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Civil Aeronautics Manual 42

Irregular Air Carrier and Off-Route Rules

Supplement No. 3, CAM 42 dated Feb. 15, 1960 **July 1, 1961**

SUBJECT: Revisions to CAM 42.

This supplement is issued to incorporate in CAM 42 Civil Air Regulations Amendment 42–32 and Special Civil Air Regulations Nos. SR–399D, SR–425C, and SR–446.

Amendment 42–32 concerns landing minimums for pilots with less than 100 hours as pilot in command in a particular type of airplane.

Special regulation SR–399C concerns provisional maximum certificated weights for certain airplanes operated by Alaskan air carriers, air taxi operators in Alaska, and the Department of the Interior. It was issued June 20, 1961, to become effective June 24, 1961, and supersedes Special Civil Air Regulation No. SR–399C.

Special regulation SR–425C concerns provisional certification and operation of aircraft. It was issued May 31, 1961, to become effective June 6, 1961, and supersedes Special Civil Air Regulation No. SR–425B.

Special regulation SR–446 concerns the use of portable frequency modulation (FM) type radio receivers on aircraft during flight. It was issued May 4, 1961, to become effective May 25, 1961.

New or revised material is enclosed in black brackets on the pages submitted with this supplement, except Special Civil Air Regulations Nos. SR–399D, SR–425C, and SR–446, and the pages in the addendum containing the preambles of amendments.

Remove the following pages:	*Insert the following new pages:*
VII and VIII	VII and VIII
49 and 50	49 through 50–1
133 and 134	133 and 134
213 through 218–4	213 through 218–3
—	236–1 and 236–2
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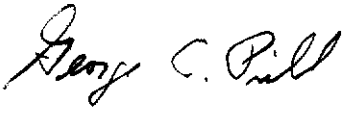

GEORGE C. PRILL, *Director,*
Flight Standards Service.

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Addendum

Preambles of Amendments to Part 42 P–1

for a period of at least 30 minutes at normal cruising consumption.

(2) No flight in large aircraft under VFR shall be started unless, considering the factors enumerated in subparagraph (1) of this paragraph, the aircraft carries sufficient fuel and oil to fly to the point of intended landing, and thereafter for a period of at least 45 minutes at normal cruising consumption.

(3) No flight in large or small aircraft under IFR shall be started unless, considering the factors set forth in subparagraph (1) of this paragraph, sufficient fuel and oil are carried aboard the aircraft (i) to reach the point of intended landing, (ii) thereafter to fly to the alternate airport, and (iii) thereafter to fly for a period of 45 minutes at normal cruising consumption.

(b) ***Outside the United States.*** Outside the continental limits of the United States, the following requirements shall be met unless the Administrator finds, after considering the character of the terrain being traversed, the available airports, and the category and type of aircraft being operated, that the flight may be safely conducted with a lesser quantity of fuel.

(1) No flight shall be started unless, considering the wind and other weather conditions expected, the aircraft carries sufficient fuel and oil (i) to fly to the next point of landing specified in the flight plan, (ii) thereafter to fly to and land at the most distant alternate airport designated in the flight plan, and (iii) thereafter to fly for a period of at least 2 hours at normal cruising consumption.

(2) No flight shall be returned to the point of departure or to an alternate airport for that point unless the aircraft has sufficient fuel to return to such point and thereafter to fly for a period of at least 2 hours at normal cruising consumption.

(3) No flight shall be started to a destination for which there is no available alternate unless the aircraft carries sufficient fuel, considering wind and other weather conditions expected, to fly to that point and thereafter to fly for at least 3 hours at normal cruising consumption.

