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FEDERAL AVIATION AGENCY

[14 CFR Part 40]

[Notice No. 63-20; Docket No. 1794]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 40 of the Civil Air Regulations as hereinafter set forth.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 15, 1963, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received, and if finally promulgated will be subject to such changes as may be necessary for its recodification under the Agency's Recodification Program, as announced in Draft Release 61-25 (26 F.R. 10698). All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Presently effective Part 40 of the Civil Air Regulations contains safety certification and operation rules which govern air carriers holding economic certificate authority from the Civil Aeronautics Board to engage in unlimited scheduled service in interstate air transportation within the continental limits of the United States, exclusive of the State of Alaska.

Part 40 was last revised on December 31, 1955. A review of the provisions of that Part indicates the need for some substantive changes to reflect current Agency and industry views with respect to operating procedures. In addition, certain of the changes proposed herein incorporate, without any basic change, provisions contained in operations specifications or related Civil Aeronautics Manual material.

Some of the more significant changes which would be made to Part 40 by this proposal are as follows:

1. Section 40.1, *Applicability of this part.* This section would be amended to specify the applicability of the Part with greater particularity and accuracy so as to more clearly distinguish the certificated route air carriers governed by Part 40 from those governed by Part 41 and the supplemental air carriers governed by Part 42 of the Civil Air Regulations.

Proposed paragraph (b) of § 40.1 specifies those persons other than the air carrier itself who are subject to certain of the rules in Part 40.

2. Section 40.11, *Contents of certificate.* It is proposed to amend § 40.11 in order to update the provisions regarding the content of the air carrier operating certificate.

Proposed § 40.11 provides that airports to or from which, and the routes over which, the air carrier is authorized to operate shall be a part of the carrier's operating certificate. However, for administrative reasons, and to avoid repetitive listings, the rule provides for such routes and airports to continue to be listed in the operations specifications and incorporates them into the certificate by reference. Other airport and en route authorizations and limitations, such as weather minimums, would not be made a part of the air carrier operating certificate.

3. Section 40.13, *Issuance of certificate.* It is proposed to add a new paragraph (c) to § 40.13 to provide that Part 40 air carriers holding economic authority to engage in scheduled cargo-only operations may, upon application, be authorized by the Administrator to conduct such operations under the certification and operation rules of Part 42 of the Civil Air Regulations.

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4. Section 40.14, *Amendment of certificate.* The amendment proposed for § 40.14 specifies the procedures to be followed for processing an amendment to an air carrier operating certificate.

When an amendment to an air carrier operating certificate is initiated by the Administrator, he will follow the procedures published in Part 13 [New] of the Federal Aviation Regulations. These procedures are in accord with the statutory requirements of § 609 of the Federal Aviation Act. Thus, the provisions of Part 13 recognize the right of an air carrier to appeal to the Board from an order of the Administrator which amends its air carrier operating certificate.

However, under the provisions of § 40.14, if the air carrier initiates the action and makes application for an amendment to provisions of its operating certificate, the Administrator or his representative would be able to issue the amendment requested by the air carrier if he determined that safety in air transportation and the public interest permitted it. Should a representative of the Administrator deny approval of the certificate amendment requested, the rule proposed would give the air carrier the right to petition the Administrator to review the denial, since there is no right of appeal to the Civil Aeronautics Board under the Federal Aviation Act of 1958 in such cases of denial.

5. Section 40.20, *Utilization of operations specifications.* This section currently requires excerpts from the operations specifications or references thereto to be inserted in the manual issued by the air carrier. It is proposed to amend this provision and require that such excerpts and references be inserted in the manual in such a manner that they do not lose their identity and can be recognized as operations specifications material.

6. Section 40.21, *Amendment of operations specifications.* It is proposed to amend this section to incorporate the procedures governing the amendment of operations specifications. These procedures provide standards for the amendment of operations specifications as well as procedures for filing with the Administrator a petition for reconsideration of an amendment applied for by the air carrier. It should be noted, however, that the procedures proposed for the amendment of operations specifications would not apply in the case of airports and routes which, although listed in the operations specifications, are a part of the operating certificate by virtue of § 40.11. An amendment affecting a change in the latter would be governed by the procedures contained in proposed § 40.14, which governs amendments to operating certificates.

