

CIVIL AERONAUTICS BOARD
BUREAU OF SAFETY REGULATION
WASHINGTON, D. C.

February 27, 1950

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 50-3

SUBJECT: Restricted purpose airworthiness certification

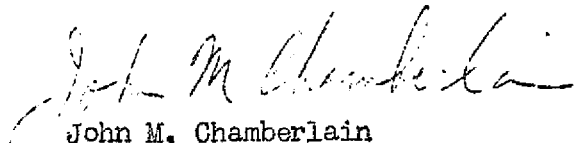
The Bureau of Safety Regulation has under consideration the attached proposed amendments of Parts 3, 4b, 6, and 43. The explanatory statement contained in the proposal sets forth the substance of the amendments which are being considered.

The proposal has been published in the Federal Register as a notice of proposed rule making.

The Bureau desires that all interested persons in the aviation industry who will be affected by the requirements of this proposal be fully informed as to the effect of the proposal upon their operations. To accomplish this objective the proposal is being circulated to the aviation industry in order to afford interested persons ample opportunity to submit to the Bureau such comments as they may desire. In order that such persons may have complete information readily available without the necessity of referring to other documents, we have attached an exact copy of the proposal published in the Federal Register.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comment will be given careful consideration. As a result thereof the proposed amendments when finally adopted by the Board may be considerably changed in the light of such comments.

It will be noted that in order to receive consideration, comments should be received by the Bureau not later than April 10, 1950.



John M. Chamberlain
Director, Bureau of Safety Regulation

CIVIL AERONAUTICS BOARD

14 CFR, PARTS 3, 4b, 6, AND 437

RESTRICTED PURPOSE AIRWORTHINESS CERTIFICATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by April 10, 1950, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after April 12, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Under the current airworthiness requirements aircraft built or modified for special purposes, such as crop dusting, seeding, spraying, and similar industrial uses, may be certificated in the restricted category. The procedure of showing compliance within this category is essentially the same as that required for a standard certificate. While some simplification may be realized by certificating in this category, inasmuch as the Administrator may waive such of the basic airworthiness requirements as are rendered inappropriate by the special purpose involved, he is required

to prescribe limitations such that the operation will have "an equivalent level of safety" to that of an aircraft operating under a standard certificate.

We have been advised that the existing requirements, which were designed primarily to establish an appropriate level of safety for passenger-carrying aircraft, have imposed an unnecessary economic burden and are unduly restrictive for the manufacture and operation of aircraft intended for use in rural, sparsely settled areas outside the lanes of air commerce and in which no passengers are to be carried. The rapid growth of aircraft operations in the industrial field in recent years, especially the extensive use of aircraft as an agricultural tool, makes it advisable to review the existing standards and procedures for certification of restricted purpose aircraft.

It is intended to explore the need for revision of the basic airworthiness requirements during the current annual review of the airworthiness parts of the regulations. Meanwhile, until such time as the need for new and separate regulations designed specifically for special purpose aircraft is clearly established, the Bureau intends to propose to the Board amendments of the restricted purpose category rules of Parts 3, 6, and 43 of the Civil Air Regulations to allow a simpler means of certificating this type of aircraft. Simultaneously, all references to restricted purpose certificates would be eliminated from Part 4b.

Where operations are restricted to sparsely settled areas so that public safety is not endangered and where passengers are not carried, it

appears unreasonable to require the same level of safety as that required under other circumstances. The Bureau therefore proposes to eliminate the "equivalent level of safety" clause from the appropriate Civil Air Regulations for the restricted purpose category.

In the case of aircraft built for type certification in the restricted purpose category, it is intended to authorize the Administrator to waive such of the basic airworthiness requirements as he finds inappropriate for the special purpose involved, as in the past, and in addition to allow the simplification of the certification procedure with regard to requirements involving the submittal of engineering data, drawings, reports, inspections, and flight testing.

Where an aircraft has previously been type certificated and then modified for a restricted purpose, it is proposed to authorize the Administrator to issue a restricted purpose certificate upon inspecting the aircraft for general airworthiness and for obviously unsafe features. Engineering data, reports, or flight tests would not be required except where the Administrator finds it advisable to determine any unsafe feature or condition. On a similar basis the Administrator would be authorized to issue restricted purpose certificates to surplus military aircraft regardless of whether or not such aircraft had previously been certificated under Part 9.

It is intended to allow dual certification, i.e. the issuance of both a restricted and a standard certificate, only in cases where the Administrator finds that the means required to convert from one classification to the other are so simple that they obviously do not affect the safe operation of the aircraft. Where dual certification is authorized, the Administrator

will specify appropriate operating limitations for each airworthiness classification together with a list of changes required for conversion and re-conversion. Because restricted purpose operations may often be conducted from rough surfaces and at weights in excess of those anticipated under the rules for standard certification, and hence the aircraft may be subject to permanent structural damage in such operations, it is anticipated that the aircraft will be required to be submitted to an authorized representative of the Administrator or a certified mechanic for structural inspection and approval subsequent to each conversion from the restricted purpose to the standard classification before operation in which passengers are carried is resumed.

It is anticipated that the carriage of passengers in restricted purpose category aircraft will be prohibited except in areas and/or under conditions where the Administrator finds it in the public interest to allow this practice. For example, the Administrator might find it in the public interest to permit passengers to be carried, for hire or otherwise, in remote areas or under emergency conditions caused by fires, floods, tornadoes, sickness, etc. It is also intended that the operational limitations of a restricted purpose airworthiness certificate shall be reviewed and modified, if necessary, before a registration certificate may be transferred from one owner to another.

It is intended that the Administrator shall specify operating limitations for restricted purpose aircraft which will preclude the aircraft's use over populated areas, in congested air lanes, and at airports where

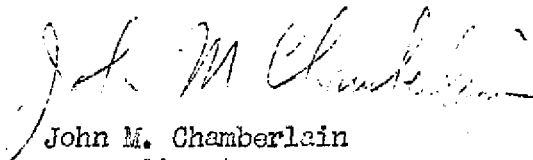
passenger transport operations are being conducted, except that where the Administrator finds it in the public interest to allow operations in such areas he shall specify operating limitations which will provide the highest degree of public safety compatible with the type of operation involved. The Administrator may also prescribe the special purposes for which the aircraft may be used, or otherwise restrict or limit the aircraft to safe operational uses.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 52 Stat. 984, 49 U.S.C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 62 Stat. 1218; 49 U.S.C. 551-560)

Dated: February 27, 1950, at Washington, D. C.

By the Bureau of Safety Regulation:


John M. Chamberlain
Director

(SEAL)