42.52–1 *Operations in the State of Alaska (FAA policies which apply to sec. 42.52(a)).* For operations in the State of Alaska, the minimum fuel requirements specified for operations within the continental limits of the United States shall apply, except as indicated in section 42.52–2.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.52–2 *Operations in the State of Alaska (FAA policies which apply to sec. 42.52 (b)).* The minimum fuel requirements specified for operations outside the continental limits of the United States shall apply to all off-airway overwater operation into or out of the State of Alaska, and to all instrument operation to or from points north of latitude 67° N. or to or from points in the Aleutian and Pribiloff Islands west of longitude 160° W.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.53 ***Minimum flight altitude rules.*** Except during takeoff and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this section, in addition to the applicable provisions of Section 60.17 of this subchapter, shall govern air carrier operations: ***Provided,*** That other altitudes may be established by the Administrator for any area where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.

(a) ***Day VFR operations.*** No aircraft shall be flown at an altitude less than 500 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(*b*) ***Night VFR or IFR operations.*** No aircraft shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: ***Provided,*** That in VFR operations at night in such mountainous terrain aircraft may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle.

42.54 *Flight into known icing conditions.* No aircraft shall be flown into known or probable heavy icing conditions. Aircraft may be flown into light or moderate icing conditions only if the aircraft is equipped with an approved means for de-icing the wings, propellers, and such other parts of the aircraft as are essential to safety.

42.54–1 *Other parts of the aircraft (FAA interpretations which apply to sec. 42.54).* The other parts of the aircraft referred to in this section include, but are not limited to, carburetors, windshields, pitot-static tubes, and empennage surfaces.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.55 *Weather minimums.* No flight shall be started unless the takeoff, en route operation, and landing at destination can be conducted in accordance with the weather requirements of Part 60 of this subchapter,[7] but in no case less than the minimums specified below:

(a) For VFR takeoff, en route operation, or landing, the weather minimums shall be a ceiling of 1,000 feet and visibility of 1 mile for day and 2 miles for night, unless otherwise authorized by an air traffic clearance obtained from air traffic control.

(b) For IFR operations the weather minimums, including alternate airport requirements, shall not be less than those specified in Parts 609 and 610 of the Regulations of the Administrator, or as otherwise specified or authorized by the Administrator. These weather minimums, including alternate airport requirements, also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey and in the Airman's Guide.

[(c) The ceiling and visibility landing minimums prescribed in the air carrier's operations specifications for an airport, other than an alternate airport, shall be increased by 100 feet ceiling and ½ mile visibility whenever the pilot in command of a large airplane has not served 100 hours as pilot in command in air carrier or commercial operations in that particular type of airplane. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The sliding scale, when authorized in the air carrier's operations specifications, shall not be applied until the pilot in command has served 100 hours as pilot in command in air carrier or commercial operations in the particular type of airplane being operated by him.

[(Amendment 42–32, published in 26 F.R.3461, Apr. 22, 1961, effective May 23, 1961.)]

42.55–1 Deleted.

(Published in 20 F. R. 4148, June 15, 1955, effective June 30, 1955.)

42.55–2 *Air traffic clearance (FAA interpretations which apply to sec. 42.55 (a)).* An air traffic clearance obtained from air traffic control is an approval for the flight, or portion thereof, only with regard to known traffic conditions and does not authorize a pilot to violate the Civil Air Regulations pertaining to weather minimums. Regardless of any air traffic clearance obtained from air traffic control, the minimum visibility shall be not less than 1 mile for day and 2 miles for night in control zones, and 3 miles in control areas.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.55–3 *IFR takeoff and landing minimums (FAA policies which apply to sec. 42.55).*

(a) The basic IFR takeoff minimums and landing minimums for each type of instrument approach procedure are prescribed in the operations specifications issued to an air carrier or commercial operator under the authority of this part. Frequently, these minimums are higher than those published in Part 609 of the Regulations of the Administrator. However, by application to the local inspector having certificate responsibility, minimums down to the lowest minimums prescribed in Part 609 for a particular airport may be authorized if such airport is regularly used by an air carrier or commercial operator (e. g., main operations base). To obtain such authorization, the air carrier or commercial operator will be required to demonstrate that its pilot training program