7. Sections 40.30, 40.31, 40.32, *Route requirements, Width of routes, and IFR routes outside of control areas.* Since 1957 there has been a significant increase in the number of aircraft capable of "high-altitude operations." To cope with the resulting increase in traffic density at altitudes above 12,500 feet, a number of changes and improvements have been made in the air traffic control system, and significant advances have been made to improve navigational facilities, radar facilities, and communications facilities. Numerous changes such as increasing the number of airways, the establishment of the Continental Control Area, which includes all airspace in the United States above 14,500 feet MSL, and the designation of Positive Control Areas have been made for the purpose of insuring more positive and safe separation of air traffic.

As a result of these changes in the air traffic control system, the concept of "high-altitude operations", which originated in 1945 when only occasional flights operated above 12,500 feet, is an obsolete concept. Accordingly, it is proposed to delete the definition of "high-altitude operations" from § 40.5.

Similarly, with the establishment of the Continental Control Area, the proviso to § 40.32 has been rendered inappropriate, since practically all of the airspace in which present operations are conducted is now controlled airspace. In addition, the proviso to §§ 40.30 and 40.31 regarding VFR high-altitude routes is no longer consistent with efforts being made to insure more positive separation of air traffic, and has been eliminated. Accordingly, it is proposed to amend §§ 40.30, 40.31, and 40.32 for the purpose of up-dating the current rules of these sections and to insure safer and more positive separation of air traffic.

It will be noted that the substance of currently effective § 40.32 would be incorporated in the general provisions of proposed § 40.30. Accordingly, it is proposed to delete currently effective § 40.32 and redesignate currently effective § 40.31 as § 40.32.

8. Section 40.36, *En route navigational facilities.* It is proposed to amend the proviso to this section for the purpose of achieving regulatory consistency, and to add a note which expresses the Agency's intent to list in the operations specifications of the air carrier those navigational facilities required for the approval of routes outside of controlled airspace. Excluded from this policy statement are those facilities required for routes to alternate airports. The agency has determined that only by listing required navigational facilities in the operations specifications can adequate control be maintained over the continuing approval of routes outside of controlled airspace.

9. Section 40.53, *Airplane Flight Manual.* It is proposed to amend paragraph (b) of § 40.53 in order to insure that when required sections of the Airplane Flight Manual are incorporated into the Air Carrier Manual they do not lose their identity as such. This amendment is proposed for the reason that the Agency considers it important that users know and appreciate which material is FAA approved in accordance with §§ 4b.740(b) and 4b.740-1 of the regulations and which is company policy. Such an amendment will clarify FAA policy regarding this matter as specified in Part 4b of the Civil Air Regulations.

10. Sections 40.61, 40.62, 40.70, 40.90, and 40.110, *Airplane certification and other special requirements.* The Agency is of the opinion that the certification requirements of § 40.61, the airplane limitations of § 40.62, the transport category airplane operating limitations of § 40.70, the nontransport category airplane limitations of § 40.90, and the special airworthiness requirements of § 40.110 should logically apply to cargo-carrying airplanes as well as passenger-carrying airplanes in the interest of safety. Accordingly, it is proposed to amend these sections by deleting those words which presently restrict the applicability of the sections to passenger-carrying airplanes.

11. Section 40.154, *Carriage of cargo in cargo compartments.* This new section is proposed in the interest of safety to insure that cargo compartments which by design require the use of a hand-operated fire extinguisher to extinguish a fire occurring in the compartment are loaded with cargo in such a manner as to permit a crewmember using a hand operated extinguisher to reach all parts of the compartment with the contents of the extinguisher.

12. Section 40.173, *Emergency equipment for all operations.* It is proposed to amend paragraph (a) of this section to incorporate in the rules a requirement for the inspection of emergency equipment in accordance with inspection periods established in the operations specifications of the air carrier to insure continued serviceability and immediate readiness of the equipment for its intended emergency purposes. The substance of this proposal is currently set forth as FAA policy in § 40.18-4(f) (4).

In addition, it is proposed to amend paragraph (c) of § 40.173 to require approved first-aid kits which meet the specifications and requirements prescribed in a new Appendix which would be added to Part 40 by this proposal.

