworthiness subject to such surveillance activities as the Administrator determines necessary.

Part 43 is being amended to provide the owner or operator of an aircraft with two methods of inspection. The first requires a periodic inspection once each year; and, in addition, requires a 100-hour inspection on those aircraft used for carrying passengers for hire or used for flight instruction for hire. The second, or alternate method, requires the use of a system whereby the inspection may be conducted on a progressive or continuous basis which permits a balanced or equalized workload, thus allowing increased utilization of the aircraft. An authorized representative of the Administrator is not required to return the aircraft to service after any of these inspections.

A record of the time in service of the aircraft and each engine, inspections, maintenance, compliance with mandatory notes, weight and balance record, equipment list, and a reference to major repairs and major alterations are now required to be kept in the aircraft log.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F.R. 7380), and due consideration has been given to all relevant matter presented.

Amendment revised sections 43.20, 43.22, and 43.23 and added definitions of "Aircraft," "Maintenance," "Operate," "One-hundred-hour inspection," "Periodic inspection," "Progressive inspection," and "Time in service" to section 43.70.

Amendment 43–3

Airworthiness Certification of Foreign Aircraft Operated in the United States	Adopted: Jan. 3, 1957. Effective: Feb. 7, 1957. Published: Jan. 9, 1957. (22 F.R. 181)

Section 43.10 of Part 43 of the Civil Air Regulations permits the Administrator to exempt foreign aircraft, authorized by him to be flown in the United States, from compliance with certain requirements applicable to domestic civil aircraft. The language of this section of Part 43 was originally predicated on the provisions of Section 6(c) of the Air Commerce Act of 1926 (as amended prior to August 8, 1953) which authorized the Administrator to issue special permits for foreign aircraft to be navigated in the United States. Since the amendment of August 8, 1953, divested the Administrator of such authority and vested it in the Board under Section 6(b) of the Air Commerce Act, it is considered advisable to revise section 43.10 and delete the obsolete provisions.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F.R. 2952), and due consideration has been given to all relevant matter presented.

Amendment revised section 43.10.

Amendment 43–4

General Operation Rules VFR Minimums Within a Control Zone for Flights Issued a Traffic Clearance	Adopted: Feb. 6, 1957. Effective: Mar. 25, 1957. Published: Feb. 9, 1957. (22 F.R. 813)

Part 60 of the Civil Air Regulations contains the air traffic rules governing the operation of aircraft. Section 60.31 currently authorizes air traffic control to permit flight within a control zone when the flight and ground visibility are below the specified three-mile minimum. This provision was intended to permit a pilot to fly from a control zone to an area outside of controlled airspace in which the visibility minimum for VFR flight is one mile. Part 43 prohibits a pilot from flying an aircraft under instrument flight rules unless he holds a valid instrument rating issued by the Administrator and unless he satisfies certain recent flight experience requirements.

It has come to the Board's attention that some pilots who are not rated to fly their aircraft solely by reference to instruments were obtaining a traffic clearance and flying through solid overcast or in conditions of restricted visibility and, consequently, were a hazard to themselves and others. In order to clarify the Board's intention that such flights not be conducted, certain amendments to the Civil Air Regulations were proposed in Draft Release 56–7 (21 F.R. 1748), "VFR Minimums Within a Control Zone for Flights Issued a Traffic Clearance." The foregoing draft release proposed to establish in Part 60 specific weather minimums below which VFR flight could not be conducted. In addition, amendments to sections 43.65 and 43.68(d) of Part 43 were proposed to make it clear that these sections are intended to prohibit a non-instrument-rated pilot, as well as an instrument-rated pilot who has not met the recent experience requirements for instrument

flight, from operating aircraft in weather conditions below the minimums prescribed in Part 60 for VFR flight.

Interested persons have been afforded an opportunity to participate in the making of these amendments (21 F.R. 1748), and due consideration has been given to all relevant matters.

Amendment revised section 43.65 and the first sentence of section 43.68(d).

Amendment 43–5

Position and Anticollision Light Requirements

Adopted: Feb. 25, 1957.
Effective: Apr. 1, 1957.
Published Mar. 1, 1957.
(22 F.R. 1276)

The continuing increase in air traffic density and the advent of aircraft capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. Experience with the use of anticollision lights on large airplanes has shown that a significant increase in the conspicuity of aircraft can be attained with such lights during night operations. The currently effective provisions of Part 43 of the Civil Air Regulations require the installation of an approved anticollision light only on large aircraft operated at night.

