Part 4 MS-110

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TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

[Regulatory Docket No. 599; Amendment 41-35]

PART 41 - CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Aircraft Dispatcher; Qualification for Route

Section 41.86 of the Civil Air Regulations states in part that "Each dispatcher within 6 months immediately preceding his qualification for a route, or part thereof, shall have made at least one trip over the route on which he is to serve prior to dispatching any aircraft." Section 41.88 states that "After 24 consecutive months of absence from dispatching duty over a route or part thereof, a dispatcher will no longer be considered qualified to dispatch aircraft over such route." Section 41.93 states in part that "Flights shall be started only on the authority of an aircraft dispatcher qualified for the route."

While these requirements were appropriate in the days when aircraft were dispatched from point to point along a single route involving relatively short distances, the changing nature of international scheduled air carrier operations has indicated a need to amend these requirements accordingly. The advent of modern aircraft has resulted in long nonstop flights traversing several dispatch areas. A literal interpretation of §§ 41.86, 41.88, and 41.93 would, today, require each dispatcher who initially dispatches a long nonstop flight to be qualified over the entire route of the flight, even though the flight proceeds far beyond the limits of his area of responsibility, and into and through areas for which other

dispatchers exercise responsibility. This would require the air carriers to qualify, by actual flight, many of these dispatchers over routes and portions of routes far removed from the geographic areas for which they have dispatch responsibility. Such qualification flights would impose an undue burden on the air carriers which is not required in the interest of safety. The joint dispatch of these flights by dispatchers, each of whom is qualified for the portion of the route within his assigned area of dispatch responsibility, is operationally feasible and consistent with safety requirements.

An overall revision of Part 41 of the Civil Air Regulations is in the process of being prepared as a notice of proposed rule making. This proposed revision will cover the entire subject of dispatcher qualification and dispatch procedures. However, as it will be several months before a revised Part 41 can become effective, immediate regulatory action to relax the dispatcher qualification requirements in the case of joint dispatch procedures is necessary.

As this amendment imposes no burden upon any person, but provides relief from present requirements, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not required, and it may be made effective immediately.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended as follows, effective December 8, 1960.

1. By amending § 41.86 by inserting in the introductory paragraph between the words "route" and "on" and by inserting in the introductory statement of paragraph (c) between the words "route," and "the" the following: ", or part thereof,".

2. By amending § 41.88 by adding at the end thereof the following: ", or part thereof."

3. By amending § 41.93 by adding at the end of the first sentence the following proviso: "Provided, That where an aircraft dispatcher is qualified only on a portion of the route, he may dispatch the flight, but only after coordinating with dispatchers who are qualified for the other portions of the route between the points to be served."

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

ACTING Administrator

Issued in Washington, D. C., on December 8, 1960.