13. Section 40.174, *Seats and safety belts for all occupants.* It is proposed to amend this section to clarify the requirements for seat belts and the uses thereof. The amendment proposed would require each person on board the airplane to occupy a seat or berth with a safety belt fastened during takeoff and landing.

14. Section 40.176, *Cockpit check procedure.* To insure completeness and uniformity in cockpit check procedures, the amendment proposed for this section would require the cockpit check procedure for each type of airplane used to be approved. In addition, the proposed amendment would require the flight crewmembers to follow the approved procedures when operating an airplane.

15. Section 40.179, *Shoulder harness.* This proposed section is new and would require all transport type airplanes certificated after January 1, 1958, to be equipped with shoulder harnesses at the pilot in command, second in command, and flight engineer stations. The safety benefits to be derived from the shoulder harness are most apparent in connection with the newer and faster types of transport airplanes, and these would be subject to this proposed rule.

16. Section 40.233, *Radio equipment for extended overwater operations and for certain other operations.* This proposed section is new. Its purpose would be to insure that there is adequate communications equipment aboard the airplane, in the event there is a failure of one communications system, while en-

gaging in extended overwater operations or other operations for which the Administrator finds such equipment requirements to be necessary in the interest of safety.

17. Sections 40.265 and 40.267, *Flight attendant, assignment of emergency and evacuation functions for each crewmember.* The Agency indicated in the Civil Air Regulations, miscellaneous amendments 41–3, that it would continue its study of the entire subject of the assignment of flight attendants on airplanes operated by air carriers and large commercial operators for the purpose of inaugurating further rule making. This study also includes a study of the emergency evacuation functions assigned to each crewmember. Proposals covering these sections have not been included in this notice, since a separate notice will be issued at a later date covering these sections.

18. Sections 40.280 through 40.290, *Training program and airman training requirements.* It is proposed to amend §§ 40.280 through 40.290 by deleting §§ 40.289 and 40.290 and incorporating in lieu of § 40.289 the recurrent training requirement in the individual section applicable to the type of airman involved. Section 40.290 is deleted since the approval of training programs has been provided for in § 40.280(a).

19. Section 40.302, *Pilot checks.* Sections 40.280(b) and 40.302(a) currently require the 12-month line check to be given by a check pilot who holds the same airman certificate and ratings as required for the pilot being checked and who is qualified for the route. It is proposed to amend § 40.302 for the purposes of up-dating the provisions and clarifying the intent of the current rules to require the check pilot to be qualified on the particular airplane as well as for the route.

20. Section 40.307, *Flight engineer qualification for duty.* To clarify the Agency's intent and achieve regulatory uniformity, it is proposed to amend this section and expressly prohibit the required flight check from being accomplished in scheduled air transportation.

21. Section 40.310, *Aircraft dispatcher qualification for duty.* To permit greater flexibility in the qualification of dispatchers, it is proposed to amend this section to require a dispatcher within the preceding 12 months to make only a one-way trip, rather than a round trip, over the particular area in which he is to be authorized to exercise dispatch jurisdiction.

22. Section 40.390, *Alternate airport weather minimums.* The Agency proposes to delete the airport weather minimums from this Part and specify these minimums in the air carrier's operations specifications in order to provide standardization among the operating rules.

23. Section 40.391, *Continuance of flight; flight hazards.* For a number of years the Agency has considered it necessary in the interest of safety in air transportation to approve a minimum equipment list ("go-no-go") to govern en route operations with required equipment inoperative. Comments received in response to Civil Air Regulations Draft Release No. 60–19 (recently published as Revised Part 41), have raised questions concerning the Agency's practice of approving minimum equipment lists incorporated in the carrier's manuals for en route operations since such approval was not expressly provided for in § 40.391(b).

The Agency considers this current practice of approving minimum equipment lists and procedures governing en route operations with required equipment inoperative to be necessary to insure the highest degree of safety in air transportation. Such a practice is also necessary in order to provide a uniform set of approved procedures applicable to modern complex airplanes.

Accordingly, it is proposed to amend paragraph (b) of § 40.391 to expressly require approval of the minimum equipment list for operations en route, as well as those procedures for continuance of flight beyond a terminal point.

