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Civil Aeronautics Manual 41

Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States

Supplement No. 5, CAM 41 dated Nov. 10, 1959 **November 1, 1961**

SUBJECT: Revisions to CAM 41.

This supplement is issued to incorporate into CAM 41 Civil Air Regulations Amendments 41–38 and 41–39, and Special Civil Air Regulations Nos. SR–427C and SR–448A.

Amendment 41–38 revised section 41.25(j) to delete the requirement for landing flares. It was issued September 15, 1961, to become effective September 21, 1961.

Amendment 41–39 concerns the boarding of air carrier aircraft by persons appearing to be intoxicated. It was issued October 17, 1961, to become effective November 21, 1961.

Special regulation SR–427C concerns fuel reserves for multiengine turbine-powered airplanes. It was issued October 17, 1961, to become effective October 23, 1961.

Special regulation SR–448A concerns precautions to prevent hijacking of aircraft and interference with crewmembers in performance of their duties. This regulation was issued October 9, 1961, to become effective October 13, 1961.

New or revised material is enclosed in black brackets on the pages submitted with this supplement, except Special Civil Air Regulations Nos. SR–427C and SR–448A, which are new in their entirety, and the pages in the addendum containing the preambles of amendments 41–38 and 41–39.

Remove the following pages:	*Insert the following new pages:*
VII and VIII	VII and VIII
27 and 28	27 and 28
65 through 66–1	65 through 66–1
161 and 162	161 and 162
	179 and 180
	P–41 and P–42

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Flight Standards Service.

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30, 1959, all turbine-powered airplanes shall comply with the provisions of this paragraph. The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of sections 41.24–T and 41.24a–T shall meet the standards established in section 4b.651 of this subchapter effective September 1, 1958: *Provided*, That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

41.24c *Protective breathing equipment for the flight crew.*

(a) *Pressurized cabin airplanes.* Each flight crew member on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases.

(1) Not less than a 300-liter STPD supply of oxygen for each flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the aircraft is flown in accordance with either the normal or emergency procedures approved by the Administrator.

41.24c–1 *Protective breathing equipment and installation (FAA policies which apply to sec. 41.24c).* Protective breathing equipment for the flight crew and its installation should comply with sections 4b.651–1 and 4b.651–2 of this subchapter.

(Published in 15 F.R. 8924, December 15, 1950, effective January 1, 1951.)

41.24c–2 *Requirement of protective breathing equipment in nonpressurized cabin airplanes (FAA rules which apply to sec. 41.24c(b)).* Protective breathing equipment for the flight crew shall be required in nonpressurized cabin aircraft having built-in carbon dioxide fire extinguisher systems in fuselage compartments (for example, cargo or combustion heater compartments); except that protective breathing equipment shall not be required where:

(a) Not more than 5 pounds of carbon dioxide will be discharged into any one such compartment in accordance with established fire control procedures, or

(b) The carbon dioxide concentration of the flight crew stations has been determined in accordance with section 4b.484–1 of this subchapter and found to be less than 3 percent by volume (corrected to standard sea level conditions).

(Published in 15 F.R. 8924, December 15, 1950, effective January 1, 1951.)

41.25 *Instruments and equipment required for continuance of flight.* If any required instrument or item of equipment in an aircraft becomes unserviceable in flight, a landing must be made at either the nearest suitable landing area or at the next point of intended landing whichever, in the opinion of the pilot, is the safer procedure, unless the equipment specified in this section for the type of operation indicated is in serviceable condition, in which case the flight may continue as scheduled to the nearest point where repairs or replacements can be made. The items listed in this section are required for all types of operation unless otherwise specified, except that the Administrator may permit or require different instrumentation or equipment for turbine-powered aircraft to provide equivalent safety:

(a) One air-speed indicator and one sensitive type altimeter (contact operation); two air-speed indicators and two sensitive type altimeters (instrument operation),

(b) One approved compass,

(c) A tachometer for one engine, one fuel pressure gauge with warning indicator, one oil pressure gauge with warning indicator, and one oil temperature or cylinder temperature gauge for each engine,

(d) A manifold pressure gauge for one engine,

(e) In addition to fire detecting and fire extinguishing equipment necessitated as a result of compliance with section 41.20(e), a minimum of two hand fire extinguishers of an approved type with an approved extinguishing agent, one of which installed in the crew compartment, others readily accessible to the passengers. Such additional hand fire extinguishers as the Administrator finds necessary for compliance with section 41.20(e),

(f) One landing gear position indicator or equivalent facility, if equipment includes a retractable landing gear,

(g) One or more storage batteries or other source of electrical supply sufficient to operate all radio and electrical equipment necessary for the flight.

