14 CFR Parts 61 and 65

[Docket No. 20189; Amdt. Nos. 61-68 and 65-25]

Air Traffic Control Tower Operators: Medical Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This regulation excepts air traffic control tower operators who are employed by the FAA from the requirement that they hold a second class medical certificate. This revision is necessary to avoid the application of two different programs for physical qualification to FAA employees.

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Edward Harris (202) 426-8067.

SUPPLEMENTARY INFORMATION: An air traffic control tower operator is an airman, as defined in section 101 of the Federal Aviation Act of 1958 (the Act). In accordance with section 602 of the Act, the Administrator, in issuing an airman certificate to an applicant, determines whether the applicant is physically able to perform the duties pertaining to the position for which the airman certificate is sought. In accordance with this statutory mandate, § 65.33 of the Federal Aviation Regulations (14 CFR 65.33) requires that an applicant for an air traffic control tower operator certificate hold a second class medical certificate issued under Part 67, Medical Standards and Certification (14 CFR Part 67).

Even though other FAA employees with air traffic control (ATC) duties (enroute air traffic controllers and flight service station operators) are not airmen, as defined in the Act, the FAA has also required these persons to meet physical standards. A physical qualification program for all FAA ATC personnel, including control tower operators, was developed by the Civil Service Commission in the early 1960's. The availability of forms and guidelines that were being used in connection with Part 67 facilitated the administration of this program.

Recently, the agency requested the Office of Personnel Management to revise the physical standards for retention of ATC personnel. The proposed new standards further differentiate between requirements applicable to FAA personnel and the certification requirements in Part 67.

In order to avoid the application of two different programs for physical qualification to FAA employees, this amendment revises §§ 65.31 and 65.33. It excepts FAA employees from the requirement to hold a second class medical certificate in order to be eligible for, and to exercise the privileges of, an air traffic control tower operator certificate.

Part 65 still requires that non-FAA control tower operators hold second class medical certificates. Section 61.23(b)(1) is being revised to make clear the 12-month duration of the second class medical certificate as it applies to these non-FAA control tower operators.

Since FAA control tower operators are already required to meet medical standards that are equivalent to those required by Part 67, the Administrator finds that notice and public procedure are unnecessary.

Adoption of the Amendment:

Accordingly, Parts 61 and 65 of the Federal Aviation Regulations (14 CFR Parts 61 and 65) are amended effective April 23, 1980, as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

§ 61.23 [Amended]

1. By amending § 61.23(b)(1) by inserting the words "or an air traffic control tower operator certificate" after the words "commerical pilot certificate".

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

2. By amending § 65.31 by deleting the word "and" at the end of paragraph (a), by deleting the period at the end of the paragraph (b) and substituting for it a semicolon followed by the word "and", and by revising the heading and adding a new paragraph (c) to read as follows:

§ 65.31 Required certificates, and rating or qualification.

* * * * *

(c) Except for a person employed by the FAA, holds at least a second class medical certificate issued under Part 67 of this chapter.

3. By revising § 65.33(d) to read as follows:

§ 65.33 Eligibility requirements: General.

* * * * *

(d) Except for a person employed by the FAA, hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date application is made; and

* * * * *

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422); sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that the expected impact of the regulation is so minimal that it does not require an evaluation.

Issued in Washington, DC, on March 17, 1980.

Langhorne Bond,

Administrator.

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