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Regulation No. SR-429

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

Effective: February 3, 1959
Adopted: December 30, 1958

SPECIAL CIVIL AIR REGULATION

AUTHORIZATION FOR ALASKAN AIR TAXI OPERATORS TO CONDUCT OPERATIONS UNDER THE PROVISIONS OF PART 42 OF THE CIVIL AIR REGULATIONS

Concurrently with this regulation, the Board is adopting a new Part 293 of the Economic Regulations which reclassifies the present "Alaskan pilot-owner", covered under Part 292 of the Board's Economic Regulations, as an "Alaskan Air Taxi Operator" and enlarges the permissible activities of such Alaskan pilot-owners. Under the new Part 293, the Alaskan air taxi operator will be permitted inter alia to use aircraft having a maximum gross take-off weight of 7,900 pounds and to engage in the air transportation of persons and property within Alaska without limitation, except that scheduled service would be prohibited between points served by certificated carriers with a frequency of two or more scheduled round trips per week.

At the present time, the Alaskan air carriers using large aircraft (12,500 pounds maximum certificated take-off weight and above) are conducting their operations pursuant to the provisions of Part 41 of the Civil Air Regulations. Those Alaskan air carriers using small aircraft (less than 12,500 pounds maximum certificated take-off weight) including the Alaskan pilot-owners are presently conducting their operations under Part 42 pursuant to authorizations by the Administrator of Civil Aeronautics.

Since the air carriers operating in Alaska with small aircraft are presently conducting their operations under Part 42, the Board believes that until operating experience reveals that further or different rules are necessary, Alaskan air taxi operators should be allowed to conduct their operations pursuant to Part 42.

As the exemptions under Part 293 of the Economic Regulations are only temporary and are stated to run for two years from the effective date of that part, it seems desirable to limit the authorization contained herein to the same period of time.

This regulation is necessary in order to give effect to the new Part 293 referred to above, which was published as a notice of proposed rule making dated May 17, 1958, and on which public comment was received and considered. Since this regulation is ancillary to such part and since it continues in effect the same rules as are presently applicable to the Alaskan pilot-owners, without diminution in safety standards, the Board finds that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective February 3, 1959.

Notwithstanding the provisions of Parts 41 and 42 of the Civil Air Regulations, any Alaskan air taxi operator as defined in § 293.1(a)(2) of Part 293 of the Economic Regulations shall be certificated and shall conduct operations in air transportation in accordance with the provisions of Part 42 of the Civil Air Regulations. An air carrier operating certificate presently issued by the Civil Aeronautics Administration to an Alaskan pilot-owner shall, until its stated expiration date, be valid as an air carrier operating certificate for Alaskan air taxi operations, unless such certificate is sooner surrendered, suspended or revoked. Such certificate may be renewed as an air carrier operating certificate for Alaskan air taxi operations.

This regulation shall terminate two years after its effective date unless sooner terminated or rescinded by the Board.

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

By the Civil Aeronautics Board:

/s/ Mabel McCart

Mabel McCart
Acting Secretary

(SEAL)

USCOMM-DC-25582

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

Civil Air Regulations Amendment 40-43
Effective: October 26, 1964
Issued: April 21, 1964

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1794; Amdt. 40-43]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Miscellaneous Amendments

This amendment amends presently effective Part 40 of the Civil Air Regulations which contains safety certification and operation rules governing air carriers holding economic certificate authority from the Civil Aeronautics Board to engage in interstate air transportation within the continental United States, exclusive of the State of Alaska.

Part 40 was extensively revised effective April 1, 1954. While numerous substantive amendments have been made to Part 40 since the last general revision, a review of the provisions of the part indicates a need for additional substantive changes to reflect current Agency and industry views with respect to operating procedures.

FAA proposals with regard to amending Part 40 were issued as a notice of proposed rule making which was published in the FEDERAL REGISTER June 14, 1963 (28 F.R. 6083), and circulated to the industry for comment as Notice No. 63-20. Comments received in response to these proposals were generally in concurrence therewith. However, some comments received took issue with certain of the rules proposed and pointed to the need for clarification of certain others.

The following is a discussion of the major issues raised in response to Notice No. 63-20 and changes made in the proposed rules.

1. Section 40.1 *Applicability of this part.* The representatives of the air carriers expressed opposition to paragraph (b) of this section which specified that individuals other than an air carrier itself are subject to certain rules in Part 40. The Federal Aviation Agency believes it is essential that this paragraph be retained since a number of situations have been encountered where the safety of operations were affected by actions of individuals other than of the air carrier operating the aircraft.

2. Section 40.11 *Contents of certificate.* Comments received on the proposal concurred with the overall intent of this section to clarify the relationship of airports and routes to the operating certificate and operations specifications, but raised a question concerning the necessity for listing all of the airway segments in the operations specifications. The adoption of this amendment does not require the listing of all routes including airway routes and, in fact, permits the continuation of present procedures with the added protection (requested by the air carriers) of incorporating these routes by reference in the air carrier operating certificate.

3. Section 40.20 *Utilization of operations specifications.* Representatives of the air carriers objected to this amendment on the grounds that identifying the source of authority with reference to operations specifications in the individual parts of the manual would be unnecessarily burdensome. This section is being adopted as proposed since the Agency believes it important that the users know which material is derived from or is a part of the operations specifications and which is company policy. The air carriers may exercise their option either to insert in their manual copies of the operations specifications or excerpts from them.

4. Section 40.21 *Amendment of operations specifications.* In view of previous comments on this subject, the Agency has determined that an air carrier should be given an opportunity to present its views within a reasonable time whenever it has been determined by an authorized representative of the Administrator that safety in air transportation and the public interest require an amendment to an air carrier's operations specifications. Therefore, this section is being amended to provide that the supervising inspector of the FAA Air Carrier District Office shall give notice in writing to the air carrier fixing a period of not less than seven days within which the air carrier may submit written data, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the supervising inspector shall notify the air carrier of any amendment adopted or the rescission of his notice to amend the air carrier's operations specifications. No substantive changes are being made to the rule which affects the effective date of such an amendment or the air carrier's right of appeal to the Administrator.

