

Affects Parts: 4b, 40, 41, 42
Distribution: General

W-430
Regulation No. SR-406B

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

Effective: April 1, 1956
Adopted: March 30, 1956

SPECIAL CIVIL AIR REGULATION

APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS
TO C-46 TYPE AIRPLANES

On June 30, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation SR-406, effective July 1, 1954, which provides the basis for the modification and operation of C-46 type airplanes in passenger service. On June 7, 1955, the Board adopted Special Civil Air Regulation SR-406A, effective June 7, 1955, which added certain substantive and clarifying amendments to SR-406. The preamble material of these two Special Civil Air Regulations is incorporated herein by reference.

Special Regulation 406A requires that all C-46 airplanes in passenger service be modified to comply with certain provisions of Part 4b of the Civil Air Regulations on and after October 1, 1955, but it gives the Administrator authority to permit operation of these airplanes, without being so modified, under certain conditions, until April 1, 1956. By letter dated February 18, 1956, the Aircraft Engineering Foundation, (Foundation) requested that the deadline date of April 1, 1956, in Special Civil Air Regulation No. SR-406A be extended until December 31, 1956.

In addition to the Foundation, Air Carrier Engineering Service (ACES) and Riddle Airlines (Riddle) have applied for type certificates for C-46 airplanes under SR-406A. To date, no C-46 airplane has been type certified under SR-406A. The manufacture of kits for the modification contemplated by said special regulation cannot be started until respective type certification is accomplished. It is apparent, therefore, that the type certification process contemplated by SR-406A will not be completed in sufficient time to permit full compliance with said special regulation by April 1, 1956. This situation is particularly disappointing to the Board in consideration of the fact that we have been repeatedly advised during the past year that the completion of type certification was imminent. In view of the prolonged delay in the type certification of C-46 airplanes under SR-406A, it becomes especially difficult to estimate a date by which individual aircraft modifications may reasonably be accomplished.

When SR-406A was adopted by the Board, it was anticipated that the April 1, 1956, deadline date for full compliance with the special regulation would give ample time for type certification and modification of all C-46 airplanes in passenger service. Although there may be subsidiary reasons why the C-46 airplanes were not modified and recertificated, it appears that the

principal reason lies in the failure of C-46 operators to take appropriate action to insure completion of type certification as required. The Board is of the view, therefore, that, subject to persuasive reasons for failing, type certification must be accomplished within the next 90 days before any commitment is made for the extension of the April 1 effective date as requested by the Foundation.

The Board is mindful of the fact that the C-46 airplane is operated extensively under contract to the Department of Defense for the carriage of military personnel. Accordingly, the Board will grant the Foundation's request only to the extent that temporary relief will be afforded from those provisions of SR-406A which prevent the use of C-46 airplanes in passenger operations under Part 42 of the Civil Air Regulations on and after April 1, 1956. So much of the Foundation's request as relates to the establishment of a later and effective date by which recertification of these airplanes in the transport category must be completed will be considered further during the effective period of this regulation pending a bona-fide showing of meeting the type certification requirements.

Since this regulation continues in effect the same rules as are presently applicable to C-46 type airplanes, with the exception of the compliance date listed herein, without diminution in safety standards, and since it would be in the public interest to prescribe rules to become effective on April 1, 1956, to permit the continuation of operation of C-46 type airplanes in passenger service, 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 April 1, 1956.

1. All provisions of Special Civil Air Regulation No. SR-406A made and promulgated by the Board, effective June 7, 1955, are incorporated herein by reference and shall be of the same force and effect as if included herein, except that there shall be substituted the date July 1, 1956, in lieu of April 1, 1956, in each and every place where said date of April 1, 1956, appears.

2. This Special Civil Air Regulation supersedes Special Civil Air Regulation SR-406A.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended, 49 U.S.C. 551, 553, 554).

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)