UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D.C.

Civil Air Regulations Amendment 40-37
Effective: August 3, 1962
Issued: July 30, 1962

[Reg. Docket No. 719; Amdt. 40-37]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Extension of Period Allowed for Compliance With the Recurrent Training Requirements of Air Carrier Training Programs

Paragraph (b) of § 40.289, Recurrent training, requires that each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crewmember and dispatcher with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

The Federal Aviation Agency has received recommendations that the time interval between competence checks of crewmembers and dispatchers be specified in the same manner as in § 40.302, which permits pilot line and proficiency checks to be given in the month before or following the month in which they are due. Such flexibility will simplify recordkeeping and administration of the crewmember and dispatcher competence check requirements of § 40.289(b) in the same way that the pilot line and proficiency check requirements have been simplified.

The FAA has considered the foregoing recommendations and believes that the requirements with respect to the frequency of crewmember and dispatcher competence checks should be amended to provide the flexibility recommended.

Civil Air Regulations Draft Release No. 61-7, dated April 14, 1961, subject "Qualification and Training Requirements for Pilots Other Than Pilots in Command," proposed, among other matters, to amend Parts 40, 41, and 42 to permit the competence checks of crewmembers and dispatchers to be given at any time during the month preceding or following the month in which they become due.

No adverse comments were received with respect to this particular portion of Draft Release 61-7. Accordingly, since it will permit more efficient administration of air carrier training programs and will not adversely affect safety of the carriers' operations, it is being adopted at this time separately from the other proposals which were included in the draft release. The phrase "not to exceed 12 months" contained in the present regulations and in Draft Release No. 61-7 has been changed to "each 12 months" to make the wording consistent with that of revised Part 41 (27 F.R. 1977), which was circulated as Draft Release No. 60-19 (26 F.R. 12299) prior to its adoption. The remaining proposals and the comments received thereon are being evaluated by the Agency in conjunction with comments received in response to Draft Release 61-17, "Use of Aircraft Simulators for Pilot Training and Proficiency Checks," and Draft Release 62-9, "Approval of Air Carrier Training Programs."

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 3438), and due consideration has been given to all relevant matter presented. Since this regulatory action imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 40.289(b) of Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended to read as follows, effective August 3, 1962:

§ 40.289 Recurrent training.

* * * * *

(b) Each air carrier shall, as a part of the training program, check the competence of each crewmember and dispatcher each 12 months with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The competence check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where the check of the pilot in command or second in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with §§ 40.302 and 40.305, respectively.

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

Issued in Washington, D.C., on July 30, 1962.

N. E. HALABY,
Administrator.

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