(h)

(1) Two of the following three units of radio equipment:

(i) One transmitter for two-way communication,

(ii) One receiver for two-way communication;

(iii) One receiver capable of receiving navigational signals.

(2) In addition to the instruments named in subparagraph (1) of this paragraph, one of the radio navigational systems required by section 41.21(b), if navigational facilities on the route are required by section 41.13,

(i) All radio equipment required by these regulations (night and instrument operation),

[(j) Forward position and tail lights, two landing lights, and one set of instrument lights for night operations.

[(Amendment 41-38, published in 26 F.R. 8881, Sept. 21, 1961, effective Sept. 21, 1961.)]

(k) Fuel quantity indicators indicating the amount of fuel in each tank to be used for the remainder of the flight, or, in the case of aircraft having a third flight crew member assigned as a member of the operating crew, an alternate means approved by the Administrator for determining the amount of fuel in each tank (night and instrument operation),

(l) An electrically heated pitot tube serving each pilots air-speed indicator (night and instrument operation),

(m) One gyro rate-of-turn indicator combined with a bank indicator, one artificial horizon indicator, and one gyro direction indicator (night and instrument operation),

(n) One outside air temperature gauge with indicating dial in the pilot compartment and one carburetor air temperature indicator or equivalent approved device (night and instrument operation),

(o) If vacuum system is used, one vacuum gauge with warning indicator on the instrument panel installed in lines leading to the rate-of-turn and artificial horizon indicators and the gyro direction indicator (night and instrument operation),

(p) One clock with sweep second hand (night and instrument operation),

(q) Three spare fuses of each capacity, or 25 percent of the number of each capacity, whichever is the greater,

(r) After May 31, 1956, an approved anticollision light for aircraft having a maximum certificated weight of more than 12,500 pounds; except that in the event of failure of such light, the aircraft may continue flight to the next stop where repairs or replacements can be made (Night),

(s) Effective July 1, 1956, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

41.25-1 *Warning lights for reversible propellers (FAA policies which apply to sec. 41.25(s)).* In the interest of cockpit uniformity, when warning lights are used to indicate to the pilot that a reversible propeller is in reverse pitch, such warning lights should be amber in color.

(Published in 21 F.R. 4312, June 20, 1956, effective July 1, 1956.)

41.25a Flight recorders.

(a) An approved flight recorder which records at least time, altitude, airspeed, ver-

chanical trouble, listed by make and model, and the number of propeller featherings for any reason indicating the flight attitude at the time of feathering, such as takeoff, climb, cruise, etc. A statement of cause is not required with the numerical report of engine removals and propeller featherings.

(3) *Submission.* The period covered by each daily summary shall be for the preceding 24 hours during which reports of pertinent occurrences are received by the air carrier's main base. No daily summary will be submitted for those periods during which no interruptions to schedule were experienced; however, engine removal and propeller feathering data should be included in the next summary submitted. Each summary should be identified numerically to maintain continuity.

(4) *Format.* The daily summary shall include as much as possible of the following data that apply to the individual occurrences reported:

(i) Identification of the daily summary, including a consecutive serial number of the summary, name of operator, and date of occurrence of the items reported.

(ii) Type and FAA identification of aircraft to which each item pertains.

(iii) Brief statement describing or identifying the difficulty experienced. This statement shall identify the parts and system involved and any available related information, where possible, which can reasonably be expected to add to the value of the report from an informative or analytic standpoint. Desirable information would include, where possible, such items as corrective action, extraordinary conditions, whether or not difficulty was induced by personnel error or other extraneous occurrence, and recommendations.

(Published in 18 F. R. 6753, October 24, 1953, effective December 1, 1953.)

41.131 *Irregularity report.* All airmen, including flight and ground personnel, shall immediately report to the operations manager any irregularity or hazard which in their opinion makes for unsafe operation. If such report is found to be justified, notice of the irregularity or hazard must be submitted to the Administrator at once.

41.132 *Communication priority.* Where a communications channel serves point-to-point contacts in addition to ground-to-plane, priority shall be given to plane-to-ground and ground-to-plane communications.

41.133 *Communication records.* Each air carrier shall maintain, and retain for a period of 30 days, records of radio contacts by or with pilots en route.

