See correction

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8992; Amdt. 67-7]

PART 67—MEDICAL STANDARDS AND CERTIFICATION

Reconsideration of Certification Actions

The purpose of this amendment to Part 67 of the Federal Aviation Regulations is to provide that certain FAA officials may on their own initiative reverse the issuance of a medical certificate by an aviation medical examiner, within 60 days after receiving additional medical information establishing the noneligibility of the holder of that certificate, when that information was requested within 60 days of issuance.

This amendment was proposed in Notice 68-14, and published in the FEDERAL REGISTER on July 10, 1968 (33 F.R. 9005).

Four public comments were received on the notice, three of which concurred in the proposal or offered no objections. One comment objected to the proposal, asserting that it would be unfair to keep the airman in a state of suspense for any longer period of time because of FAA "inefficiencies". However, this comment failed to recognize that in many cases the need for more time stems from delays of the airman in providing needed medical information to establish his eligibility or noneligibility for a medical certificate. As stated in the notice, § 67.25(b), as amended by Amendment 67-5, effective July 16, 1966, contains a 60-day time limitation within which FAA officials may reconsider and reverse the issuance of a medical certificate by an aviation medical examiner. However, although the reconsideration may indicate the need for additional medical information to determine whether an error was made by an aviation medical examiner, the authority of the FAA official to fully reconsider the case and reverse the issuance of the certificate, if necessary, could be effectively defeated by the failure (or delay) of the holder of the medical certificate to respond to the request for additional medical information within 60 days from the date the certificate was issued. This could allow operation of aircraft by airmen whose physical qualifications have not been fully determined, and, if necessary, require resort to action under section 609 of the Federal Aviation Act to prevent the airman from further operation of an aircraft until a determination can be made that he can do so safely.

Since the term "medical information" as used in § 67.31—Medical Records (under which information is requested) includes the results of "medical testing", the latter term is not used in the amended rule although it was used in the notice. Also, the amendatory language has been rearranged for the purpose of clarification, but without change in meaning.

In consideration of the foregoing, the third sentence of paragraph (b) of § 67.25 of the Federal Aviation Regulations is stricken out, and the following new sentences are inserted in place thereof, effective February 8, 1969:

§ 67.25 Delegation of authority.

* * * * *

(b) * * * A certificate issued by an aviation medical examiner is considered to be affirmed as issued unless an FAA official named in this paragraph on his own initiative reserves that issuance within 60 days after the date of issuance. However, if within 60 days after the date of issuance that official requests the certificate holder to submit additional medical information, he may on his own initiative reverse the issuance within 60 days after he receives the requested information.

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(Secs. 303(d), 313(a), 601, 602, Federal Aviation Act of 1958 (49 U.S.C. 1344, 1354(a), 1421, 1422); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 2, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-201; Filed, Jan. 7, 1969; 8:47 a.m.]

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Correction

In F.R. Doc. 69-201 appearing at page 248 in the issue for Wednesday, January 8, 1969, the word "reserves" in the fourth line of the third sentence of (b) of § 67.25 should read "reverses".