TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

[Regulatory Docket No. 582; Amendment 41-1]

REVISED PART 41 - CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

Miscellaneous Amendments

This amendment includes miscellaneous changes to revised Part 41 of the Civil Air Regulations (27 F.R. 1977) to become effective March 1, 1963, the effective date of the revised part. It involves typographical and editorial corrections and changes in technical matters considered necessary to clarify the intent of its provisions. In addition, it includes changes in §§ 41.30 and 41.510 of the revised part which relieve the air carriers of certain requirements contained in those sections.

The specific changes included in the amendment and the reasons therefor are as follows:

1. Since the term "Administrator" includes the "Director, Flight Standards Service," it is unnecessary to specifically refer to the "Director" in the part. Therefore, the term "Administrator" is substituted for the term "Director" wherever it appears in the part.

2. Use of the word "aircraft" in some of the airman qualification requirements was inadvertent as the part governs the operation of airplanes only. Therefore, the word "airplane" is substituted for the word "aircraft."

3. Upon reconsideration of the comments of the air carriers, the Agency agrees that the provisions of § 41.30 should be changed to relieve the air carriers of the burden of showing, for the approval of routes outside

of controlled airspace, that traffic density does not constitute a hazard. To accomplish this relief, it has been determined that language similar to that presently contained in Part 40 of the Civil Air Regulations should be used. Accordingly, the amendment to § 41.30 grants the relief requested and routes outside of controlled airspace will be approved unless the Administrator determines that traffic density is such that an adequate level of safety cannot be assured.

4. Although the Agency intends to list in the operations specifications of the air carrier those nonvisual ground navigational aids required for the approval of routes outside of controlled airspace, it does not intend to so list the aids required for the approval of routes to alternate airports. Accordingly, the note to § 41.36 is amended to clarify this intent by expressly excluding the listing of aids for routes to alternate airports.

5. It is not the intent of § 41.207(a) to require an airplane to be equipped with a different or additional means for the prevention or removal of ice if the airplane is certificated in accordance with those airworthiness provisions of Part 4b of the Civil Air Regulations which pertain to ice protection. In order to clarify this intent, § 41.207(a) is amended to exclude such airplanes from the requirements of that paragraph.

6. As a result of recent requests of certain air carriers, the requirements for the assignment of emergency evacuation functions and emergency training specified in §§ 41.267 and 41.285, respectively, are clarified by limiting such requirements to "required crewmembers" rather than "crewmembers."

7. Representatives of the air carriers objected to the use of the words "in his possession" in § 41.357(b). They believe this wording could be interpreted as requiring cabin attendants to "carry" the flashlight on their person at all times.

The regulation as written does not specifically require the crewmembers to "carry" a flashlight at all times to meet the intent of the words "in his possession." If a flashlight is readily available to each crewmember for his use, it will satisfy the intent of the rule. Accordingly, this section is amended by deleting the words "in his possession" and substituting therefore the words "readily available for his use."

8. It was not intended under the provisions of the revised part to require approval of training programs for all operations personnel other than required crewmembers and dispatchers. Therefore, the term "operations personnel" appearing in § 41.365(a)(2) is changed to "required crewmembers and dispatchers."

Similar changes have been made to paragraph (a)(3) by deleting the reference to the "approved" training program and requiring that all maintenance personnel involved must be familiar with the maintenance procedures applicable to the interchange.

9. For extended overwater operations a life preserver is required by § 41.206(a)(1) for each occupant of the airplane. Accordingly, the passenger briefing provisions of § 41.370 have been changed to refer to life preservers rather than the more specific term lifevests.

10. To achieve uniformity of terminology within the part and thereby avoid misunderstanding, in § 41.382 the words "existing and anticipated weather conditions" are changed to "reported and forecast weather conditions."

11. In light of comment received from representatives of the air carriers, the communications and navigational facility requirement of § 41.385 is amended to more accurately express the intended flexibility discussed in the preamble to the rule for the dispatch of airplanes over routes outside the United States.

12. Upon reconsideration of the requirements of § 41.510, in response to comments received, we have concluded that since the accomplishment of major repairs is a routine maintenance matter there is no need to require reports of major repairs to be submitted to the FAA. The air carriers, however, will continue to make such reports available to the FAA for inspection in accordance with present requirements. Accordingly, § 41.510 is amended to relieve the air carriers from the additional requirement of submitting such reports to the FAA.

The format of this amendment will be subject to such change as may be necessary for its recodification under the Agency's Recodification Program, announced in Draft Release No. 61-25 (26 F.R. 10698).

Since this amendment is clarifying in nature, imposes no additional burden on any person, and in certain instances relieves restrictions, compliance with the notice and procedures provisions of the Administrative Procedure Act are unnecessary.