5. Section 40.32 *Width of routes.* Comments from representatives of the air carriers indicated that this section as worded would restrict the full use of controlled airspace by the air carriers. However, this is not the purpose or intent of this rule. When routes are approved, the width of the routes, the minimum en route altitudes, the available communication facilities, the air traffic density, the air traffic control procedures, and the adequacy of the navigational aids upon which the route is premised are all taken into consideration. In particular instances, certain of these considerations may need to be inserted in the operations specifications as requirements. Accordingly, in the case of such approved routes, the rule adopted herein provides for the establishment of a route width only when an authorized representative of the Administrator determines it to be necessary. When such a determination is made, the route width will be specified in the operations specifications.

6. Section 40.36 *En route navigational facilities.* Comments received objected to the listing of required navigational facilities for routes approved outside of controlled airspace in the air carriers' operations specifications. The Agency has determined that only by means of this listing can adequate control be maintained over the approval of such routes. Therefore, the Agency is adopting the rule as proposed in the interest of safety.

7. Section 40.53(b) *Airplane Flight Manual.* Comments from representatives of the air carriers stated that it would impose a burden upon the carriers to require that sections of the approved Airplane Flight Manual be identified as such when they are incorporated into the Air Carrier Manual. The Agency believes it important that the users know and appreciate which material is approved in accordance with §§ 4b.740(b) and 4b.740-1, and which is company policy. This section clarifies FAA policy specified in Part 4b regarding this matter. Therefore, this section is being adopted as proposed.

8. Sections 40.61, 40.62, 40.70, 40.90, and 40.110 (Airplane certification and other special requirements): The limitation in these sections to airplanes used in passenger-carrying operations is deleted so as to make the requirements thereof applicable to all airplanes used in operations governed by Part 40. The Agency is currently making a special study in this connection as outlined in CAR Amendment 42-1. If the studies show that further rule making is warranted, the Agency will take appropriate rule making action accordingly affecting Parts 40, 41, and 42 uniformly.

9. Section 40.173 *Emergency equipment for all operations.* Paragraph (a) is being adopted as proposed in Notice 63-20. It incorporates the substance of § 40.18-4(f)(4) by requiring the air carriers to inspect the required emergency equipment at inspection periods established for the individual air carrier in the operations specifications. Paragraph (c) is being amended to indicate clearly that the intent of this rule is to insure that the emergency evacuation means shall be in a position for immediate installation and ready use. This does not necessarily mean that it must be installed at all times since in some instances this could be more of a hazard than a safeguard.

10. Section 40.174 *Seats and safety belts for all operations.* The air carriers commented that the proposal to amend the current rule is complicated and unneeded. The Agency does not concur. The rule, as adopted, is needed to clarify, among other things, its application in regard to infants, and to expressly require the use of a safety belt by each person.

(As published in the Federal Register /29 F.R. 5627/ on April 28, 1964)

11. Section 40.176 *Cockpit check procedure.* Comments received from the air carriers in response to this proposal objected to requiring approval of check procedures on the theory that it would delay any change in the procedures and thus restrict the responsiveness of the airplanes in lessons learned from daily operating experience. The Agency does not agree with this viewpoint and considers that such approval is necessary to insure, as stated in Notice 63-20, completeness and uniformity in cockpit check procedures for each type of airplane used. Accordingly, the rule is being adopted as proposed.

12. Section 40.177 *Passenger information for all operations.* Instances of failure (and even refusal) of passengers to obey the no smoking and fasten seat belt signs have been brought to the attention of the Agency. Since the Agency believes it important that no passenger or cabin attendant be allowed to smoke while the no smoking sign is lighted and that all passengers should be required to keep their safety belts fastened while the safety belt sign is on, the Agency is adopting the rule as proposed.

13. Section 40.179 *Shoulder harness.* Comments received on this proposal indicated that air carriers desired to make this requirement applicable only to future new airplane certifications. However, the benefits to be derived from the shoulder harness have been most apparent since the introduction of the turbine-powered, faster types, of transport airplanes manufactured since January 1, 1958, consequently this requirement is adopted as proposed.

Representatives of the air carriers also took issue with the requirement for shoulder harnesses for the outboard facing flight engineer seats on those airplanes having a separate flight engineer station, since on this type of seat, a shoulder harness may not necessarily provide the restraining action through the body axis for which this harness is designed. The Agency cannot agree with this concept since the air carrier has a wide latitude in the selection of the harness and its installation, subsequent to approval by the FAA. Therefore, the Agency is adopting the rule as proposed.

14. Section 40.202 *Supplemental oxygen; reciprocating-engine-powered airplanes.* As a result of comments received, § 40.202 (b) and (c) are being amended to incorporate the words "cabin pressure altitude" in lieu of the present words in order to clarify the intent of these paragraphs.

15. Section 40.206 *Equipment for extended overwater operations.* Comments received indicated concern with the phrase in the proviso pertaining to the authority of an authorized representative of the Administrator to "require the carriage of all the prescribed equipment or any item thereof, for any operation over water." The Agency cannot agree that the adoption of this language in the proviso would be unduly restrictive, as there could conceivably be overwater operations authorized which, while not in the extended overwater category, might require the carriage of certain prescribed survival equipment. Accordingly, the proviso has been adopted to make the requirements more explicit and to provide uniformity with parts 41 and 42.

16. Section 40.233 *Radio equipment for extended overwater operations.* In light of certain comments received, the provisions of this section have been revised to delete the proposed requirements pertaining to operations other than extended overwater operations. We concur with industry comments that the nature of the terrain over which domestic air carriers operate is such that the need for special equipment for search and rescue operations is remote.

17. Sections 40 280 through 40.300(a) (Air carrier training programs): These sections as proposed in Notice 63-20 are not included herein, but are being handled by a separate amendment as proposed in Draft Releases 61-7, 61-17, and 62-9.