Since the procedures required by paragraph (b) apply to the airplane while in flight, as well as on the ground at intermediate stops, § 40.51 requires them to be specified in that portion of the air carrier manual which is available to the pilot and appropriate ground personnel.

24. Section 40.408, *Flight altitude rules.* It is proposed to amend this section to delete those provisions pertaining to high-altitude operations because they are considered obsolete.

25. Section 40.507, *Maintenance log.* In view of the fact that overhaul time limits are generally based on reliability which can reasonably be expected throughout the period between overhauls, because of progressive maintenance and overhaul systems now in use, the requirement in the present rule for overhaul times to be set forth in the maintenance log is considered unnecessary. It is therefore proposed to delete the requirement.

26. Section 40.510, *Alteration and repair reports.* The Agency believes that since the accomplishment of major repairs is a routine maintenance matter, there is no need to require reports of major repairs to be submitted to the FAA, as long as such reports are made available to the FAA for inspection. Accordingly, it is proposed to amend § 40.510 to delete the reporting requirement for major repairs.

In consideration of the foregoing, it is proposed to amend Part 40 of the Civil Air Regulations as follows:

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: *Provided,* That in the case of segments of routes extending beyond the continental limits of the United States the Administrator may authorize an air carrier to conduct operations over such route segments under the provisions of 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".

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 this chapter (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 Administrators for a review of such refusal.

(c) Applications by the 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.

10. By deleting currently effective § 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.

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."

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

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

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."

16. By amending § 40.60 by inserting between the words "part" and "and" in the second sentence the following phrase "is registered as a civil aircraft of the United States,".

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.

21. 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 as 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.

22. 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.

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

24. By amending § 40.115(c) by amending the first sentence thereof to read as follows: "Cargo and baggage compartments shall be classified in the 'C' category if they do not conform with the requirements for the 'A', 'B', 'D', or 'E' categories."

25. By amending § 40.115 by adding new paragraphs (d) and (e) to read as follows:

§ 40.115 Fire precautions.

* * * * *

(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.)

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".

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 40.154; 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.

NOTE: Instruments and equipment specified in §§ 40.171, 40.172, and 40.230 through 40.233 are approved in accordance with one or more of the following:

(A) As a part of the original airplane type design;

(B) Under applicable Technical Standard Orders and installed under original airplane type certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)); or

(C) Under an FAA type certificate and installed under original airplane certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)).

31. By amending § 40.173 (a) and (c) 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.

(b) * * *

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

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

32. By amending § 40.174 to read as follows:

§ 40.174 Seats and safety belts for all occupants.

(a) The air carriers 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 themselves 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.

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

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

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 § 40.204 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."

40. 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, be 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.

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

§ 40.233 Radio equipment for extended overwater operations and for certain other operations.

For the following 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):

(a) Extended overwater operations; and

(b) Operations for which an authorized representative of the Administrator finds such equipment to be necessary for search and rescue operations because of the character of the terrain to be flown over.

42. 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.

43. 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.

44. By amending § 40.280(a) by adding thereto the following sentence: "The training program shall meet with the approval of an authorized representative of the Administrator."

45. By amending § 40.280 (c) and (d) by changing the references therein to "§ 40.286" to read "§ 40.285".

46. By amending § 40.281 by amending the title and introductory sentence; by

redesignating paragraphs (a)–(i) as subparagraphs (1)–(9) of a new paragraph (a), by adding a new paragraph (a)(10), and by adding a new paragraph (b) to read as follows:

§ 40.281 Pilot ground training.

(a) Ground training for each pilot prior to serving as a flight crewmember shall include instruction in at least the following:

* * * * *

(10) Communications procedures, including procedures to be used in the event any of the communications equipment required by this part becomes inoperative.

(b) The air carrier shall give each pilot such additional ground training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once within the preceding 12 months, as a part of the training program, recurrent ground training and checks shall be provided to insure the continued proficiency of each pilot, with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The check may be given at any time during the month preceding or following the month in which it becomes due. However, if given within the preceding or following month, it has the same effect as if given within the month in which it became due.

