

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

Crewmember Training and Pilot Certificates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the training requirements for crewmembers. The FAA has determined that to require crewmembers to jump into emergency evacuation slides during alternate recurrent training can lead to injuries and is not in the public interest. This rule also corrects an inadvertent omission regarding pilot certificates.

DATE: Effective date is April 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

Amendment to § 121.417

Amendment No. 121-148 (43 FR 46230; October 5, 1978) amended the crewmember emergency training provisions of § 121.417 by clarifying that the emergency drill requirements prescribed for crewmembers apply to both initial and recurrent training and that each crewmember is required to participate in one emergency evacuation using a slide during initial training and each 24 calendar months during recurrent training.

By letters dated November 6, 1978, and March 16, 1979, the Air Transport Association (ATA), on behalf of its members, petitioned the Administrator for a reconsideration of this requirement for each crewmember to use an emergency evacuation slide during recurrent training. ATA's petition is based on the questionable benefit of such recurrent training considering past injuries to persons using evacuation

slides during training. To support their contention, ATA cites that 26 injuries occurred to crewmembers during slide jumps in 1976 and 1977. From January 1978 to the present, of the 23 airlines reporting, 23 serious injuries have occurred as well as considerable minor injuries (burns, abrasions, etc.) which required no hospitalization.

Of the air carriers that have commenced jumping into slides for recurrent training, the most serious injuries that have occurred consist of a fractured coccyx, a broken leg, a broken ankle and one flight attendant received injuries that have left that flight attendant permanently paralyzed from the waist down.

Although the possibility of injuries is present, the air carriers recognize the need for this risk in the initial training of crewmembers and concur with jumping into an evacuation slide on a one-time basis.

However, the air carriers do not believe that the value of recurrent jumps exceeds the loss suffered due to injuries.

Accordingly, § 121.417(c) is amended to delete the requirement for each crewmember to use a slide in an emergency evacuation during recurrent training.

Based on the extent of the injuries incurred during the slide jumps and to prevent additional injuries anticipated when each air carrier begins the recurrent phase of its training program, the FAA has concluded good cause exists for this amendment and that notice and public procedure are unnecessary and contrary to the public interest and that this amendment may be made effective without notice.

Amendment to § 121.437

Amendment No. 121-148 (43 FR 46230; October 5, 1978) amended § 121.437(b) effective December 4, 1978, to require a pilot, other than a pilot in command, to hold a commercial pilot certificate with appropriate category and class ratings and an instrument rating after July 1, 1980. The amendment did not provide for a second in command to hold at least the certificate requirements of § 121.437(b) in effect prior to December 4, 1978. This provision was inadvertently omitted in the rulemaking process and

therefore § 121.437 is hereby amended by reinstating the requirement for a second in command to hold a commercial pilot certificate with an instrument rating until July 1, 1980. Since this change corrects and clarifies the current requirements and does not impose a burden on the public, notice and public procedure are unnecessary. This change is adopted as noted.

Adoption of the Amendments

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective April 23, 1979.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.417 [Amended]

1. By amending § 121.417(c) by deleting the phrase " * * * and each 24 calendar months during recurrent training." at the end of the second sentence and ending the second sentence after the words "initial training."

§ 121.437 [Amended]

2. By amending § 121.437 by redesignating paragraph (b) as paragraph (c) and by adding a new paragraph (b) to read as follows:

* * * * *

(b) Each pilot who acts as a pilot in a capacity other than those specified in paragraph (a) of this section must hold at least a commercial pilot certificate and an instrument rating.

* * * * *

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044, and set forth in the "Department of Transportation Regulatory Policies and Procedures" published in the **Federal Register** February 26, 1979 (44 FR 11034).

Issued in Washington, D.C., on April 23, 1979.

Langhorne Bond,
Administrator.

[Docket No. 18883; Amdt. No. 121-151]
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Amendment No. 121-151

Docket No. 18883

(As published in the Federal Register (44 F.R. 25201) on April 30, 1979.)