

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 65**

[Docket No. 25256; Amdt. No. 65-31]

**Air Traffic Control Tower Operators: Medical Standards**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This regulation excepts air traffic control tower operators who are employed by, or on active duty with, the Departments of the Air Force, Army, and Navy and the Coast Guard from the requirement that they hold a second-class airman medical certificate. This amendment is necessary to avoid the application of two different programs for physical qualification to Department of Defense and Coast Guard air traffic controllers.

**DATES:** Effective date of this amendment is June 8, 1987. Comments must be received on or before June 8, 1987.

**ADDRESS:** Mail or deliver comments on this rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 25256, 800 Independence Avenue SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Jon L. Jordan, M.D., Acting Federal Air Surgeon (AAM-1), Office of Aviation Medicine, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3537.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 65.31 of the Federal Aviation Regulations (FAR) now provides, in part, that except for a person employed by the FAA, no person may act as an air traffic control tower operator in connection with civil aircraft unless that person holds at least a second-class medical certificate issued under Part 67 of the FAR. In addition, § 65.33 of the regulations provides that to be eligible for an air traffic control tower operator certificate, except for a person employed by the FAA, a person must hold at least a second-class medical certificate.

Active duty military and Coast Guard air traffic control tower operators, as well as civilians employed as control tower operators by those services,

frequently perform duties involving the control of civil aircraft. These controllers, therefore, must now medically qualify under the requirements of Part 67 of the FAR.

In addition to the qualification requirements of the FAR, military and Coast Guard air traffic controllers must qualify in accordance with separate standards set forth in the regulations of the employing service. For the qualification of air traffic controllers, these standards are equivalent to or exceed those contained in Part 67 of the FAR. The FAA has found that a person meeting them is physically able to perform the airman duties of an air traffic control tower operator. Medical examinations of air traffic controllers employed by the military and the Coast Guard are conducted under the direction of physicians who are fully knowledgeable of the medical requirements for performing air traffic control duties.

To avoid the application of two different programs for physical qualification of military and Coast Guard air traffic controllers, this amendment revises §§ 65.31, 65.33 and 65.49. Section 65.49 is also amended with respect to FAA air traffic controllers to make this section consistent with previously amended §§ 65.31 and 65.33. This amendment excepts air traffic controllers employed by, or on active duty with, the Air Force, Army, Navy, and Coast Guard from the requirement to hold a second-class medical certificate to be eligible for and to exercise the privileges of an air traffic control tower operator certificate.

Under this amendment, Part 65 still requires that air traffic control tower operators who are not employed by the FAA or employed by, or on active duty with, the Air Force, Army, Navy, or Coast Guard must hold second-class medical certificates.

**Good Cause Justification for Making This Amendment Effective Without Prior Public Comment**

Since air traffic control tower operators employed by, or on active duty with, the military and the Coast Guard must now meet medical standards imposed by the employing service that are equivalent to those required by Part 67, notice and public procedure are unnecessary and would not reasonably be expected to result in the receipt of beneficial information. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified

above. All communications received on or before the closing date for comments will be considered by the Administrator, and this amendment may be changed in response to comments received. All comments received will be available in the rules docket for examination by interested persons before and after the closing date for comments.

**Conclusion**

The adoption of this rule rescinds the requirement that air traffic control tower operators employed by, or on active duty with, the military and the Coast Guard meet Part 67 medical standards. This amendment relieves a regulatory burden with minor cost savings to certificate holders. Therefore, the FAA has determined that this amendment is not a major rule under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, since no small entities would be affected by this amendment, it is certified that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities. Because this amendment imposes no costs on affected individuals, the FAA has determined that the expected impact is so minimal that it does not warrant a full evaluation.

**List of Subjects in 14 CFR Part 65**

Airman, Aviation safety, Air transportation, Aircraft.

**Adoption of the Amendment**

Accordingly, Part 65 of the Federal Aviation Regulations (14 CFR Part 65) is amended as follows:

**PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS**

1. The authority citation for Part 65 is revised to read as set forth below, and the authority citations following all the sections in Part 65 are removed:

**Authority:** 49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

2. By amending § 65.31 by revising paragraph (c) to read as follows:

**§ 65.31 Required certificates, and rating or qualification.**

\* \* \* \* \*  
(c) Except for a person employed by the FAA or employed by, or on active duty with, the Department of the Air Force, Army, or Navy or the Coast Guard, holds at least a second-class

medical certificate issued under Part 67 of this chapter.

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

**§ 65.33 Eligibility requirements: General.**

(d) Except for a person employed by the FAA or employed by, or on active duty with, the Department of the Air Force, Army, or Navy or the Coast Guard, hold at least a second-class medical certificate issued under Part 67

of this chapter since the beginning of the 12th calendar month before the date the application is made.

4. By amending § 65.49 by revising paragraph (a) to read as follows:

**§ 65.49 General operating rules.**

(a) Except for a person employed by the FAA or employed by, or on active duty with, the Department of the Air Force, Army, or Navy, or the Coast Guard, no person may act as an air

traffic control tower operator under a certificate issued to him or her under this part unless he or she has in his or her personal possession an appropriate current medical certificate issued under Part 67 of this chapter.

Issued in Washington, DC, on May 1, 1987.

**Donald D. Engen,**

*Administrator.*

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