When the Board promulgated regulations requiring anticollision lights on large aircraft, it indicated that additional study was being given to the possibility of requiring generally similar types of lights for small aircraft. This amendment, which requires anticollision lights for the night operation of newly certificated small aircraft, reflects the initial results of such additional study by the Board. Experience gained under this amendment along with results of continued studies should provide a basis for possible regulatory action in the future with respect to requiring anticollision lights on all small aircraft.

In view of the foregoing, and since there are no requirements in the operating parts of the regulations to require small aircraft to install anticollision lights, the Board is amending section 43.30(b)(3) to require their use on all small aircraft for which such lights are required in conjunction with their certification, i.e., all small aircraft for which application for type certification is made after the effective date of this amendment.

Since there are no specifications for anticollision lights in Parts 3 and 6 of the Civil Air Regulations, amendments to these parts are being promulgated concurrently to provide a basis of approval for such lights as are required by this amendment. Aircraft not affected by this amendment may continue to use or install existing approved anticollision lights or, optionally, may install anticollision lights conforming with the new specifications in Parts 3 and 6.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F.R. 3388), and due consideration has been given to all relevant matter presented.

Amendment revised section 43.30(b)(3).

Amendment 43–6

Miscellaneous Amendments

Adopted: Apr. 11, 1957.
Effective: Apr.11, 1957.
Published: Apr. 17, 1957.
(22 F.R. 2658)

Several sections in the recently revised Part 20 of the Civil Air Regulations duplicate certain provisions in the currently effective Part 43. The purpose of this amendment is to eliminate duplication and conflict between the two parts.

The subject matter of section 43.43, "Pilot logbooks," is now contained in Part 20; and, concurrently with this amendment, the related subject matter contained in section 43.44, "Logging of flight time," is being added to Part 20. Accordingly, in order to eliminate duplication, both of these sections are being deleted from Part 43.

The provisions in sections 43.53 and 43.54, "Requirements for first solo" and "Flight area limitations," are now contained in the revised Part 20. As these requirements are more appropriately contained in Part 20, they are being deleted from Part 43.

Section 43.66, "Instrument flight instruction," is in conflict with the provision in section 20.127 which requires an applicant for an instrument rating to have received 10 hours of instrument flight instruction given by a rated instrument flight instructor. This conflict is being remedied by deleting section 43.66.

Since the changes effected by this amendment are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective on less than 30 days' notice.

Amendment deleted sections 43.43, 43.44, 43.53, 43.54, and 43.66.

Amendment 43–7

Variation of Aircraft Maximum Weights With Altitude

Adopted: July 19, 1957.
Effective: Aug. 23, 1957.
Published: July 24, 1957. (22 F.R. 5863)

It has been brought to the attention of the Civil Aeronautics Board that difficulty has been encountered in the interpretation of the Civil Air Regulations with respect to the provisions concerning variation of aircraft maximum weights with altitude for transport category airplanes. In order to clarify the Board's intention in this matter, this amendment to Part 43 of the Civil Air Regulations is being promulgated.

The presently effective certification regulations applicable to transport category airplanes, contained in Part 4b of the Civil Air Regulations, require the determination of the maximum certificated weights. The provisions of this part permit, at the option of the applicant for type certification, the establishment of different maximum weights for the airplane at each altitude and for each practicably separable operating condition; e.g., takeoff, en route, and landing. In addition, the applicant is permitted to elect the altitudes at which maximum weights are to be established. In other words, the applicant may request certification of an airplane at sea level only or up to any altitude he may choose. If the applicant chooses a high airport elevation for certification, he may vary the maximum weights of the airplane for the various airport elevations between sea level and the highest airport elevation or he may establish the maximum weights for one airport elevation and use those weights for all airport elevations below the one selected. For example, if the airplane will be operated out of airports at elevations of 5,000 feet or less, the airplane's maximum takeoff and landing weights will be determined for an altitude of 5,000 feet and those weights will be used for all operations; or, on the other hand, the weight can be varied for intermediary airport elevations since this usually results in higher maximum weights for lower airport elevations.

In addition to the aforementioned certification requirements, Part 4b requires that an Airplane Flight Manual be prepared by the applicant. The regulations applicable to this Airplane Flight Manual require that the weight limitations determined in accordance with that part be listed as operating limitations of the airplane. Therefore, if the applicant chooses to vary the weight of the airplane with altitude, this variation becomes an operating limitation on the airplane. Accordingly, if he chooses to certificate the airplane at sea level only, the airplane would be limited to operations out of and into sea level airports. Similarly, if the applicant certificates the airplane for an airport elevation of 5,000 feet, the airplane would be limited to operations out of and into airports at elevations of 5,000 feet or less and if, in addition, he does not choose to vary the airplane's weight