18. Section 40.302 *Pilot checks.* Comments from representatives of the air carriers took issue with the proposal on the grounds of increased stringency of the regulations caused by the inclusion in the part of various maneuvers which were previously included as "Rules" in the Civil Aeronautics Manual. The maneuvers referred to have been required by the Civil Aeronautics Manual for many years and the regulations being adopted have the same effect as these CAM's. Therefore, the Agency is adopting the proposal as presented.

19 Section 40.307 *Flight engineer qualification for duty.* Comments received from representatives of the air carriers objected to this proposal on the grounds that restricting the conduct of initial qualification checks or requalification checks in scheduled air transportation was unreasonable and unwarranted based on airline operating experience. However, after considering all relevant matter regarding this proposal, the Agency still believes it important not to conduct initial and requalification checks in scheduled air transportation. The regulation as adopted herein is most flexible in that it provides for different qualifying alternatives, depending on previous experience. However, it rightfully precludes the accomplishing of an initial qualifying flight check for a flight engineer in the course of a scheduled flight in air transportation. Accordingly, the Agency is adopting the rule as proposed.

20. Section 40.310 *Aircraft dispatcher qualification for duty.* Notice 63-20 proposed to amend this section to permit greater overall flexibility of the dispatcher route qualification requirements. Representatives of the dispatchers association opposed any changes in the present rules as being unnecessary. However, the Agency has determined that this requirement, in its revised form, will not compromise the high level of safety required in air transportation. Accordingly, paragraph (b) is being adopted as proposed to require at least "a one-way qualification trip" rather than a mandatory round trip over "the particular area" in which the dispatcher serves within the 12-month period. This change permits a one-way trip, or, in the event that a round trip is made, the return trip may be made over either the same or a different route.

21. Section 40.360 *Emergency decisions; pilot in command and aircraft dispatcher.* In response to comments received, paragraph (c) is being clarified to insure that both the appropriate air traffic control facility and the appropriate air carrier dispatch center will be kept fully informed regarding the progress of a flight whenever emergency authority is exercised by the pilot in command.

22. Section 40.361 *Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.* Comments received indicated some opposition to the proposal which clarified the responsibility of air carriers to report all information received regarding irregularities in ground or navigational facilities to the authority directly responsible for its operation. The comments suggested that such irregularities should be reported to the FAA. However, since some air carriers utilize communications and navigational facilities in particular instances other than those operated by the U.S. Federal Government, the Agency is adopting the rule as proposed.

23. Section 40.363 *Engine failure or precautionary stoppage.* Notice 63-20 had proposed to delete subparagraph (2) of § 40.363(b) which includes a requirement that pilots must consider the availability of the inoperative engine for use before proceeding to an airport of his selection. Notwithstanding contrary industry opinions, this factor has been deleted as proposed. The Agency believes that it should not be a consideration due to the inherent danger from fire and other sources when a malfunctioning engine is restarted after shutdown. There have been cases where this was used in pilots' written reports as one of the justifications for proceeding, when a subsequent investigation proved that, if the engines had been restarted, there would have been serious fire hazards. Therefore, the Agency is adopting the rule as proposed.

24. Section 40.388 *Alternate airport for departure.* The proviso formerly contained in section 40.388 has been deleted in this rule inasmuch as it negated the entire purpose of the rule. As stated, the proviso would permit an air carrier to dispatch an airplane from an airport without a specified alternate when the weather is 300-1 even though higher takeoff minimums are specified at a particular airport due to obstructions.

25. Section 40.391 *Continuance of flight; flight hazards.* Comments received objected to the requirement that air carriers have approved minimum equipment lists incorporated in the air carrier manuals, not only for initial dispatch of aircraft, but for continuation of flight in the event any required equipment becomes inoperable.

As noted in Notice 63-20, for a number of years the Agency has considered it necessary and made a practice of approving minimum equipment "go-no-go" lists governing en route operations with required equipment inoperative. This was

done in accordance with the proviso in the amended § 40.391(b) which specified "that the Administrator may authorize the incorporation in the air carrier manual of procedures for the continued operation of an airplane beyond a scheduled terminal * * *."

Notice 63-20 also stated that the Agency still considers the current practice of approving minimum equipment lists and procedures governing en route operations with required equipment inoperative to be necessary. This is especially important in connection with those procedures which apply to large, turbine-powered, complex airplanes introduced into service in recent years. Similar reasons were also given for the adoption of this rule in the preamble to Part 41 which became effective in March 1963.

Accordingly, the rule is being adopted as proposed.

26. Section 40.501 *Crewmember and dispatcher records.* Representatives of the air carriers opposed the increase from three to six months for record retention for crewmembers and dispatchers whose service with the airlines are terminated. However, the Agency has found that there is a need for this increase in the period of record retention since it is often necessary to investigate occurrences from two to four months after they occurred. Former airline personnel are often involved. These investigations, conducted in the interest of safety, are hampered by the premature destruction of records and, therefore, the Agency believes it to be in the public interest to adopt the rule as proposed.

27. Section 40.507 *Maintenance log* Upon further consideration and in light of comments received from the representatives of the pilots' and flight engineers' organizations, the Agency has determined that it should not delete the requirement concerning information contained in the maintenance log relative to the time interval since the last overhaul of the airframe and engines. This information is stated to be of considerable importance to the flight crews in the performance of their duties. Accordingly, the proposed change to this section is not being made.

Interested persons have been afforded an opportunity to participate in the making of these rules, and due consideration has been given to all relevant matter presented.

These amendments are made under the authority of sections 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421-1430).

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended as follows, effective October 26, 1964.

1. By amending § 40.1 to read as follows:

§ 40.1 Applicability of this part.

