

Affects Part: 40, 41, 42, 45, 61  
Distribution: General

Regulations  
Serial Number SR-385

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

Effective: August 1, 1952  
Adopted: July 24, 1952

SPECIAL CIVIL AIR REGULATION

DELEGATION OF AUTHORITY TO THE ADMINISTRATOR TO PERMIT AIR  
CARRIERS UNDER CONTRACT TO THE MILITARY SERVICES TO DEVIATE FROM  
PARTS 40, 41, 42, 45, AND 61 OF THE CIVIL AIR REGULATIONS

Some time ago the Air Transport Association (ATA) on behalf of several scheduled air carriers under contract to the military services requested that authority be granted to such carriers to permit them to deviate from certain provisions of Parts 40, 41, 42, 45, and 61 of the Civil Air Regulations, under which they were then required to operate, in order to permit such carriers to accomplish expeditiously the mission assigned them by the military services. ATA stated that, in view of the type of operations that these carriers had been requested to perform, certain provisions of those parts imposed an undue burden upon the air carriers involved. It appeared that several difficulties encountered in complying with current regulations resulted from the fact that some of the air carriers were acting in the capacity of prime contractors with the military services, while others were acting as subcontractors and were merely furnishing aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to the military contracts. It should be noted that Parts 40, 41, 42, 45, and 61 were designed to be applicable to scheduled and irregular air carrier operations performed under normal operating conditions. The Board believed that the type of operation which air carriers were expected to perform in executing their obligations under military contracts was a specialized type of operation different in many respects from the normal type of air carrier operation envisaged by the then current Civil Air Regulations relating to air carrier operations. For those reasons, the Board, on July 28, 1950, adopted Special Civil Air Regulation SR-349 which delegated authority to the Administrator to permit air carriers under contract to the military services to deviate from certain parts of the Civil Air Regulations in performing such contracts, such authority to terminate on August 1, 1951. This authority was extended to August 1, 1952, by SR-367.

Since the military requirements, as a result of which Special Civil Air Regulations SR-349 and SR-367 were promulgated, continue to exist, and since no serious objection to the regulation has been raised during nearly 2 years of operations under it, the Board believes the Civil Air Regulations applicable to air carriers should continue to be adjusted to

the type of operation to be conducted under military contracts to the extent that the Administrator finds that deviation from those regulations is necessary or desirable for the expeditious conduct of such operations. Accordingly, the Board concludes that the provisions of SR-367 should be immediately extended for one year to maintain the delegated authority in the Administrator without lapse.

The Board considers it necessary to continue to limit the operations conducted pursuant to any deviation granted by the Administrator to those operations conducted pursuant to military contracts and to require that all operations conducted in accordance with such deviations be conducted in accordance with such terms and conditions as the Administrator may prescribe in granting the deviation. It is anticipated that the Administrator will continue, as part of the procedure in issuing a deviation of major importance, to coordinate his decision with the Board and the appropriate military authorities.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation effective August 1, 1952, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may, upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services, to deviate from the applicable provisions of Parts 40, 41, 42, 45, and 61 to the extent that he finds upon investigation a deviation from those regulations is necessary or desirable for the expeditious conduct of such operations.

2. Any authority granted by the Administrator pursuant to this regulation shall be limited to those operations conducted pursuant to military contracts and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms and conditions under which the air carrier may deviate from the currently prescribed regulations, and each carrier shall, in the conduct of operations pursuant to military contracts, comply with such terms and conditions.

This regulation shall terminate August 1, 1953, unless sooner superseded or rescinded.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply Secs. 601, 604, 52 Stat. 1007, 1010; 49 U.S.C. 551, 554; 62 Stat. 1216)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan  
Secretary

(SE/L)