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Regulation No. SR- 417

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

Effective: May 28, 1956
Adopted: May 28, 1956

SPECIAL CIVIL AIR REGULATION

AUTHORITY TO DEVIATE FROM CERTAIN PROVISIONS OF PART 49 OF THE CIVIL AIR REGULATIONS WITHIN THE TERRITORY OF ALASKA

By letter dated March 26, 1956, Morrison-Knudsen Company, Inc., contractors and engineers, Boise, Idaho, requested the Board to permit certain operators, notwithstanding the provisions of Part 49 of the Civil Air Regulations, to transport Class A explosives and other dangerous articles in civil aircraft, within the territory of Alaska, which are necessary to complete certain urgent construction work being accomplished by this company in the interest of National Defense.

The Civil Aeronautics Administration has notified the Board that certain contractors other than Morrison-Knudsen are involved in the same construction work as the Morrison-Knudsen Company in connection with the "White Alice" military defense contract and require similar authority to transport Class A explosives.

The Board has been advised by Morrison-Knudsen that these materials are essential in their construction work as a subcontractor to Western Electric Company, who, in turn, has a contract with the United States Air Force for important classified installation work throughout Alaska, and that all explosives or other dangerous articles will be shipped in accordance with Interstate Commerce Commission (ICC) packing and handling requirements. A listing of aircraft that are assigned under contract to the project concerned, together with the name of the contractor, base station, and area of operation was appended to Morrison-Knudsen's letter of March 26. The request for authority is to apply initially to the operators listed therein. Morrison-Knudsen proposed to notify the Board when additional aircraft are put under contract to engage in the same work.

The Board has been further advised by Morrison-Knudsen that such shipment of explosives and other dangerous articles will be restricted to aircraft operating exclusively in Alaska and in connection with a military defense project identified as AF-33 (600-29717) and known as ALCOM or White Alice Project.

Under the provisions of §§ 49.41 and 49.81 of Part 49 of the Civil Air Regulations, no explosive or dangerous article listed in Part 72 of the ICC Regulations as a Class A explosive ... shall be carried on aircraft. Section 49.71, however, authorizes the Administrator, in emergency situations or where other forms of transportation are impracticable, to permit deviations from any of the provisions of this part for a particular flight where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons and cargo. Since the authority requested by Morrison-Knudsen in this matter is not for a particular flight but for a series of flights, the Administrator is not authorized to grant the special authority requested.

To support the Board's grounds for granting special authority to carry explosives in emergency situations or where other forms of transportation are impracticable, reference is made to § 49.41 which permits transportation in cargo aircraft of any article packed, marked, and labeled in accordance with ICC Regulations for transportation by rail express. Under Section 71.13 of the ICC Regulations, shipment of explosives may be made upon request of the Departments of the Army, Navy, and Air Force of the United States Government after compliance with certain handling and packing regulations.

The Board notes that the ICC, pursuant to Section 71.13 of its regulations, has authorized the various United States military departments to transport Class A explosives, by rail, whenever critical situations dictated such authorization. In these situations, however, the ICC has required that certain stringent packing, stowing, and carriage provisions of its regulations be complied with as a condition of such authorization. In addition, it is noted that a number of air carriers were authorized to carry, in recent years during national emergency status, Class A explosives in civil aircraft where it was found necessary in the National Defense.

In a letter dated April 5, 1956, from cognizant authority in the Department of the Air Force, it is stated that the work under contract to Morrison-Knudsen "is behind schedule and the cargo involved is necessary for the completion of a major program which is in the interest of National Defense," and it is requested that deviation authority for the air carriers listed in Morrison-Knudsen's letter be granted for a period of not less than one year. The Board regards this justification as particularly compelling. Moreover, in view of the remoteness of the area to which these commodities are to be transported and the improbability of creating a hazard involving persons on the ground, the carriage of such commodities by air does not appear to affect the public interest adversely.

The provisions of this special regulation authorize deviations from Part 49 only with respect to the carriage of Class A explosives and the shipper and operator shall comply with the requirements of Part 49 in all other respects.