The provisions of this part are applicable to the following persons:

(a) An air carrier holding a certificate of public convenience and necessity issued by the Board which authorizes unlimited scheduled service over designated routes, when it engages with airplanes in scheduled interstate air transportation within the continental limits of the United States, excluding the State of Alaska and to operations by the carrier over segments of routes extending beyond the continental limits of the United States, if the Administrator has authorized an air carrier to conduct operations over such route segments under this part.

(b) Any airman or other person employed or used by an air carrier in the conduct of operations subject to this part (including the operation, inspection, maintenance, and overhaul of aircraft) and any person while on board an airplane operated by an air carrier under this part.

2. By amending § 40.5 by deleting the definition of "High-altitude operation", and by amending the definition of "Operations Specifications" as follows:

§ 40.5 Definitions.

* * * *

Operations specifications. Operations specifications are rules of particular applicability issued by the Administrator to an air carrier pursuant to the provisions of this part.

* * * *

3. By amending § 40.11 to read as follows:

§ 40.11 Contents of certificate.

The air carrier operating certificate shall contain the name of the air carrier, and the airports to or from which, and the routes over which, the air carrier is authorized to operate: *Provided,* That such airports and routes shall be listed in the operations specifications of the air carrier and incorporated into the contents of the air carrier operating certificate by reference thereto in the certificate.

NOTE: The airports, and locations thereof, are listed under the "airport authorizations and limitations" part of the operations specifications. The routes including the airways where applicable are listed in the "En route Flight Procedures"—Form ACA-514A of the operations specifications.

4. By amending § 40.13 by adding a new paragraph (c) to read as follows:

§ 40.13 Issuance of certificate.

* * * *

(c) An air carrier holding economic authority to engage in scheduled cargo-only operations in interstate air transportation may, upon application, be authorized by the Administrator to conduct such operations in accordance with the air carrier certification and operation rules prescribed in Part 42 of this chapter (Civil Air Regulations).

5. By amending §40.14 to read as follows:

§ 40.14 Amendment of certificate.

(a) An air carrier operating certificate may be amended by the Administrator in accordance with section 609 of the Federal Aviation Act of 1958, and the applicable procedures in Part 13 of the Federal Aviation Regulations whenever he determines that safety in air transportation and the public interest so require.

(b) Upon application by an air carrier, an authorized representative of the Administrator may amend an air carrier operating certificate if he determines that safety in air transportation and the public interest permit such an amendment. Within 30 days after the refusal of an authorized representative of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Administrator for a review of such refusal.

(c) Applications by an air carrier for amendments of air carrier operating certificates shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

6. By amending § 40.20 to read as follows:

§ 40.20 Utilization of operations specifications.

The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier in such a manner that they do not lose their identity in any respect.

7. By amending § 40.21 to read as follows:

§ 40.21 Amendment of operations specifications.

The following procedures apply to the amendment of operations specifications (except those which are a part of the air carrier operating certificate issued under § 40.13) issued to an air carrier under the provisions of this part:

(a) Upon application by the air carrier an authorized representative of the Administrator may amend an operations specification if he determines that safety in air transportation and the public interest permit such an amendment;

(b) Applications for amendments of operations specifications shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period;

(c) Within 30 days after a notice of refusal to approve an air carrier's application for amendment, the air carrier may petition the Administrator to reconsider the refusal to amend;

(d) An authorized representative of the Administrator may amend an operations specification if he determines that safety in air transportation and the public interest require such an amendment. In such instances, the supervising inspector of the FAA Air Carrier District Office shall give notice in writing to the air carrier of a proposed

amendment in the operations specifications, fixing a reasonable period, not less than 7 days, within which the air carrier may submit written data, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the supervising inspector shall notify the air carrier of any amendment adopted, or a rescission of the notice. The amendment shall become effective not less than 30 days after receipt by the air carrier of the notice of the amendment, unless the air carrier petitions the Administrator for reconsideration of the amendment, in which case the effective date of the amendment shall be stayed pending a decision by the Administrator. If the supervising inspector finds that an emergency exists requiring immediate action with respect to safety in air transportation which makes the provisions prescribed by this paragraph impracticable, or contrary to the public interest, he may notify the air carrier of an amendment to the operations specifications without giving prior notice, or make the amendment effective without stay upon receipt by the air carrier of notice thereof, or both. In such instances he will incorporate the finding and a brief statement of the reasons therefor in the notice of the amended operations specifications to be adopted.

8. By amending § 40.23 to read as follows:

§ 40.23 Operations and maintenance base and office.

Each air carrier shall, 30 days in advance of a change in the address of its principal business office, its principal operations base, or its principal maintenance base, give written notice thereof to the FAA Air Carrier District Office charged with overall inspection of the air carrier's operations.

9. By amending § 40.30 to read as follows:

§ 40.30 General route requirements.

The air carrier shall show for route approvals that it is competent to conduct scheduled operations over any route or route segment to be used between any regular, provisional, or refueling airport, and that the facilities and services required by §§ 40.33 through 40.38 are available and adequate for the type of operation proposed. Routes outside of controlled airspace will be approved unless the Administrator determines that traffic density is such that an adequate level of safety cannot be assured. Actual flight over a route or route segment will be required, unless the air carrier shows that such flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communication, navigation, fueling, ground and aircraft radio facilities, and the competence of personnel to be used in the proposed operations.

§ 40.32 [Deleted]

10. By deleting § 40.32.

11. By redesignating § 40.31 as § 40.32 and by amending the redesignated section to read as follows:

§ 40.32 Width of routes.

Routes approved for operations over U.S. Federal airways or foreign airways shall have a width equal to the designated width of such airways. In the case of other approved routes, when an authorized representative of the Administrator determines it to be necessary, he shall establish route widths taking into consideration terrain clearance and minimum en route altitudes, available ground and airborne navigational aids, air traffic density, and air traffic control procedures. In such instances the route widths shall be specified in the air carrier's operations specifications.