47. By amending § 40.282 by amending the title and first sentence of paragraph (a), and by adding a new paragraph (d), to read as follows:

§ 40.282 Pilot flight training.

(a) Flight training for each pilot prior to serving as a flight crewmember shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions. * * *

(d) The air carrier shall give each pilot such additional flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once within the preceding 12 months, as a part of the training program, recurrent flight training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The check may be given at any time during the month preceding or following the month in which it becomes due. However, if given within the preceding or following month, it has the same effect 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, satisfactory completion of the applicable proficiency checks required by § 40.302 or 40.305 will meet the requirements of this section.

48. By amending § 40.284 by amending the title thereof, by amending paragraph (b), and by adding a new paragraph (c) to read as follows:

§ 40.284 Flight engineer training.

* * * * *

(b) Prior to serving as a flight crewmember, each flight engineer shall be given sufficient training in flight to become proficient in those duties assigned him by the air carrier. Except for emergency procedures, the flight training may be accomplished during scheduled flight in air transportation under the supervision of a qualified flight engineer.

(c) The air carrier shall give each flight engineer such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once within the preceding 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight engineer with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The check may be given at any time during the month preceding or following the month in which it becomes due. However, if given within the preceding or following month, it has the same effect as if given within the month in which it became due. Except for emergency procedures, such flight check may be accomplished during scheduled flight in air transportation or the entire check may be accomplished in a synthetic trainer in lieu of a check in flight.

49. By redesignating § 40.286 as § 40.285 *"Crewmember emergency training"*, and by adding to redesignated § 40.285 a new paragraph (d) to read as follows:

§ 40.285 Crewmember emergency training.

* * * * *

(d) Recurrent training in the emergency procedures required in paragraph (a) of this section shall be accomplished at intervals not to exceed 12 months. Accomplishment of such training shall be made a part of the individual's record.

50. By redesignating § 40.288 as § 40.286 "Aircraft dispatcher training", and by adding to redesignated § 40.286 a new paragraph (c) to read as follows:

§ 40.286 Aircraft dispatcher training.

* * * * *

(c) The air carrier shall provide such additional training as is necessary to insure that each dispatcher is qualified with respect to new equipment procedures or techniques. At least once within the preceeding 12 months, as a part of the training program, recurrent training and checks shall be provided to insure the continued competence of each dispatcher with respect to the procedures, techniques, and information essential to his duties. The check may be given at any time during the month preceding or following the month in which it becomes due. However, if given within the preceding or following month, it has the same effect as if given within the month in which it became due.

51. By deleting §§ 40.289 and 40.290.

52. By amending § 40.300(a) by deleting the words "§ 40.280 or § 40.289, and §§ 40.301 through 40.310" and inserting in lieu thereof the words "§§ 40.280 through 40.286 and 40.301."

53. By amending § 40.302 by amending paragraph (a), by adding a sentence at the end of paragraph (b)(1), and by amending paragraph (b)(2) to read as follows:

§ 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.

(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.

54. By deleting § 40.302–1 of the related Civil Aeronautics Manual material.

55. 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:"

56. 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".

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

58. By deleting § 40.357.

59. By redesignating § 40.358 as § 40.357, "Flying equipment" and by amending redesignated § 40.357 by amending paragraph (b) 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.

60. 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".

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

§ 40.359 Operations over approved routes required.

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.

62. 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 and 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.

63. 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.

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

65. 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".

66. 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;

67. 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.

68. 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 § 60.30 of this chapter (Civil Air 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 § 60.30 of this chapter (Civil Air 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.

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

70. 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.

71. 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 incorporation 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.

72. 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 609 of the Regulations of the Administrator, 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.

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

74. 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.

75. By amending § 40.408 by deleting the second proviso to paragraph (b) thereof.

76. 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.

77. 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."

78. By amending § 40.507 by deleting the last sentence thereof.

79. 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.

80. 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."

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

APPENDIX—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

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

CONTENTS—continued

	No.
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

These amendments are proposed under the authority of sections 313(a) and 601–610 of the Federal Aviation Act of 1958 (72 Stat. 752 and 755–780; 49 U.S.C. 1354 and 1421–1430).

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G. S. MOORE,
Director,
Flight Standards Service.

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