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TITLE 14 - AERONATUICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

[Regulatory Docket No. 1004; Amendment 49-2 ; Suppl No. 4]

PART 49 - TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Special Authority for an Operation Including One or More Flights

Regulations governing the air transportation of explosives were originally promulgated in 1942 and expanded to cover "other dangerous articles" in 1944. These rules have been revised several times since then to permit the carriage of additional articles as the experience gained showed that a greater variety and quantity of these materials could be transported with safety.

Section 49.2 presently authorizes deviations for a particular flight in an emergency situation, or when other forms of transportation are impractical. This requires an individual authorization for each flight and this has proved to be a cumbersome procedure for both the aircraft operators and the Administrator when the total amount of material cannot be carried on one flight. Repeated issuance for each flight can be so time-consuming that it can cause serious delays in an air carrier's operation and may create critical commercial and industrial shortages of material and economic loss to the user. Experience gained under these deviations over the years has proved that repeated individual flights have been operated under the same terms and conditions without adverse effect on safety and it now appears reasonable to apply the deviation to an overall operation rather than to a particular flight.

Adequate control over these operations is provided for in the authorization since each operation must be conducted under such terms, conditions, and limitations as are found necessary in the interest of safety in air commerce.

Since this amendment 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, Part 49 of the Civil Air Regulations (14 CFR Part 49, as amended) is hereby amended as follows, effective December 21, 1961 :

1. By amending § 49.2(a)(1) to read as follows:

49.2 Special authority.

(a) * * *

(1) Authority to deviate from any of the provisions of this part for a particular operation, involving one or more flights, may be issued by an authorized representative of the Administrator subject to such terms, conditions, and limitations as he finds necessary in the interest of safety in air commerce.

2. By amending the introductory paragraph of § 49.2-1 to read as follows:

49.2-1 Authority to deviate from the provisions of Part 49 (FAA policies which apply to § 49.2(a)). Authority to deviate from the provisions of Part 49 for a particular operation may be issued to cover the cases described in paragraph (a) or (b) of this section.

3. By amending § 49.2-2(d) to read as follows:

49.2-2 Conditions and limitations (FAA policies which apply to § 49.2). * * *

(d) The authorization is limited to the particular operation and to the articles for which the authorization is requested, and it will specify the point or points of origin where the articles are to be placed aboard the aircraft and the point or points of destination where such articles are to be removed from the aircraft.

(Secs. 313(a), 601, 604, 902; 72 Stat. 752, 775, 778, 784; 49 U.S.C. 1354(a), 1421, 1424, 1472)

Administrator

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