§ 40.36 [Amended]

12. By amending the proviso of § 40.36 *En route navigational facilities*, to read as follows: "*Provided*, That nonvisual ground aids to navigation are not required for (a) day VFR operations which the air carrier shows can be conducted safely by pilotage because of the characteristics of the terrain, (b) night VFR operations on routes which the air carrier shows have reliably lighted landmarks which are adequate for safe operations. Nonvisual ground navigational aids required for approval of routes outside of controlled airspace are specified in the air carrier operations specifications, except those aids required for routes to alternate airports."

§ 40.51 [Amended]

13. By amending § 40.51(a)(4) by adding thereto the phrase "including procedures for coordinated dispatch".

§ 40.52 [Amended]

14. By amending § 40.52(a)(2) by deleting the word "Flight" from the term "Flight crewmembers".

§ 40.53 [Amended]

15. By amending § 40.53(b) by adding thereto a sentence which reads "When sections of the required information from the Airplane Flight Manual are incorporated in the Air Carrier Manual, they shall be clearly identified as Airplane Flight Manual requirements."

§ 40.60 [Amended]

16. By amending § 40.60 by revising the second sentence to read as follows: "No operator shall use any airplane in operations governed by this part unless such airplane meets the requirements of this part, is in an airworthy condition, is registered as a civil aircraft of the United States, and carrys an appropriate and currently effective certificate of airworthiness issued by the Administrator."

§ 40.61 [Amended]

17. By amending § 40.61(b) by deleting the words "and used in passenger operation."

18. By amending § 40.62 by deleting from the introductory paragraph to that section the words "in passenger air transportation"; and by deleting from paragraph (a) the words "in passenger-carrying operations."

19. By amending § 40.62(b) to read as follows:

§ 40.62 Airplane limitations for type of route.

* * * * * *

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated or approved as adequate for ditching in accordance with the ditching provisions of Part 4b of this chapter (Civil Air Regulations): *Provided*, That the DC-3, C-46, CV-340, and CV-440 type airplanes need not be so certificated or approved.

20. By amending § 40.63 by adding the following new sentence at the end of paragraph (b), and by amending paragraph (c), to read as follows:

§ 40.63 Proving tests.

(b) * * * A type of airplane has been materially altered in design when the alterations include: (1) Installation of powerplants other than the powerplants of a type similar to those with which the airplane is certificated, or (2) a major alteration to the airplane or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the tests and those designated by the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.

§ 40.63-1 [Deleted]

21. By deleting § 40.63-1.

22. By amending § 40.70 to read as follows:

§ 40.70 Transport category airplane operating limitations.

(a) In operating any transport category airplane not subject to paragraph (b) of this section, the provisions of this paragraph and §§ 40.71 through 40.78 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

NOTE: Deviations authorized will be specified in operations specifications of the air carrier.

(1) The performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(2) The airplane shall not be taken off at a weight which exceeds the allowable weight for the runway being used at determined in accordance with the takeoff runway limitations of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by §§ 4a.749a-T or 4b.117 of this chapter (Civil Air Regulations), and set forth in the Airplane Flight Manual for the airplane.

(b) In operating any turbine-powered transport category airplane certificated in accordance with the performance requirements of Special Civil Air Regulations Nos. SR–422, SR–422A, or SR–422B, the operating rules specified in the applicable Special Civil Air Regulation shall be complied with in lieu of §§ 40.71 through 40.78.

23. By amending § 40.90 to read as follows:

§ 40.90 Nontransport category airplane operating limitations.

In operating any large, nontransport category airplane, the provisions of §§ 40.91 through 40.94 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Approved performance data only shall be used in determining compliance with the provisions of §§ 40.91 through 40.94.

NOTE: Deviations authorized will be specified in operations specifications of the air carrier.

§ 40.110 [Amended]

24. By amending §40.110 by deleting the words "used in passenger service".

25. By amending § 40.115(c) by amending the first sentence thereof, and by adding paragraphs (d) and (e):

§ 40.115 Fire precautions.

* * * * *

(c) Cargo and baggage compartments shall be classified in the "C" category if they do not conform with the requirements of the "A", "B", "D", or "E" categories. * * *

(d) *Class D.* Cargo and baggage compartments shall be classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with subparagraphs (1) through (4) of this paragraph.

(1) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(2) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cubic feet, an airflow of not more than 1,500 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(3) The compartment shall be completely lined with fire resistant material.

(4) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(e) *Class E.* On airplanes used for the carriage of cargo only it shall be acceptable to classify the cabin area as a Class "E" compartment. Compliance shall be shown with subparagraphs (1) through (5) of this paragraph.

(1) The compartment shall be completely lined with fire-resistant material.

(2) The compartment shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) Means shall be provided to shut off the ventilating airflow to or within the compartment. Controls for such means shall be accessible to the flight crew in the crew compartment.

(4) Means shall be provided to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits shall remain accessible under all cargo loading conditions.

26. By amending § 40.125 to read as follows:

§ 40.125 Oil system drains.

Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate either a manual or automatic means for positive locking in the closed position. (See also § 40.135).

§ 40.136 [Amended]

27. By amending § 40.136(a) by deleting the words "Unless it can be demonstrated" and inserting in lieu thereof the words "Unless the air carrier shows".

§ 40.151 [Amended]

28. By amending § 40.151 by deleting the words "Administrator finds" and inserting in lieu thereof the words "air carrier shows".

29. By adding a new § 40.154 to read as follows:

§ 40.154 Carriage of cargo in cargo compartments.

When cargo is carried in cargo compartments which are so designed as to require the physical entry of a crewmember to extinguish any fire which may occur during flight, the cargo shall be so loaded as to permit a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

30. By amending § 40.170 to read as follows:

§ 40.170 Airplane instruments and equipment for all operations.

(a) Instruments and equipment required by §§ 40.171 through 40.233 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) All airspeed indicators shall be calibrated in knots, and all airspeed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to takeoff, except as provided in § 40.391(b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 40.110 and §§ 40.150 through 40.155; and

(2) Instruments and equipment specified in §§ 40.171 through 40.179 for all operations, and the instruments and equipment specified in §§ 40.200 through 40.233 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

31. By amending § 40.173 (a), (c), and (e) to read as follows:

§ 40.173 Emergency equipment for all operations.