41.134 *Flight crew members at controls.* All required flight crew members when on flight deck duty shall remain at their respective stations while the airplane is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the airplane. All flight crew members shall keep their seat belts fastened when at their respective stations.

41.135 *Drinking and serving of alcoholic beverages.*

(a) No person shall drink any alcoholic beverage aboard an air carrier aircraft unless such beverage has been served to him by the air carrier operating the aircraft.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated.

[(c) No air carrier shall permit any person to board an air carrier aircraft if such person appears to be intoxicated.

[(d) An air carrier shall report to the Administrator within 5 days any incident in which a person aboard its aircraft refuses to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated while aboard its aircraft.]

(Amendment 41-31, published in 25 F.R. 169, Jan. 6, 1960, effective Mar. 10, 1960; [Amendment 41-39, published in 26 F.R. 9907, Oct. 21, 1961, effective Nov. 21, 1961.)]

Definitions

41.137 *Definitions.* As used in this part, terms shall be defined as follows:

Alternate airport. An alternate airport is one listed in the clearance as a point to which a flight may be directed if, subsequent to departure, a landing at the point to which the flight is cleared becomes undesirable.

Broken clouds. The term "broken clouds" means a condition where more than 50 but less than 90 percent of the sky is covered by clouds.

Category. Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.

Ceiling. The term "ceiling" means the height of the base of the lowest cloud layer reported as "broken clouds" or "overcast."

Check pilot. A check pilot is a pilot authorized by the Administrator to check pilots of the air carrier for familiarity with route procedures and for piloting technique.

Class. Class shall indicate a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

Contact operation. A contact operation is an operation conducted under contact flight rules as prescribed in Part 60 of this subchapter.

Crew member. Crew member means any individual assigned by an air carrier for the performance of duty on the aircraft other than as flight crew member during flight time.

Extended overwater operation. An extended overwater operation shall be considered an operation over water conducted at a distance in excess of 50 miles from the nearest shoreline.

Flight crew member. Flight crew member means a pilot, flight radio operator, flight engineer, or flight navigator assigned to duty on the aircraft during flight time.

Flight time. Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight (block to block).

Instrument operation. An instrument operation is an operation conducted under instrument flight rules as prescribed in Part 60 of this subchapter.

Long distance operation. A long distance operation is one in which the time interval between stops is of sufficient duration to require that the dispatch be based entirely on forecasts of weather expected at the intended destination and alternates.

Pilot compartment. The term "pilot compartment" means that part of the aircraft designed for the use of the flight crew.

Pilot in command. Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Point-of-no-return. The term "point-of-no-return" means that point at which the aircraft no longer has sufficient fuel, under existing conditions, to return to the point of departure or any alternate for that point.

Provisional airport. A provisional airport is an airport approved for the purpose of providing adequate service to a community when the regular airport serving that community is not available.

Refueling and holding airport. A refueling and holding airport is an airport approved as a point to which flights may be cleared for refueling.

Regular airport. A regular airport is an airport used as a regular stop on a route.

Route. A route is a path through the navigable airspace identified by an area on the surface of the earth, the boundaries of which are designated or approved by the Administrator.

Route segment. A route segment is a portion of a route, the boundaries of which are identified by:

(1) A continental or insular geographic location;

(2) A point at which some specialized aid to air navigation is located; or

(3) A point at which a definite radio fix is located.

Second in command. Second in command shall mean a pilot other than the pilot in

command who is designated by the air carrier to act as second in command of an aircraft.

Short distance operation. **A short distance operation is one which involves intermediate stops of sufficient frequency to permit the dispatch from each such stop to be based on spot weather reports or a combination of spot weather reports and forecasts.**

Type. **Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.**

41.137–1 *Definitions; route segment (FAA interpretations which apply to sec. 41.137(q)).* The term "continental or insular geographic location" is a means for identifying a route segment where navigation can be accomplished by visual reference for the conduct of (a) day VFR operations, and (b) night VFR operations provided the geographic landmarks afford adequate visual reference during the hours of darkness.

The terms "a point at which some specialized aid to air navigation is located" and "a point at which a definite radio fix is located" are means for identifying a route segment where adequate navigational aids are available for day or night IFR operations.

(Published in 15 F. R. 9232, December 23, 1950, effective upon publication in the Federal Register.)

