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TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

(Regulatory Docket No. 582; Amendment 41-3)

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 affects §§ 41.265(a), 41.303(a), 41.304, 41.310(b), 41.405, and 41.406 of Revised Part 41 (27 F.R. 1977), published March 1, 1962, effective March 1, 1963.

Section 41.265 of Revised Part 41 prescribes minimum requirements for the assignment of flight attendants on airplanes based upon the seating capacity of the airplane. Although representatives of the air carriers have objected to this rule, the Agency has determined that it should become effective on March 1, 1963. However, the Agency is aware of the differences between Parts 40, 41, and 42 in this respect and will continue its study of the entire subject of the assignment of flight attendants on airplanes operated by air carriers and large commercial operators. The purpose of this study is to inaugurate further rule making looking to a uniform standard which can be applied to all air carriers and large commercial operators when engaging in domestic as well as international operations. The Agency study will be completed, and appropriate rulemaking action taken, at an early date.

Section 41.303(a) prescribes pilot airport qualification requirements which differ from those presently contained in currently effective §§ 41.50 and 41.51 of Part 41.

The air carriers have objected to certain provisions of §§41.303 and 41.304 on the grounds that they will be unduly burdensome and stringent. In light of the views expressed by the air carriers, the Agency has concluded

that the effective date of §§ 41.303 and 41.304 should be deferred until September 1, 1963, in order that the Agency may give further study to the subject of airport qualification requirements. Should the study reveal the need for different rules than those prescribed in §§ 41.303 and 41.304, the Agency will take appropriate rulemaking action prior to September 1, 1963. Before September 1, 1963, air carriers subject to Revised Part 41 will continue to comply with the pilot route and airport requirements of currently effective §§ 41.50 and 41.51 of Part 41.

Section 41.310(b) of Revised Part 41 contains a prohibition against a dispatcher dispatching airplanes in the area over which he is authorized to exercise dispatch authority unless he has made a one-way qualification trip over the particular area on the flight deck of an airplane within the preceding 12 months.

The Agency intended that the provisions of § 41.310(b) would become effective on March 1, 1963, with respect to all dispatchers used by an air carrier, and that the air carriers would qualify their dispatchers in accordance with § 41.310(b) during the interval between March 1, 1962, when Revised Part 41 was published, and March 1, 1963, the effective date.

However, it now appears that there was a genuine misunderstanding among the air carriers. They thought that inasmuch as their dispatchers presently meet the qualification requirements in currently effective Part 41, they would not have to comply with § 41.310(b) of Revised Part 41 until after it had been effective for a year.

In view of this misunderstanding, and since the air carriers have instituted actions to insure compliance as soon as is reasonably possible, the Agency has concluded that the effective date for compliance with § 41.310(b) should be deferred until June 1, 1963. The Agency will consider a petition from an air carrier for an exemption from the June 1, 1963, compliance date only if it is filed with the Agency at least 60 days prior to June 1, 1963, and complies in other respects with the exemption procedures set forth in Subpart B of Part 11 of the Federal Aviation Regulations.

Section 41.405 of Revised Part 41 prescribes VFR minimums for takeoff and landing, including provision for reducing the VFR visibility minimum to 1 mile under certain local conditions in the vicinity of an airport.

Representatives of the air carriers contend that the provisions of § 41.405 are unnecessary and have requested their deletion from Revised Part 41.

The Agency has concluded that § 41.405 may be deleted from Revised Part 41 without adversely affecting safety, since within the United States a Part 41 air carrier operation is subject to the VFR minimums prescribed in §§ 60.30 and 60.31 of Part 60 of the Civil Air Regulations. Whereas, when operating within a foreign country, a Part 41 air carrier operation is subject to the air traffic rules of that country and its local airport rules.

Upon further consideration of comments received from representatives of the air carriers, the Agency has concluded that the effective date of § 41.406 should be deferred until September 1, 1963, to permit the Agency to give further study to the revised "look-see" procedures adopted. If the study reveals the need for different rules than those prescribed in

§ 41.406, the Agency will take appropriate rulemaking action prior to September 1, 1963. Before September 1, 1963, air carriers subject to Revised Part 41 will continue to comply with the approach and landing limitations in currently effective § 41.119 of Part 41.

Since this amendment grants relief and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary, and that it may be made effective on less than 30 days' notice.

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 amending § 41.303(a) to read as follows:

§ 41.303 Pilot route and airport qualification requirements.

(a) The provisions of § 41.50 of Part 41 in effect on February 28, 1963, shall continue in effect until the end of August 31, 1963. After August 31, 1963, an air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with the provisions of this section and the appropriate instructor or check pilot has so certified.

2. By amending § 41.304 by adding an introductory paragraph to read as follows:

§ 41.304 Maintenance and reestablishment of pilot route and airport qualifications for particular trips. The provisions of § 41.51 of Part 41 in effect on February 28, 1963, shall continue in effect until the end of

August 31, 1963. After August 31, 1963, the provisions of paragraphs (a) and (b) of this section shall apply. * * *

3. By amending § 41.310(b) by adding at the beginning of the first sentence the words "After June 1, 1963,".

4. By deleting the provisions of § 41.405.

5. By amending § 41.406 by adding an introductory paragraph to read as follows:

§ 41.406 Takeoff and landing weather minimums: IFR. The provisions of § 41.119 of Part 41 in effect on February 28, 1963, shall continue in effect until the end of August 31, 1963. After August 31, 1963, the provisions of this section shall apply. * * *

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424).

N E Halaby
Administrator

Issued in Washington, D. C. on February 21, 1963