REGULATIONS OF THE ADMINISTRATOR

Federal Aviation Agency - Washington, D. C.

Part 405

Rule Making Procedures

Amendment 2

Amendment 2
Eff. September 6, 1960
(25 Fed. Reg. 8713)

Petitions for Exemption From the Medical Standards

This is one of a group of related actions concerning the procedures for issuance of medical certificates. In other actions authority has been delegated to aviation medical examiners to issue or deny issuance of medical certificates and procedures have been established for reconsideration by the Civil Air Surgeon of the action taken by medical examiners.

Section 601(c) of the Federal Aviation Act of 1958 authorizes the Administrator to grant exemptions from the Civil Air Regulations. This action establishes the procedures for processing petitions for exemptions from the medical standards in Part 29 of the Civil Air Regulations. Such petitions will be referred to an advisory panel of medical specialists whose function will be to advise the Administrator on the medical matters involved prior to his final action on the petition.

This amendment is being made effective some 60 days after its issuance in order to allow time to designate the members of the advisory panel and establish the necessary mechanics for its operations.

Since this action establishes procedures, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 405 of the Civil Air Regulations, (14 CFR Part 405) is hereby amended as follows effective on September 6, 1960:

1. By amending the caption of § 405.31 to read "exemptions from the Civil Air Regulations other than Part 29 of this title" and by inserting after the words "Federal Aviation Act of 1958," in paragraph (a) the phrase "except Part 29 of the Civil Air Regulations,"

2. By renumbering § 405.32 as § 405.33.

3. By adding a new Section 405.32 to read as follows:

§ 405.32 Exemption from Part 29 of this title (Civil Air Regulations).

(a) *Processing of petitions.* Upon receipt of a petition for exemption from any or all of Part 29 of this title (Civil Air Regulations) the original of the petition will be retained in the official rule making docket and a copy, together with the medical data concerning the petitioner in the possession of the Bureau of Aviation Medicine, will be referred to an appropriate advisory panel of medical specialists for their consideration and recommendations. The Administrator will in light of the specific situation and the public interest involved grant or deny the petition after receipt of such recommendations. The recommendations and the final action will be made a part of the official rule making docket.

(b) *Function of Advisory Panel.* The function of the advisory panel will be to examine into the medical condition of the applicant and advise the Administrator whether or not in its opinion the specific nature of the medical defect of the applicant which renders him unable to meet the medical standards applicable to issuance of the medical certificate sought is such that he may be exempted from such standards without endangering the safety of the public during the period of validity of such medical certificate, giving due regard to the specific circumstances involved. The panel will obtain the views of the Civil Air Surgeon as to the matters involved in a petition for exemption.

(c) *Need for additional medical data.* In the event that the advisory panel desires additional medical data or further medical examination of the applicant it will so advise the Civil Air Surgeon, who will convey the request to the applicant. The data so obtained shall be made available to the panel immediately upon its receipt and made a part of the official rule making docket.

(d) *Function of the Civil Air Surgeon.* The Civil Air Surgeon will make the facilities of his Bureau available to the advisory panel to the extent that it may consider helpful, afford the panel such administrative services as it may request in connection with a petition for exemption, and advise the panel of his views as to such petitions.

(e) *Notification of the grant or denial.* Whenever a petition for exemption is granted or denied the Civil Air Surgeon will prepare, subject to the approval of the General Counsel as to form and legality, a notice to the petitioner of the action taken. A copy of such notice will be included in the official rule making docket.

(Secs. 303(d), 313(a), 1001; 72 Stat. 747, 752, 788; 49 U.S.C. 1344(d), 1354(a), 1481)

Issued in Washington, D.C., on September 6, 1960.

JAMES T. PYLE,
Acting Administrator.

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