[7] See Parts 609 and 610 of the Regulations of the Administrator, or refer to the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey, and to the Airman's Guide for specific en route, takeoff, and landing minimums for particular routes and airports.

and overall operating proficiency is adequate for the use of lower minimums. Such lower minimums, when approved, will be applicable only to those pilots in command who (1) have served as a pilot or as an observer member of the crew on the flight deck during operations conducted into the particular airport within the previous twelve months, (2) have been checked in accordance with section 42.44–2 of this subchapter on the type of facility for which the lower minimums are authorized, and (3) have been so certified by a company check pilot as being qualified to operate at the lower minimums.

(Published in 20 F. R. 4148, June 15, 1955, effective June 30, 1955; amended effective June 15, 1957.)

42.56 *Instrument approach.* No instrument approach procedure shall be executed or landing made at an airport when the latest United States Weather Bureau report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport: *Provided,* That, if

SPECIAL CIVIL AIR REGULATION NO. SR–399D

Effective: June 24, 1961
Adopted: June 20, 1961
Published: June 24, 1961
(26 F.R. 5673)

Provisional Maximum Certificated Weights for Certain Airplanes Operated by Alaskan Air Carriers, Air Taxi Operators in Alaska, and the Department of the Interior

Special Civil Air Regulation No. SR–399C, effective October 26, 1960 (25 F.R. 10423), authorized the Director, Bureau of Flight Standards, and his designated representative to establish increased maximum weights for certain airplanes of 12,500 pounds or less operated entirely within Alaska by Alaskan air carriers and Alaskan air taxi operators pursuant to Parts 292 and 293 of the Civil Aeronautics Board's Economic Regulations or by the United States Department of the Interior.

Effective January 1, 1961, the Civil Aeronautics Board rescinded Part 293 (25 F.R. 12908) which applied to Alaskan air taxi operators and concurrently adopted revised Part 298 (25 F.R. 12909) which applies to air taxi operators generally. Accordingly, the reference in SR 399C to Part 293 of the Civil Aeronautics Board's Economic Regulations is no longer appropriate.

Under Part 293, Alaskan air taxi operators were not permitted to operate aircraft weighing more than 7,900 pounds at increased maximum weights, notwithstanding the 12,500-pound limit in SR–399C. Although the action taken by the Board, i.e., the repeal of Part 293 and amendment of Part 298, no longer imposes the 7,900-pound limit, it is noteworthy that current Alaskan law does.

Since this regulatory action involves only a minor editorial change and imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective June 24, 1961:

1. Notwithstanding any contrary provisions of the Civil Air Regulations, the Director, Bureau of Flight Standards, and any employee of such administrative unit as he shall designate may increase the maximum certificated weight for airplanes which are:

(a) Operated entirely within the State of Alaska by an Alaskan air carrier or an air taxi operator pursuant to Parts 292 and 298, respectively, of the Civil Aeronautics Board's Economic Regulations, or by the United States Department of the Interior in the conduct of its game and fish law enforcement activities and its management, fire detection, and fire suppression activities concerning public lands; and

(b) Type certificated under the provisions of Aeronautics Bulletin No. 7–A of the Aeronautics Branch of the United States Department of Commerce dated January 1, 1931, as amended, or under the normal category of Part 4a of the Civil Air Regulations.

2. The maximum certificated weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115 percent of the maximum weight listed in the FAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in section 3.186 of the Civil Air Regulations, or

(d) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

3. In determining the maximum certificated weight the structural soundness of the airplane and the terrain to be traversed in the operation will be considered.

4. The maximum certificated weight so determined will be added to the airplane's operation limitations and identified as the maximum weight authorized for operations within the State of Alaska.

This regulation supersedes Special Civil Air Regulation No. SR–399C, and shall terminate on October 25, 1965, unless sooner superseded or rescinded.

SPECIAL CIVIL AIR REGULATION NO. 425C

Effective: June 6, 1961
Adopted: May 31, 1961
Published: June 6, 1961
(26 F.R. 4990)

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.

