40-10

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UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Amendment 40-10
Effective: September 21, 1954
Adopted: September 21, 1954

QUALIFICATION OF FLIGHT CREW MEMBERS

At the present time §40.261(d) of Part 40 of the Civil Air Regulations requires that where a flight engineer is required a flight crew member in addition to the flight engineer shall be sufficiently qualified that, in the event of illness or other incapacity of the flight engineer, emergency coverage can be provided for the flight engineer's duties. The subsection specifically states that a pilot need not hold a flight engineer certificate so to function at such time.

In connection with the proceedings resulting from a petition of the Air Transport Association for the amendment of certain provisions of Part 40 with respect to the necessity for and training of flight engineers, it came to the Board's attention that some individuals interpreted the last sentence of §40.261(d) as allowing a pilot to serve in the capacity of flight engineer only at a time when the aircraft is in an emergency situation. The intent of the sentence was to make clear that a pilot as such will be considered sufficiently qualified without holding a flight engineer certificate to provide emergency coverage at a time when, due to illness or other incapacity, the flight engineer cannot carry out his duties. In order that there may be no misunderstanding on this point the Board is promulgating this amendment.

Since this amendment is interpretive in nature and imposes no burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR, Part 40, as amended) by amending the last sentence of §40.261(d) effective immediately, to read as follows:

"A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage."

(Sec. 205(a); 52 Stat. 984; 49 U.S.C. 425(a). Interpret or apply §§601, 604, 605; 52 Stat. 1007, 1010, as amended; 49 U.S.C. 551, 554, 555)

SEP 30 1954

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

(SEAL)

M. C. Mulligan
Secretary

This is the tenth amendment to Part 40, which became effective April 1, 1954.