Prior to engaging in operations pursuant to this special regulation, each operator will be required to give notice to the Administrator of the type and registration number of the aircraft and the airports and other landing areas to be used.

Except for Class A explosives, the articles included in the list appended to Morrison-Knudsen's letter of March 26 are not prohibited by Part 49 of the Civil Air Regulations for cargo-carrying aircraft. Therefore, the authorization contained herein is limited to Class A explosives.

Since this Special Civil Air Regulation authorizes the transporting of Class A explosives in a remote area and does not appear to affect the safety of the public adversely, and because the Board has been advised by the Department of the Air Force that the White Alice Project is behind schedule and the cargo involved is necessary in the interest of National Defense, the Board finds that omission of notice and public procedure is not contrary to public interest and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective May 28, 1956:

1. Contrary provisions of Part 49 of the Civil Air Regulations notwithstanding, and subject to conditions hereinafter set forth, the operators listed in Appendix "A" and any other operator authorized by the Administrator to be added to such list pursuant to this Regulation, may deviate from those provisions of Part 49 which prohibit the carriage of Class A explosives in aircraft, to the extent necessary to transport Class A explosives in civil aircraft to and from certain areas within Alaska as listed in Appendix "A", provided that:

a. Shipment of such explosives, by civil aircraft, shall be made only by operators authorized by Morrison-Knudsen Company, Inc., or other contractors acting under a military defense project known as ALCOM, DEWLINE, or White Alice and identified as contract AF-33 (600-29717);

b. Each operator shall furnish the Administrator, prior to carriage of such explosives, with a list showing the type aircraft, registration number, and area in which the aircraft is to be operated, and no deviation from this listing shall be made without the express approval of the Administrator;

c. Each shipper and operator shall comply with all pertinent provisions of Part 49 and the ICC Regulations including packing, marking, labeling, and loading requirements and with any special instructions issued by the ICC for the handling of Class A explosives;

d. The crew of the aircraft shall be thoroughly briefed on the characteristics and proper handling of the cargo;

e. Shipments may be made to and from a civil airport only if prior arrangements have been made between the operator of the aircraft and local civil airport management;

f. The operations on and in the vicinity of civil airports shall be conducted in accordance with such special traffic rules as may be prescribed by the Administrator including weather minimums, airport approach and departure routes to avoid flight over congested areas, and notification to the airport control tower of the nature of the cargo aboard;

g. The aircraft shall not be used to carry persons other than crew members and shall be operated in accordance with the aircraft performance and weight limitations applicable to passenger-carrying aircraft unless otherwise authorized by the Administrator; and

h. Single-engine aircraft shall be operated in accordance with operation specifications approved by the Administrator.

2. That, upon notification by Morrison-Knudsen Company, Inc., or other bona fide contractors acting pursuant to the above-specified contract that certain other operators of aircraft have been put under contract to engage in the same work, the Administrator of Civil Aeronautics is authorized to add to the list in Appendix "A" any such operator who to him meets the requirements of this Special Civil Air Regulation.

This Special Civil Air Regulation shall expire June 1, 1957, unless sooner superseded or rescinded by the Board.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U.S.C. 551; sec. 902 (h) 52 Stat. 1015, as amended; 49 U.S.C. 622)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

APPENDIX "A" TO SPECIAL CIVIL AIR REGULATION NO. SR-417

Operator	Area
MORRISON-KNUDSEN COMPANY, INC. DIST.	ALL OF ALASKA EXCEPT SO. EASTERN SECTION
CORDOVA AIRLINES	ALL OF ALASKA EXCEPT SO. EASTERN SECTION
SAFEWAY AIRWAYS	UPPER YUKON, KUSKOKWIM, BRISTOL BAY, ILIAMNA
SAFEWAY AIRWAYS	SEWARD PENINSULA
CIRCLE AIR TRAILS	BRISTOL BAY AND ILIAMNA AREA
ALASKA SPORTSMEN	KUSKOKWIM BAY AREA WHICH INCLUDES BETHEL & PLATINUM
BERNARD BLANCHARD	GALENA, McCRATH AND FAIRBANKS AREA
FOSTER AIR SERVICE	SEWARD PENINSULA