Special Civil Air Regulation No. SR–425B, which superseded SR–425A, was adopted on April 7, 1960, to extend the application of the regulation to: (1) piston-engine transport category aircraft, including rotorcraft; and (2) personal and executive type aircraft, including rotorcraft, irrespective of powerplant type. In addition, this regulation permitted operations such as sales demonstrations and market surveys with aircraft having a provisional type and airworthiness certificate.

To accomplish this, SR–425B provided for, among other things, the issuance of two classes of provisional type and airworthiness certificates. Class I provisional and airworthiness certificates could be issued for all types of aircraft for operation by the aircraft manufacturer. Class II provisional type and airworthiness certificates could be issued only for transport category aircraft, but these aircraft could be operated by either the aircraft manufacturer or a certificated air carrier. In general, the requirements for the issuance of Class I provisional certificates were less stringent, and the operating limitations less confining, than those for the issuance of Class II provisional certificates.

Under the provisions of SR–425B, however, eligibility to apply for Class I provisional certificates was limited to aircraft manufacturers. A recommendation that this eligibility be extended to include engine manufacturers had been evaluated by the Agency prior to the adoption of SR–425B, but rule making action on such extension was deferred until additional experience with provisional certification could be acquired.

Experience accumulated since the adoption of SR–425B has indicated that it would be practicable for engine manufacturers, who have altered a type certificated aircraft by installing type certificated engines of their own manufacture in place of the original engines, to show compliance with the currently effective requirements for issuance of Class I provisional type and provisional airworthiness certificates; and that compliance with these requirements will insure safe operation of provisionally certificated aircraft by such engine manufacturers. Further, the Agency

believes that operations conducted by engine manufacturers under the terms of Class I provisional certificates, for the purpose of sales demonstrations, market surveys, and other similar activities related to the sale of their engines, would contribute to the promotion and development of civil aeronautics in the United States.

SR–425B is therefore being superseded by SR–425C to permit certain engine manufacturers to apply for Class I provisional type and provisional airworthiness certificates if they have applied for the issuance of a supplemental type certificate.

Since this is a superseding regulation which relieves restrictions and imposes no additional burden on any person, notice and public procedures hereon are unnecessary, and this regulation may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective June 6, 1961:

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.

(c) An engine manufacturer who has altered a type certificated aircraft by installing different type certificated engines, manufactured by him within the United States, in place of the original engines, may apply for Class I provisional type and provisional airworthiness certificates for such aircraft, and for amendments to Class I provisional type certificates held by him, if the basic aircraft, before alteration was type certificated in the normal, utility, acrobatic, or transport category.

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 or supplemental type certificate, 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 eligible aircraft or engine manufacturer 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 or supplemental 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 or supplemental type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type or supplemental 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 or supplemental 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 or supplemental 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 eligible aircraft or engine manufacturer 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 sections 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 insure 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 require-

ments 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 insure 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 sections 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

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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 aircraft or engine manufacturer in direct conjunction with the type or supplemental 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 or supplemental 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 insure 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 insure 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.

(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 AND SR–425B

16. *Duration.* Currently valid provisional type and airworthiness certificates issued in accordance with Special Civil Air Regulations Nos. SR–425A and SR–425B shall remain in effect for the durations and under the conditions prescribed in those regulations.

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

SPECIAL CIVIL AIR REGULATION NO. SR-446

Effective: May 25, 1961
Adopted: May 4, 1961
Published: May 10, 1961
(26 F.R. 4011)

Use of Portable Frequency Modulation (FM) Type Radio Receivers on Aircraft During Flight

In the latter part of 1958, the former Civil Aeronautics Administration received reports that certain portable electronic devices operated by passengers aboard aircraft were causing interference to aircraft communications and navigational systems. The reports received were very limited in number and not conclusive enough to warrant regulatory action at that time. However, since these reports indicated that such interference was possible, the CAA published a notice to airmen (NOTAM) in the Airman's Guide warning airmen and operators of this possibility.