(a) *General.* The emergency equipment specified in this section is required for all operations and shall be inspected regularly in accordance with inspection periods established in the operations specifications to insure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. All required equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be marked as to contents and date of last inspection.

* * * * *

(c) *First-aid equipment.* Approved first-aid kits as specified in Appendix D to this part for treatment of injuries likely to occur in flight or in minor accidents shall be provided.

NOTE: See Appendix D for type and contents of first-aid kits.

* * * * *

(e) *Means for emergency evacuation.* On all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for immediate installation and ready use: *Provided, That the requirements of this paragraph* do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

* * * * *

32. By amending § 40.174 to read as follows:

§ 40.174 Seats and safety belts for all occupants.

(a) The air carrier shall provide and make available at all times during the takeoff, en route flight, and landing of an airplane which it is operating:

(1) An approved seat or berth for each person over 2 years of age aboard the airplane, and

(2) An approved safety belt for separate use by each person over 2 years of age aboard the airplane, except that two persons occupying a berth may be provided with one approved safety belt to be shared by both such persons, and two persons occupying a multiple lounge or divan seat may be provided with one

approved safety belt to be shared by both such persons during en route flight only.

(b) During the takeoff and landing of an air carrier airplane, each person on board shall occupy an approved seat or berth and secure himself with the approved safety belt provided for the occupant of such seat or berth, except that a person 2 years of age or less may be held by an adult person occupying a seat or berth. A safety belt provided for the occupant of a seat shall not be used by more than one adult during takeoff and landing.

33. By amending § 40.176 to read as follows:

§ 40.176 Cockpit check procedure.

The air carrier shall provide for each type of airplane an approved cockpit check procedure. The approved procedures shall include all items necessary for flight crewmembers to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine and systems emergencies, and shall be so designed as to obviate the necessity for a flight crewmember to rely upon his memory for items to be checked. The approved procedures shall be readily usable in the cockpit of each airplane and shall be followed by the flight crew when operating the airplane.

34. By amending § 40.177 to read as follows:

§ 40.177 Passenger information for all operations.

All airplanes shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew and shall be placed in the "on position" for all takeoffs and landings and when otherwise deemed necessary by the pilot in command. No passenger or cabin attendant will smoke while the no smoking sign is lighted and all passengers will fasten their seat belts and keep them fastened while the seat belt sign is lighted.

35. By adding a new § 40.179 to read as follows:

§ 40.179 Shoulder harness.

All transport type airplanes certificated after January 1, 1958, shall be equipped with shoulder harnesses at the pilot in command, the second in command, and flight engineer stations.

§ 40.200 [Amended]

36. By amending § 40.200 by changing the reference "§§ 40.171 through 40.178" in the introductory paragraph to read "§§ 40.171 through 40.179".

§ 40.201 [Amended]

37. By amending § 40.201 by changing the reference "§§ 40.171 through 40.178" in the introductory paragraph to read "§§ 40.171 through 40.179".

§ 40.202 [Amended]

38. By amending § 40.202(a) by amending the last sentence of the paragraph to read as follows: "As used in the oxygen requirements hereinafter set forth, 'cabin pressure altitude' shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and 'flight altitude' shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, 'cabin pressure altitude' and 'flight altitude' shall be considered identical."

39. By amending § 40.202(b) by inserting at the beginning of subparagraphs (1) and (2) between the words "At" and "altitude" the words "cabin pressure".

40. By amending § 40.202(c) by inserting in subparagraphs (1), (2), and (3) between the words "At" and "altitude" the words "cabin pressure".

§ 40.204 [Amended]

41. By amending § 40.204 by amending each of the provisos in paragraphs (a) and (b) thereof to read as follows: "*Provided*, That, if the air carrier shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety."

42. By amending § 40.206 to read as follows:

§ 40.206 Equipment for extended overwater operations.

(a) The following equipment shall be carried on an airplane used in extended overwater operations: *Provided*, That an authorized representative of the Administrator may, by amending the operations specifications of an air carrier as provided in § 40.21, require the carriage of all the prescribed equipment or any item thereof for any operation over water or, upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:

(1) A life preserver for each occupant of the airplane;

(2) Liferafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required liferafts, life preservers and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment shall be installed in conspicuously marked approved locations.

(c) Survival kit, appropriately equipped for the route to be flown, shall be attached to each required liferaft.

43. By adding a new § 40.233 to read as follows:

§ 40.233 Radio equipment for extended overwater operations.

For extended overwater operations each airplane shall be equipped with such radio equipment as is necessary to fulfill the functions specified in § 40.232 and in addition, by an independent system, the functions specified in § 40.231(a)(1).

44. By amending § 40.260(a) to read as follows:

§ 40.260 Utilization of airman.

(a) No air carrier shall utilize an individual as an airman unless he holds an appropriate and currently effective airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized. He shall have appropriate airman and medical certificates in his personal possession while engaged in operations under this part, and shall present the same for examination to any authorized representative of the Administrator upon request.

* * * * *

45. By amending § 40.261(a) to read as follows:

§ 40.261 Composition of flight crew.

(a) No air carrier shall operate an airplane with less than the minimum flight crew specified in the airworthiness certificate or in the Airplane Flight Manual approved for such type of airplane and required by this part for the type of operation being conducted.

* * * * *

46. By amending § 40.302 by amending paragraph (a), by adding a new sentence at the end of paragraph (b)(1), and by amending paragraph (b)(2) to read as set forth below:

§ 40.302 Pilot checks.

