

March 9, 1978

**SUPPLEMENTARY INFORMATION:** This amendment is based on a Notice of Proposed Rule Making, Notice No. 78-2, published in the *FEDERAL REGISTER* on February 2, 1978 (43 FR 4438). That notice invited comments by all persons interested in the making of the proposed rule. All interested persons have been afforded an opportunity to participate in the making of this amendment. Only one comment was received by the closing date of March 1, 1978. The one commenter stated that it was in full agreement with the intent of the proposal, but included a recommended change. The recommendation, however, is subject to two interpretations. One interpretation is that the requirement for observation by an FAA inspector of a transitioning pilot in command apply if that pilot has not made at least two takeoffs and landings in the type airplane used. If this is the substance of the suggestion made by the commenter, it would impose a requirement more restrictive than the present rule, and is beyond the scope of Notice 78-2. Accordingly, it has not been implemented. The other interpretation is that the commenter recommended inclusion of a statement expressly excluding a transitioning pilot in command from FAA inspector observation of performance of prescribed duties. The FAA does not agree that this change is necessary. The proposal expressly stated that the requirement for FAA inspector observation would apply only to a qualifying pilot in command who is completing initial or upgrade training specified in § 121.424. Therefore, the FAA believes it is clear that the requirement does not apply to a transitioning pilot in command. One comment was received after the closing date and it concurred in the proposal.

Accordingly, except for minor editorial revisions, and as specifically discussed hereinafter, this amendment and the reasons therefore are the same as those in Notice No. 78-2.

Section 121.434(c)(1)(ii) currently requires that a pilot in command be observed by an FAA inspector during at least one flight leg, which includes a takeoff and landing, while acquiring operating experience if the certificate holder uses a course of training in an airplane simulator, as provided in § 121.409(c), prior to serving as the pilot in command in Part 121 operations. The purpose of the rule is to provide the FAA an opportunity to observe a pilot in the performance of his duties prior to his assuming pilot in command duties in Part 121 operations.

The current rule specifies that during the time that a qualifying pilot in command is acquiring operating experience, a check pilot serving as the pilot in command must occupy a pilot station. In the case of a transitioning

pilot in command, the check pilot serving as the pilot in command may occupy the observer's seat, if the transitioning pilot has made at least two takeoffs and landings in the type airplane used, and has satisfactorily demonstrated to the check pilot qualifications to perform the duties of a pilot in command of that type of airplane.

The requirements in § 121.434(c)(1) for initial operating experience (IOE) flights for a pilot in command, observed by an FAA inspector, resulted from Amendment 121-55, published on January 3, 1970 (35 FR 84), and Amendment 121-91, published on May 27, 1972 (37 FR 10727). The purpose of these amendments was to update procedures for the approval and revision of training programs; to provide for more extensive use of airplane simulators in training; and to allow improvements in the operation of training programs and the quality of training. The FAA considered it necessary to require pilots in command to be observed by an FAA inspector during at least one flight leg of initial operating experience, which includes a takeoff and landing, if the certificate holder uses a course of training in an airplane simulator as provided in § 121.409(c). That requirement was set forth in Amendment 121-91, and has continued in effect until the present.

Based on FAA experience observing IOE flights since May 27, 1972, the agency believes that a combination of simulator/airplane training results in a pilot who is better trained than one trained only in the airplane. Simulators permit more concentrated training without waste of energy, time, and effort, and the trainees can be allowed to see and correct their mistakes without any detrimental effect on safety of flight. Therefore, the FAA believes that utilization of ground training devices, particularly aircraft simulators, adequately prepares a qualifying pilot in command for assumption of duties since initial operating experience is gained with a check pilot.

The FAA further believes that due to the experience level of pilots in command who have gained line experience with the certificate holder in airplanes of the same group, as defined in § 121.400, it is unnecessary for the FAA to continue to observe all IOE flights for qualifying pilots in command who are completing transition training. The FAA will, however, continue to observe a sufficient number of IOE flights by transitioning pilots in command to enable it to determine the effectiveness of the certificate holder's training program.

Therefore, the requirement for an FAA inspector to observe at least one IOE flight with a takeoff and landing for a transitioning pilot in command gaining line operating experience, who has previously served in the same ca-

[4910-13]

[Docket No. 17565; Amdt. No. 121-140]

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

**Crewmember Qualifications:  
Operating Experience**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the requirement that if a certificate holder's approved training program includes a course of training in an airplane simulator, a pilot in command must be observed in an airplane by an FAA inspector during at least one flight leg which includes a takeoff and landing. The FAA believes that operating experience shows that the current requirement for an FAA observer is not necessary on initial operating experience flights for qualifying pilots in command completing transition training. Accordingly, that requirement is deleted by this amendment.

**EFFECTIVE DATE:** March 9, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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capacity in another airplane of the same group of airplanes is deleted by this amendment.

Notice 78-2 also contained a clarifying change to the two sentences in § 121.434(c)(1)(ii) reading "During the time that . . . a pilot station. . . ." in order to conform it to the intent of Amendment 121-74, published in the FEDERAL REGISTER on June 30, 1971 (36 FR 12284). In that amendment, it was the FAA's intention that those sentences constitute a flush paragraph applying to § 121.434(c)(1) (i) and (ii). Due to errors in printing in the FEDERAL REGISTER and the Code of Federal Regulations discovered during preparation of Notice 78-2, the FAA is concerned that its intention may not have been made clear. Accordingly, an explicit reference reading "(c)(1) (i) and (ii)" has been added to clarify the applicability of the two sentences specified above.

Since this amendment relieves a restriction, and accomplishes an editorial change, I find that it may be made effective on less than 30 days notice.

#### DRAFTING INFORMATION

The principal authors of this document are Mr. Joe N. Cate, Fr., Flight Standards Service, and Mr. Richard C. Beitel, Office of the Chief Counsel.

#### THE AMENDMENT

Accordingly, Part 121 of the Federal Aviation Regulations is amended, effective March 9, 1978, by revising the first two sentences of § 121.434(c)(1)(ii) to read as follows:

#### § 121.434 Operating experience.

. . . . .

(c) . . . .

(1) . . . .

(ii) In addition, if the certificate holder's approved training program includes a course of training in an airplane simulator under § 121.409(c) and a qualifying pilot in command is completing initial or upgrade training specified in § 121.424, be observed in the performance of prescribed duties by an FAA inspector during at least one flight leg which includes a takeoff and landing. During the time that a qualifying pilot in command is acquiring the operating experience in paragraph (c)(1) (i) and (ii) of this section, a check pilot who is also serving as the pilot in command must occupy a pilot station. . . .

. . . . .

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic

Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on March 7, 1978.

LANGHORNE BOND,  
Administrator.

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