SPECIAL CIVIL AIR REGULATION NO. SR–427C

Adopted: Oct. 17, 1961
Effective: Oct. 23, 1961
Published: (26 F.R. 9907)

Fuel Reserves for Multiengine Turbine-Powered Airplanes

Special Civil Air Regulation No. SR–427, adopted October 23, 1958 (23 F.R. 8338), prescribed, for a 1-year period, special minimum fuel reserves for multiengine turbine-powered aircraft (exclusive of turbopropeller-powered aircraft) used in scheduled air carrier operations outside the continental limits of the United States. Special Civil Air Regulations Nos. SR–427A, effective October 23, 1959 (24 F.R. 8254), and SR–427B effective October 23, 1960 (25 F.R. 10310), extended these special fuel reserve requirements until October 23, 1960, and October 23, 1961, respectively.

The minimum fuel reserves specified in SR–427, SR–427A, and SR–427B, were adopted as interim requirements, until additional operational experience with turbine-powered airplanes provided sufficient data for establishing firm fuel reserve standards in the operating parts of the Civil Air Regulations. Sufficient data upon which to formulate firm standards for jet fuel reserve requirements were obtained and as a result such requirements were incorporated in the notice of proposed rule making covering a complete revision of Part 41 issued November 25, 1960. However, as it does not appear likely that the complete revision of Part 41 will be made effective by October 23, 1961, it is necessary to again extend the effectiveness of the interim fuel reserve requirements applicable to scheduled international jet operations.

Since this regulatory action extends the provisions of a previous regulation and imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective October 23, 1961:

Contrary provisions of section 41.98 of Part 41 of the Civil Air Regulations notwithstanding, a turbine-powered aircraft (exclusive of turbopropeller-powered aircraft) may be dispatched or takeoff only if it carries sufficient fuel, considering the wind and other weather conditions expected, to fly to and land at the next point of landing specified in the clearance; and thereafter (1) to fly for a period equal to 10 percent of the total time required to fly from the point of dispatch to the next point of landing specified in the clearance and land at such airport; and thereafter (2) to fly to and land at the most distant alternate airport designated for that point in the clearance; and thereafter (3) to fly for a period of 30 minutes at holding speed at 1,500 feet above the alternate airport elevation under standard temperature conditions. In the case of a route approved without an available alternate for a particular stop, an aircraft dispatched to that point shall carry sufficient fuel, considering wind and other

weather conditions expected, to fly to that point and thereafter to fly for at least 2 hours at normal cruise consumption. When an authorized representative of the Administrator finds that fuel in excess of any of the minimums specified in this paragraph is necessary on a particular route in the interest of safety, the Operations Specifications of the air carrier may be amended to require such additional fuel.

This special regulation supersedes Special Civil Air Regulation No. SR-427B and shall remain in effect until a general revision of Part 41 becomes effective, unless sooner superseded or rescinded.

Page 165 follows. (Pages 163 and 164 were removed by Supplement No. 3 dated March 3, 1961.)

SPECIAL CIVIL AIR REGULATION NO. SR–448A

Adopted: Oct. 9, 1961
Effective: Oct. 13, 1961
Published: Oct. 13, 1961
(26 F.R. 9669)

Precautions to Prevent Hijacking of Aircraft and Interference With Crewmembers in the Performance of Their Duties

Special Civil Air Regulation No. SR–448 was adopted and effective July 28, 1961 (26 F.R. 7009). The preamble thereto stated that:

> **The recent hijackings of air carrier aircraft have highlighted a necessity to provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them. The Federal Aviation Agency has the responsibility to see that air carriers take such steps as are possible to prevent such occurrences. We have requested the air carriers to take every practicable precaution to prevent passengers from having access to the pilot compartment. In addition, we are adopting a regulation which will prohibit any person, except one who is specifically authorized to carry arms, from carrying on or about his person while aboard an air carrier aircraft a concealed deadly or dangerous weapon. The regulation being adopted will also make it a violation of the CARs for any person to assault, threaten, intimidate, or interfere with a crewmember in the performance of his or her duties aboard an air carrier aircraft or to attempt to or cause a flight crewmember to divert the flight from its intended course or destination.**

Special regulation SR–448, however, does not prohibit a person from carrying an unconcealed deadly or dangerous weapon on or about his person while aboard an aircraft. The present emergency situation requires stringent measures to preclude the carriage of any weapon which may be used to intimidate or interfere with crewmembers performing their duties on an aircraft engaged in air transportation. Therefore, paragraph 2 of SR–448 is amended by this regulation to prohibit any person, except those specified, from carrying a deadly or dangerous weapon on or about his person, either concealed or openly, while on board an air carrier aircraft engaged in air transportation.

