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

Civil Air Regulations Amendment 41-8
Effective: April 25, 1956
Adopted: March 21, 1956

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

DAILY FLIGHT TIME LIMITATIONS FOR FLIGHT NAVIGATORS

Part 41 of the Civil Air Regulations presently limits the time a pilot, flight radio operator, or flight engineer may be scheduled for flight duty to a maximum of 12 hours during any 24 consecutive hours when no in-flight relief is available for such flight crew member. However, Part 41 does not contain such a limitation with respect to the scheduling of a flight navigator for flight duty.

On April 22, 1955, the Bureau of Safety Regulation circulated Civil Air Regulations Draft Release No. 55-10, Flight Time Limitations; Navigators, and published a notice of proposed rule making in the Federal Register on April 27, 1955, (20 F.R. 2822) in which notice was given that it had under consideration the adoption of an amendment to Part 41 of the Civil Air Regulations to limit the time a flight navigator may be scheduled for flight duty to a maximum of 12 hours during any 24 consecutive hours when no in-flight relief is available. Comment received from the principal interested parties revealed that considerable disagreement existed with respect to the proposal. In addition, the Board also received a request that it hear oral argument before taking final action on the proposal.

Accordingly, the Board, on November 30, 1955, published a Supplemental Notice of Proposed Rule Making and Oral Argument Thereon (20 F.R. 8777) which was circulated as Draft Release No. 55-28. In that notice the Board requested that persons desiring to be heard inform the Director of the Bureau of Safety Regulation on those matters set forth in the notice concerning which they desired to present oral argument and to submit a brief statement containing the nature of the argument to be presented.

Following circulation of Draft Release No. 55-28, the only person having a substantial interest in this matter who requested opportunity to present oral argument before the Board withdrew his request with the understanding that the flight time limitation proposed in Draft Release No. 55-10 would be made applicable only on those routes or route segments on which it has been determined that flight navigators are required pursuant to § 41.80. Inasmuch as this understanding was consistent with the Board's interpretation of similar requirements with respect to other airmen similarly affected, and since it was consistent with the proposal contained in Draft Release No. 55-10, the Board was of the view that no useful purpose would be served by hearing oral argument in this matter.

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In view of the foregoing, the Board found that good cause existed for canceling the oral argument. Accordingly, interested persons were notified by published notice (21 F.R. 630) circulated as Draft Release No. 56-4 that the oral argument had been canceled.

In consideration of all the information available, including comment submitted with respect to Draft Releases Nos. 55-10 and 55-28, the Board finds that, although an airman's being in the air for more than 12 hours does not create a hazardous condition in and of itself, in the interest of safety 12 hours should be the maximum period for any flight crew member, including navigators, to be scheduled for flight duty on an aircraft as a flight crew member without in-flight relief; that Part 41 does not presently contain such a limitation; that the navigator flight time limitations of Part 41 are applicable only over those areas, routes, or route segments for which it has been determined that flight navigators are required by § 41.80; and that current route patterns are such that no undue hardship will be imposed on any United States flag carrier by application of the 12-hour limitation on navigator flight duty.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective April 25, 1956:

By amending § 41.81 to read as follows:

41.81 Flight time limitations. When one flight navigator is required, the flight time limitations prescribed in § 41.55 apply. When two or more flight navigators are required, the flight time limitations prescribed in § 41.56 apply.

(Sec. 205 (a), 52 Stat. 984, 49 U.S.C. 425 (a). Interpret or apply secs. 601, 52 Stat. 1007, as amended, 49 U.S.C. 551)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

Part 41 last printed April 15, 1955.