(a) *Line check.* An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily passed a line check in one of the types of airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 12 months he successfully completes a similar line check. The line 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. This check shall be given by a check pilot who is both qualified on the airplane and on the route. It shall consist of at least a scheduled flight over a typical portion of the air carrier's routes to which the pilot is normally assigned and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

(b) *Proficiency check*—(1) * * * If performance of any of the proficiency check items specified in subparagraph (2) of this paragraph is unsatisfactory in the judgment of the check pilot he may, at his discretion, give additional training to the pilot during the course of the proficiency check. If the pilot being checked is unable to demonstrate satisfactory performance to the check pilot, he shall not be used in operations under this part until such time as he shall have demonstrated proficiency.

(2) The pilot proficiency check shall include at least the following:

(i) Equipment examination (oral or written), taxiing, runup, takeoff, climb, climbing turns, steep turns, maneuvers at minimum speeds, approach to stalls, propeller feathering, maneuvers with one or more engine(s) out, rapid descent and pullout, ability to tune radio, orientation, and approach procedures, missed approach and traffic control procedures, crosswind landing, landing under circling approach conditions, takeoffs and landings with engine(s) failures, demonstration of pilot judgment; and emergency procedures.

NOTE: An equipment examination given to an airman in the air carrier's ground school within the preceding 6 months may be accepted as the equivalent oral or written examination at the discretion of the check pilot.

(ii) The flight maneuvers specified in § 40.282(b)(1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1, nor at actual or simulated maximum authorized weight; and

(iii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided*, That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

* * * * *

§ 40.302–1 [Deleted]

47. By deleting § 40.302–1.

§ 40.307 [Amended]

48. By amending § 40.307 by inserting between the words "flight" and *"Provided"* the words ", but such flight check shall not be accomplished in scheduled air transportation:".

§ 40.310 [Amended]

49. By amending § 40.310(b) by deleting from the first sentence the words "one round trip" and inserting in lieu thereof the words "a one-way qualification trip".

§ 40.353 [Amended]

50. By amending § 40.353 by deleting the words "with fuel and oil".

§ 40.357 [Deleted]

51. By deleting § 40.357.

52. By redesignating § 40.358 as § 40.357 *Flying equipment* and by amending paragraph (b) of the redesignated section to read as follows:

§ 40.357 Flying equipment.

* * * * *

(b) *Flashlights.* Each crewmember shall have readily available for his use on each flight a flashlight in good working order.

§ 40.358 [Redesignated]

53. By redesignating § 40.359 as § 40.358 and by amending the redesignated section by inserting between the words "conditions" and "exist" the following phrase "known to the air carrier".

54. By adding a new § 40.359 to read as follows:

§ 40.359 Operations over approved routes required.

Except when a deviation is necessary in accordance with § 40.360, a pilot shall not operate an air carrier airplane in scheduled air transportation over any route or route segment other than as specified in the operations specifications of the air carrier, nor operate other than in accordance with the limitations prescribed therein.

55. By amending § 40.360(c) to read as follows:

§ 40.360 Emergency decisions; pilot in command and aircraft dispatcher.

* * * * *

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate air traffic control facility and appropriate dispatch center shall be kept fully informed regarding the progress of the flight. A written report of any deviation shall be submitted by the individual declaring the emergency through the air carrier operations manager to an authorized representative of the Administrator. Such report shall be submitted by a dispatcher within 10 days from the date of the emergency and by a pilot in command within 10 days after his return to his home base.

§ 40.361 [Amended]

56. By amending § 40.361 by deleting the last sentence and inserting in lieu thereof a sentence which reads: "Any such information pertaining to irregularities of ground and navigational facilities received by an air carrier shall be reported to the authority directly responsible for the operation of the particular facility involved."

§ 40.363 [Amended]

57. By amending § 40.363(b) by deleting subparagraph (2).

58. By amending § 40.363(d) by deleting from the last sentence the words "within 7 days after completion of the trip" and inserting in lieu thereof the words "within 10 days after the pilot's return to his home base".

59. By amending § 40.365(a) by amending the introductory paragraph and subparagraphs (2) and (3) to read as follows:

§ 40.365 Requirements for air carrier equipment interchange.

(a) Prior to conducting any operations pursuant to an interchange agreement, the air carrier shall show that:

(1) * * *

(2) All required crewmembers and dispatchers involved meet the approved training requirements for the airplanes and equipment used in the interchange and are familiar with the communications and dispatching procedures to be used;

(3) All maintenance personnel involved meet the training requirements for the airplanes and equipment, and are familiar with the maintenance procedures applicable to the interchange;

* * * *

§ 40.370 [Amended]

60. By amending § 40.370 by deleting the words "life vest" and "life vests" wherever they appear in that section and inserting in lieu thereof the words "life preserver" and "life preservers", respectively.

61. By adding a new §40.372 to read as follows:

§ 40.372 Minimum altitudes for use of automatic pilot.

(a) *En route operations.* Except as provided in paragraph (b) of this section, an automatic pilot may only be used during en route flight operations, including climb or descent, at an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot malfunction in the particular airplane under cruise conditions as specified in the Airplane Flight Manual for the airplane involved, or 500 feet, whichever is higher.

(b) *Approaches.* Except as provided in subparagraph (1) of this paragraph, when using an instrument approach facility, an automatic pilot may remain engaged down to an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or not less than 50 feet below the minimum ceiling approved for the facility being used, whichever is higher.

(1) *ILS approaches utilizing an approach coupler*—(i) *Under instrument flight rule weather conditions.* When the reported weather conditions are less than the basic weather conditions specified in § 91.105 [New] of this chapter (Federal Aviation Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than 50 feet higher than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved.

(ii) *Under visual flight rule weather conditions.* When reported weather conditions are equal to or better than the basic VFR minimums specified in § 91.105 [New] of this chapter (Federal Aviation Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or 50 feet, whichever is higher.

§ 40.382 [Amended]

62. By amending § 40.382 by deleting the words "existing and anticipated" and by inserting in lieu thereof the words "reported and forecast".

§ 40.388 [Amended]

63. By amending § 40.388(a) by deleting the proviso.

64. By amending § 40.390 to read as follows:

§ 40.390 Alternate airport weather minimums.