Since the promulgation of Special Civil Air Regulation No. SR–448, Public Law 87–197 has been enacted which, among other things, makes it a criminal offense to carry a concealed deadly or dangerous weapon on or about one's person while aboard an air carrier aircraft being operated in air transportation. Excepted from this provision are certain law enforcement officers, and "other persons as may be so authorized under regulations issued by the Administrator." To implement this statutory provision, this regulation excepts from the prohibition against carrying a concealed weapon while aboard an aircraft being operated by an air car-

rier in air transportation (1) employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms; (2) crewmembers authorized by the air carriers; and (3) such other persons as may be authorized by the air carrier pursuant to such precautions as may be established by the carrier.

In view of the foregoing exceptions, the prohibition of paragraph 2 of SR–448 is changed to apply to any person, rather than only to those persons who are passengers. This regulation does not in any way affect the shipment of unloaded firearms in baggage not accessible to the passenger while aboard the aircraft if these firearms are otherwise acceptable for shipment under the provisions of Part 49. In such case, the firearms will be located so as not to be accessible to the passenger during flight, and therefore, not deemed to be on or about his person within the meaning of this regulation.

The present provisions of paragraph 1 of SR–448 apply to aircraft being operated in air transportation. This paragraph is changed to apply to aircraft being operated in air commerce to broaden the scope of the provision to provide similar protection to those general aviation operations and operations conducted for compensation or hire which are not considered as air transportation under the Federal Aviation Act of 1958.

Because of the emergency nature of the situation and the present threat to safety of persons being carried in air commerce, I find that notice and public procedure hereon would be impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing changes, Special Civil Air Regulation SR–448 is superseded by the following Special Civil Air Regulation to become effective October 13, 1961:

1. No person shall assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air commerce; nor shall any person attempt to or cause the flight crew of such aircraft to divert its flight from its intended course or destination.

2. Except for employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms, and except for those crewmembers and such other persons as may be authorized by an air carrier, no person, while aboard an aircraft being operated by an air carrier in air transportation, shall carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed.

This special regulation supersedes Special Civil Air Regulation No. SR–448.

Amendment 41-38

Landing Flare Requirements

Adopted: Sept. 15, 1961
Effective: Sept. 21, 1961
Published: Sept. 21, 1961
(26 F.R. 8881)

Section 41.25(j) of the Civil Air Regulations requires that each airplane used at night for extended overwater operations be equipped with landing flares.

In 1958, a requirement for the carriage of flares in night operations over land was deleted from Part 41 by Amendment 41-15 (23 F.R. 293). This requirement was deleted because there had been very little use of flares from 1947 to 1958, and the records revealed numerous instances of flares being inadvertently discharged on the ground or in the air, causing damage to the airplane, other airplanes, ramps, and hangars. Instances were also reported of flares contributing to the intensity of a fire following a crash. The Civil Aeronautics Board, after consideration of all the facts involved, concluded that equipping an airplane with flares should not be a mandatory safety requirement for operations conducted over land at night.

The military transport services discontinued the use of flares in their passenger transport operations several years ago for reasons involving cost, maintenance, the hazard of carrying flares, and their questionable value under emergency ,conditions.

Recently, the Federal Aviation Agency received several requests from air carriers for relief from the flare requirement for overwater operations at night. In view of those requests, the Agency has carefully reviewed the subject of flare requirements. Consideration has been given to all of the data available to the Board in 1958 when it deleted the requirement for the carriage of flares in night operations over land. In addition, the Agency has weighed the probability of having to ditch an airplane as opposed to diverting to a land area, in view of such factors as improved airplane performance, reliability, operating range, and the development of more accurate and dependable communication aids. In this connection, we consider it significant that to our knowledge no multiengine air carrier airplane has been involved in the dropping of flares during the past 14 years. Finally, it should be pointed out that the Air Transport Association and the Air Line Pilots Association have recently advised the Agency that they favor deletion of the requirement for flares in night overwater operations.

Upon consideration of the foregoing, the Agency has concluded that flares for passenger-carrying airplanes should not be required as mandatory safety equipment for air carrier overwater operations conducted at night. Deletion of the flare requirement will not preclude the carriage of flares by an air carrier who may desire to continue carrying them as optional equipment.