In consideration of the foregoing, Revised Part 41 of the Civil Air Regulations (27 F.R. 1977) is hereby amended as follows, effective March 1, 1963:

1. By deleting the word "Director" in each place that it appears in the part and inserting in lieu thereof the word "Administrator".

2. By amending § 41.30 by deleting from the first sentence the words "and, for routes outside of controlled airspace, that traffic density does not constitute a hazard"; and by adding in lieu thereof a sentence to read: "Routes outside of controlled airspace will be approved unless the Administrator determines that traffic density is such that an adequate level of safety cannot be assured."

3. By amending § 41.32 by deleting the abbreviation "(ADE's)" in the first sentence and inserting in lieu thereof "(ADR's)".

4. By amending the note appended to § 41.36 by adding at the end thereof the words "except those aids required for the approval of routes to alternate airports".

5. By amending § 41.71(a) by deleting the word "from" appearing between the words "range" and "which" and inserting in lieu thereof the word "for".

6. By amending § 41.77 by changing the word "flights" in the last sentence preceding paragraph (a) to read "flight".

7. By amending § 41.153(b)(3) by deleting the word "on" following the word "seats" and inserting in lieu thereof the word "or".

8. By amending the note at the end of § 41.170(c) and §§ 41.300(a), 41.302(a), 41.320, 41.321, 41.322, and 41.371(c) and (d) by deleting the word "aircraft" where it appears in the note and in those sections and inserting in lieu thereof the word "airplane".

9. By amending § 41.206(a) by changing the word "operations" appearing before the colon at the end of the proviso to read "operation".

10. By amending § 41.207(a) to read as follows:

41.207 Equipment for operations in icing conditions.

(a) Unless an airplane is certificated in accordance with the transport category airworthiness requirements pertaining to ice protection, for operations in icing conditions it shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

11. By amending § 41.232(b) by deleting the words "en routes" in the first sentence and inserting in lieu thereof the words "on routes".

12. By amending § 41.267 by inserting the word "required" between the words "each crewmember" in the first sentence.

13. By amending § 41.285(a) by inserting the word "required" between the words "each crewmember" in the first sentence.

14. By amending § 41.351(c) by changing the title to read "Responsibility of pilots"; and by changing the phrase "careless and reckless" in subparagraph (to read "careless or reckless".

15. By amending § 41.357(b) by deleting the words "in his possession" and inserting in lieu therefor the words "readily available for his use".

16. By amending § 41.365(a)(2) to read "All required crewmembers and dispatchers involved meet the approved training requirements for the airplanes and equipment used in the interchange and are familiar with the communications and dispatching procedures to be used;"

17. By amending § 41.365(a)(3) to read "All maintenance personnel involved meet the training requirements for the airplanes and equipment, and are familiar with the maintenance procedures applicable to the interchange;"

18. By amending § 41.370 by deleting the words "lifevest" and "lifevests" wherever they appear in that section and inserting in lieu thereof the words "life preserver" and "life preservers", respectively.

19. By amending § 41.382 by deleting the words "existing and anticipated" and by inserting in lieu thereof the words "reported and forecast".

20. By amending § 41.385 to read as follows:

41.385 Communications and navigational facilities required for dispatch.

(a) Except as provided in paragraph (b) of this section, no airplane shall be dispatched over any approved route or route segment unless the communications and navigational facilities required by §§ 41.34 and 41.36 for the approval of the route or route segment are in satisfactory operating condition.

(b) In the event that the facilities required by §§ 41.34 and 41.36 are not available over a route or route segment outside the United States because of technical reasons or other reasons beyond the control of the air

carrier, the airplane may be dispatched over such route or route segment if the pilot in command and dispatcher find that communications and navigational facilities equivalent to those required are available and in a satisfactory operation condition.

21. By amending § 41.389(a) by deleting the word "the" preceding the word "paragraph" and inserting in lieu thereof the word "this".

22. By amending § 41.503(a) by deleting the word "maintain" in the first sentence and inserting in lieu thereof the word "contain".

23. By amending § 41.510 to read as follows:

41.510 Alteration and repair reports. Upon completion of a major alteration or major repair to an airframe, engine, propeller, or appliance, a report thereof shall be promptly prepared by the air carrier. A copy of the major alteration report shall be submitted to, and a copy of the report of the major repair shall be made available to, the representative of the Administrator assigned to the air carrier.

(Secs. 313(a), 601-610, 1102; 72 Stat. 752, 775-780, 797; 49 U.S.C. 1354, 1421-1430, 1502)

Administrator

Issued in Washington, D. C., on January 12, 1963