Since 1958, various agencies, both government and industry, have conducted studies of this problem. Recently, during tests conducted by the Federal Aviation Agency's Bureau of Research and Development, it was found that radio receivers having local oscillators operating within or near the VHF omnirange (VOR) frequency band (108 to 118 mc.) cause interference which adversely affects the operation of an aircraft's VOR navigational system. Various types of portable radio receivers (i.e., radio receivers capable of being carried aboard an aircraft by a passenger) were used in these tests to determine which would produce interference to the VOR equipment. It was determined that the portable frequency modulation (FM) radio receiver is the only type radio receiver, which is commonly used by the general public, that would create this unwanted interference. Therefore, I find that immediate regulatory action is necessary in order to provide adequately for safety in air commerce.

The rule adopted herein will prohibit the operation of portable FM radio receivers during flight on all aircraft operated by an air carrier or commercial operator. It also prohibits the operation of portable FM radio receivers on all other VOR-equipped civil aircraft of the U.S. while such VOR equipment is being used for navigational purposes. The added restriction in the case of aircraft operated by an air carrier or commercial operator is necessary since most of these aircraft are equipped with VOR navigational equipment and it would be difficult, if not impossible, for a passenger to know when the pilot in command was depending upon this equipment for navigational purposes.

It is realized that not all portable FM radio receivers utilize a local oscillator which will create interference with the airborne VOR equipment. However, it would not be feasible to expect the general public,

airline personnel, or air crewmembers to distinguish which portable FM radio receiver will cause this interference. Accordingly, the provisions of this rule will apply to all portable FM radio receivers.

Since this Special Civil Air Regulation is of an emergency nature, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act would be impractical, and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective on May 25, 1961:

No person shall operate, nor shall any operator or pilot in command of an aircraft permit the operation of, a portable frequency modulation (FM) radio receiver on the following civil aircraft of the United States while such aircraft are engaged in flight in air commerce: (a) aircraft operated by an air carrier or commercial operator; and (b) any other aircraft equipped with VHF omnirange (VOR) navigational equipment while such VOR equipment is being used for navigational purposes.

This Special Civil Air Regulation shall remain in effect for one year unless sooner superseded or rescinded by the Federal Aviation Agency.

Therefore, in lieu of experiencing the actual low pressure chamber indoctrination, we are requiring all flight crewmembers, as a part of their approved emergency training, to receive initial and recurrent instruction by means of lectures and films covering at least respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression, and actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment.

In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which meets with the approval of a representative of the Administrator. One such means would be participation by flight crewmembers in actually observing other people undergoing high-altitude training in a low pressure chamber.

The rule also provides that each flight crewmember, prior to each flight, shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use. Additionally, the rule requires that whenever it is necessary for one pilot to leave his station at the controls when operating above flight level 250, the remaining pilot shall don and use his oxygen mask until the other pilot has returned to his duty station.

Oxygen masks classified as quick-donning masks under the regulation in force prior to the effective date of this amendment will be considered as satisfactorily meeting the requirements prescribed by this amendment for quick-donning masks without further demonstration.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. The Air Line Pilots Association (ALPA) requested that an industry-wide meeting be scheduled to review the subject of oxygen masks if the amendment adopted herein substantially differs from the intent of the proposals recommended by ALPA. Prior to publication of Draft Release 60–15, a conference was held by the Agency at which the ALPA and other representatives of the industry were afforded an opportunity to express their views and recommendations for the development of rules governing oxygen masks and their use. These views and recommendations were throughly considered in the preparation of proposals contained in Draft Release 60–15. In adddition, interested persons also have been given an apportunity to submit written comments in response to Draft Release 60–15. All of the views and recommendations submitted in the conference and in response to the draft release have been carefully considered and evaluated in the preparation of this final rule. Moreover, as a result of this evaluation, many of these recommendations have been incorporated in the final rule. Accordingly, I find that additional rule making proceedings, as requested by the ALPA, are unnecessary for informed administrative action; and that this amendment should be adopted without further delay.