An airport shall not be specified in the dispatch release as an alternate airport unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities will be at or above the alternate minimums specified in the air carrier's operations specifications for such airport when the flight shall arrive thereat.

65. By amending § 40.391(b) to read as follows:

§ 40.391 Continuance of flight; flight hazards.

* * * * *

(b) If any instrument or item of equipment required pursuant to the regulations in this chapter for the particular operation being conducted becomes inoperative en route, the pilot in command shall comply with the approved procedures specified in the Air Carrier Manual for such occurrences. An authorized representative of the Administrator may approve, for incorporaiton in the Air Carrier Manual, the minimum equipment list and procedures for continuance of flight beyond a terminal point with equipment referred to in § 40.170(c) inoperative, if he finds that, in the particular circumstances of the case, literal compliance with that requirement is not necessary in the interest of safety.

66. By amending § 40.395 to read as follows:

§ 40.395 Takeoffs from alternate airports and airports not listed in the operations specifications.

(a) A pilot shall not take off an airplane from an airport not listed in the air carrier's operations specifications unless:

(1) Such airport and related facilities are adequate for the operation of the airplane;

(2) In taking off, it is possible to comply with the applicable airplane operation limitations;

(3) The airplane is dispatched in accordance with all dispatching rules applicable to operation from an approved airport; and

(4) The ceiling and visibility at the airport are equal to or better than the following:

(i) *Airports within the United States.* The ceiling and visibility minimums for takeoff prescribed in Part 97 [New] of this chapter (Federal Aviation Regulations), but in no case less than 300–1. Where such minimums are not prescribed for the airport, the ceiling and visibility shall be 800–2, 900–1½ or 1000–1.

(ii) *Airports outside the United States.* The ceiling and visibility minimums for takeoff prescribed or approved by the government of the country in which the airport is located, but in no case less than 300–1. Where such minimums are not prescribed or approved for the airport, the ceiling and visibility shall be 800–2, 900–1½, or 1000–1.

(b) A pilot shall not take off an airplane from an alternate airport unless the ceiling and visibility at the airport are equal to or better than the minimums prescribed in the air carrier's operations specifications for alternate airports.

§ 40.397 [Amended]

67. By amending § 40.397 by inserting between the words "anticipated" and "and" the following words: "an instrument approach and possible missed approach at destination,".

68. By adding a new § 40.407 to read as follows:

§ 40.407 Applicability of reported weather minimums.

In the conduct of operations subject to §§ 40.405 and 40.406, the ceiling and visibility values contained in the main body of the latest weather report shall be the controlling criteria for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport except that when the latest weather report, including an oral report from the control tower, contains a visibility value specified as runway visibility or runway visual range for a particular runway of an airport, such specified value shall be controlling for VFR and IFR landings and takeoffs and straight-in instrument approaches for such runway.

§ 40.408 [Amended]

69. By amending § 40.408 by deleting the second proviso in paragraph (b).

70. By amending § 40.501 to read as follows:

§ 40.501 Crewmember and dispatcher records.

Each air carrier shall maintain current records of every crewmember and aircraft dispatcher. These records shall contain such information concerning the qualifications of each such crewmember and dispatcher as is necessary to show compliance with the appropriate requirements of the regulations of this chapter; e.g., proficiency and route checks, airplane and route qualifications, training, physical examinations, and flight time records. The termination or other action taken in regard to any flight crewmember or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least 6 months.

§ 40.502 [Amended]

71. By amending § 40.502 by adding at the end of the proviso the following sentence: "A copy of the current list and all changes thereto shall be submitted to the FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations."

72. By amending § 40.510 to read as follows:

§ 40.510 Alteration and repair reports.

Upon completion of a major alteration or major repair to an airframe, engine, propeller, or appliance, a report thereof shall be promptly prepared by the air carrier. A copy of the major alteration report shall be submitted to the representative of the Administrator assigned to the air carrier and a copy of the report of the major repair shall be made available to him.

§ 40.512 [Amended]

73. By amending § 40.512 by deleting the words "by or with pilots en route" and inserting in lieu thereof the words "between the air carrier and its pilots en route."

74. By adding an Appendix D to Part 40 to read as follows:

APPENDIX D—FIRST-AID KITS

Approved first-aid kits required by § 40.173 shall meet the following specifications and requirements.

(1) Each first-aid kit shall be dust and moisture proof, and contain only materials which meet Federal Specifications GG–K–391a, as revised.

(2) The type of first-aid kit and the contents thereof based upon the capacity of the airplane is as follows:

(a) No. 1 kit for airplanes of 1 to 5 persons capacity.

CONTENTS	No.
Adhesive bandage compresses, 1-inch (16 per unit)	1
Antiseptic swabs, 10 mm. (10 per unit)	1
Ammonia inhalants, 6 mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	1
4-inch bandage compresses (1 per unit)	1
Triangular bandage compressed, 40-inch (1 per unit)	2
Burn compound, ⅛ oz. (5 per unit) or equivalent amount of other burn remedy	1
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(b) No. 2 kit for airplanes of 6 to 25 persons capacity.[1]

CONTENTS	No.
Adhesive bandage compresses, 1-inch (16 per unit)	2
Antiseptic swabs, 10 mm. (10 per unit)	2
Ammonia inhalants, 6 mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	2
Triangular bandage compressed, 40-inch (1 per unit)	3
Burn compound, ⅛ oz. (6 per unit) or equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(c) No. 3 kit for airplanes of over 25 persons capacity.

CONTENTS	No.
Adhesive bandage compresses, 1-inch (16 per unit)	4
Antiseptic swabs, 10 mm. (10 per unit)	4
Ammonia inhalants, 6 mm. (10 per unit)	2
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	3
Triangular bandage compresses, 40-inch (1 per unit)	5
Burn compound, ⅛ oz. (6 per unit) or an equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

[1] Kit No. 2 in canvas may also be used on liferafts.

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on April 21, 1964.

N. E. HALABY,
Administrator.

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