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

Amendment revised section 41.25(j)

Amendment 41-39

Boarding of Air Carrier Aircraft by Persons Appearing Intoxicated

Adopted: Oct. 17, 1961
Effective: Nov. 21, 1961
Published: Oct. 21, 1961
(26 F.R. 9907)

A notice of proposed rule making was published in the Federal Register August 10, 1961 (26 F.R. 7223) and circulated to the industry as Draft Release 61-16 dated August 4, 1961, which proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to (1) place on the air carrier the responsibility of not permitting any person to board its aircraft if such person appears to be intoxicated, and (2) require that the air carrier notify the Administrator of incidents involving violations of this section, or any disturbance caused by intoxicated persons while boarding or aboard its aircraft.

Many comments were received from interested parties and consideration has been given to all relevant matter presented. Generally speaking, the comments were unanimously in favor of lengthening the proposed 24-hour reporting period contained in paragraph (d). Other comments favored limiting the reporting of violations of paragraph (a) to only those incidents in which the passenger refuses to comply with its provisions. A few comments suggested that the proposed amendments were altogether unnecessary.

In proposing these amendments, the Agency considered several recent incidents where intoxicated persons were permitted to board air carrier aircraft and, due to their condition, subsequently created disturbances, and even threatened to do bodily harm to crewmembers and other persons aboard the aircraft. The drinking regulations adopted in March, 1960, effectively control the consumption and serving of alcoholic beverages to persons aboard air carrier aircraft, but do not provide for situations such as are considered here.

Section 43.45 of the Civil Air Regulations currently provides that a pilot shall not permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor. This provision has also served its purpose well. However, when applied to air carrier operations, this regulation has not been entirely effective to prevent incidents such as those which recently have taken place. Placing the responsibility on the pilot is not satisfactory in the case of air carrier operations since, under most conditions, the pilot is not present to observe the appearance and conduct of passengers as they board the aircraft, but is engaged elsewhere in essential duties regarding the flight.

The primary responsibility for preventing intoxicated persons from boarding air carrier aircraft must be placed on those who have an adequate opportunity to prevent the occurrence. The air carrier has both ground personnel and cabin attendants who are in a position to detect those persons who appear to be intoxicated and to refuse such persons permission to board the aircraft. The proposed amendments to Parts 40, 41, and 42 of the Civil Air Regulations place on the carrier the responsibility of not permitting any person to board its aircraft if such person appears to be intoxicated. Some air carriers have developed their own procedures and instructions to appropriate personnel in recognition of a responsibility in this area. This regulation underlines that responsibility and requires all carriers to take steps more appropriate to existing conditions. In particular it will prevent exclusive reliance on the pilot as the carrier's sole agent for this purpose. Section 43.45 is not being amended because it is always the responsibility of the pilot in command to refuse permission for the carriage of any person who is under the influence of intoxicating liquor regardless of the action taken by other airline employees if presence of such person is known to him.

Comments received in regard to the 24-hour reporting period point out that due to crew rotations, weekends and periods when the air carriers' general offices are closed, coupled with the minimum time required to process these reports, such a short period would place a serious burden on the carriers. After consideration of these circumstances, it has been decided to lengthen the reporting period to 5 days. It is felt that this allows sufficient period in which to gather the information and make the necessary report.

In response to comments other changes have been made in paragraph (d). One comment received from an air carrier points out that the rule as proposed requires the making of a report even where a passenger who was unaware of the restriction imposed by paragraph (a) complies with it upon request. It has been determined that whatever advantages might be derived by requiring such reports would be outweighed by the embarrassment and possible adverse publicity to the carrier and passenger concerned. Consequently, the paragraph has been revised to require that only those violations of paragraph (a) which persist after the passenger has been informed of its provision must be reported. Also, the phrase "under the influence of alcoholic beverage" has been changed to "appears to be intoxicated". The purpose of this change is to bring the language in paragraph (d) into conformity with that presently found in paragraphs (b) and (c).

In addition to the changes made in response to comments, the Agency has made another change in paragraph (d). The proposed rule required a report of disturbances while boarding an air carrier aircraft. Upon further consideration there does not appear any necessity for requiring a report under these circumstances. If the person is not permitted to board the aircraft there has been no safety threat involved and no necessity for a report of the incident to the Federal Government.

Amendment added new paragraphs (c) and (d) to section 41.135.

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