Amendment revised paragraph (c) of section 42.27–T and added a new paragraph (c) to section 42.45e.

Amendment 42–32

IFR Landing Minimums for Pilots With Less Than 100 Hours as Pilot in Command in a Particular Type of Airplane

Adopted: Apr. 17, 1961
Effective: May 23, 1961
Published: Apr. 22, 1961 (26 F.R. 3461)

The Federal Aviation Agency published as a notice of proposed rule making (25 F.R. 3554) and circulated as Civil Air Regulations Draft Release No. 60–7 on April 18, 1960, a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations to require that higher landing minimums be made applicable to all pilots in command who have not served 100 hours as pilot in command in air carrier operations in a particular type of airplane.

Standard operating limitations presently contained in the scheduled air carriers' operations specifications require that ceiling and visibility minimums for IFR landings be in-

creased by 100 feet ceiling and ½ mile visibility for those pilots who have not served 100 hours as pilot in command in air carrier operations in a particular type of airplane. All of the irregular air carrier operating certificates do not presently contain similar limitations, but standard operations specifications, which do include such a limitation, have been issued recently for inclusion in their operating certificates. However, as this requirement is applicable to all air carrier and commercial operations involving large aircraft, it is appropriate that it be included in the Civil Air Regulations rather than in the air carriers' operations specifications.

The limitations, which are presently contained in the scheduled air carriers' operations specifications, permit a pilot in command to operate at the lower IFR landing minimums prior to obtaining the required 100 hours experience if a company check pilot certifies that he is qualified to do so. Investigation of the practice among air carriers has revealed wide variations in making the determination that a pilot is qualified for the lower landing minimums prior to his attaining 100 hours as pilot in command in a particular type of airplane. This has resulted in pilots being certified to operate at the lower landing minimums after having attained, in some instances, only a small fraction of the required 100 hours.

While the scheduled air carriers, in commenting on Draft Release 60–7, expressed their belief that the limitations presently contained in the operations specifications are basically sound, the majority of all comments received in response to the draft release indicated concurrence with adoption of a regulation requiring higher IFR landing minimums for pilots who have not acquired a specified amount of experience as pilot in command in a particular type of airplane in air carrier operations. In addition, the majority of comment suggested that in no case should this requirement be subject to reduction at the discretion of a company check pilot.

There were also suggestions made that certain other factors, such as the pilot's previous experience, his overall proficiency, his knowledge of the particular airport, and the number of approaches and landings made in the new type of airplane, should be recognized and substituted for a portion of the required 100 hours. While these suggestions have merit, it is believed that the factors to be considered could become so numerous, and difficult to assess in terms of an equivalent number of flight hours, as to diminish the effectiveness of the rule.

The safe execution of an instrument approach to the lowest minimums requires the highest degree of pilot familiarity with the airplane, its controls, instruments, and performance characteristics. One hundred hours of experience in a new type of airplane as pilot in command in air carrier or commercial operations is necessary in order to achieve this degree of familiarity so essential to safe operations at the lowest landing minimums.

The Federal Aviation Agency therefore believes that, in the interest of safety, all pilots in command should use IFR landing ceiling and visibility weather minimums 100 feet higher and ½ mile greater than regularly approved minimums, until they have obtained 100 hours of air carrier or commercial operator pilot-in-command experience in a particular type of airplane.

This amendment is applicable only to large aircraft operated by air carrier and commercial operators in accordance with the provisions of Part 42. Proposed Part 47, if adopted, will govern those small aircraft operations now subject to Part 42. Consideration is being given to including, in Part 47, rules for high performance aircraft similar to those set forth in this amendment.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matters presented.

Amendment added new paragraph (c) to section 42.55.

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