

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transportation

[Docket No. 9114; Amdt. 61-44]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Miscellaneous Amendments

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to: (1) Change the minimum total pilot flight time required by § 61.145 (b) (2) as aeronautical experience for an airline transport pilot certificate with an airplane rating to 1,500 hours (from 1,200 hours within the 8 years before the date of application), and delete the requirement that this flight time must include 5 hours within the 60 days before the application; (2) allow a commercial pilot to credit toward that flight time a limited kind and amount of flight engineer flight time acquired while serving in the latter capacity in airplanes required to have flight engineers by their approved Aircraft Flight Manuals, in operations conducted under Part 121 of the Federal Aviation Regulations and while participating at the same time in a pilot training program approved under Part 121; (3) allow a commercial pilot to credit toward that flight time all of the flight time logged as second in command in airplanes required to have more than one pilot by their approved Aircraft Flight Manuals or their airworthiness certificates, in operations conducted under Part 121 (instead of only 50 percent, as previously limited); (4) allow an applicant to substitute one night takeoff with a landing to a full stop for each hour of required night flight time (but not more than 25 hours), this substitution to be allowed, however, only after the applicant already has made 20 night takeoffs with landings to a full stop; (5) require an applicant for an airline transport pilot certificate with an airplane rating to have the minimum 250 hours of flight time as pilot in command (or as copilot performing the duties and functions of a pilot in command under the supervision thereof), specified by § 61.145 (b) (1), in airplanes; and (6) change the certificate endorsement reference prescribed in § 61.145 (c) to 150 hours as pilot in command (from 250 hours), and thereby make the endorsement consistent with Annex 1 to the

Convention on International Civil Aviation, and add a similar endorsement requirement appropriate as a result of items (2) and (3). Finally, a number of miscellaneous amendments are made to this part to remove obsolete or inconsistent provisions.

These amendments, other than the miscellaneous amendments and the additional certificate endorsement provision, were proposed in Notice No. 68-21, and published in the FEDERAL REGISTER on September 10, 1968 (33 F.R. 12780). Forty-two public comments were received on the notice. Six comments concurred with the proposals, eight comments were generally opposed to them, and the remaining 28 comments were favorable to most of the proposals.

Eight comments opposed increasing the total flight time requirement to 1,500 hours from 1,200 hours (within the preceding 8 years). Some of these comments expressed concern that the changed rule would favor operations under Part 121, asserting that a second in command under Part 121 could now be credited with a large number of hours toward an airline transport pilot certificate, earned while flying for pay, whereas this would not necessarily be so in the case of a general aviation pilot. However, these comments do not take into account the differences between pilot experience gained in small aircraft flown for pleasure and the experience plus training and checking obtained by a pilot or other flight crewmember for a Part 121 operator. Fourteen other comments opposed allowing all second-in-command time in Part 121 operations to be credited toward airline transport pilot certificate qualification without allowing other pilots, principally corporate, the same privilege. These comments stated that the training given voluntarily by certain operators, principally corporate, is as good as training given by operators under Part 121. However, crediting 100 percent of flight time for these persons is beyond the scope of the notice here, but it will be considered for future rule-making action.

Five comments were in favor of retaining the currency-of-experience requirements, and three comments urged removal of the requirements. As stated in the notice, the currency-of-experience requirements in § 61.145 (b) (2) have presented problems to the FAA, requiring the processing of numerous requests for relief. The original purpose of the provisions was to safeguard the public from the possibility that a pilot with an airline transport pilot certificate would be

allowed to exercise the privileges of that certificate without having been in an airplane for a considerable length of time. However, flight operations under Part 121 of the Federal Aviation Regulations are the only ones for which an airplane pilot must hold an airline transport pilot certificate, and that part provides for comprehensive training programs, and for proficiency and currency requirements. Accordingly, it is considered that safety will not be adversely affected by deleting the currency-of-experience requirements from § 61.145 (b) (2).

Thirteen comments opposed allowing flight engineer time to be credited toward airline transport pilot certificate qualification. However, as stated in the notice, when a flight engineer holding a commercial pilot certificate participates in a Part 121 approved pilot training program, the experience there gained in conducting operations in large transport airplanes is sufficiently beneficial to allow this credit.

Since the miscellaneous amendments removing obsolete or inconsistent provisions are minor in nature, effect no substantive change, or are ones in which the public is not particularly interested, notice and public procedure thereon are unnecessary.

The miscellaneous amendments now made are as follows:

(1) The flush paragraph at the end of § 61.15 (j), and paragraph (1) of this section are obsolete, and they are stricken out.

(2) The words "After March 31, 1966," in § 61.16 (a) (3) are obsolete, and they are stricken out.

(3) The first sentence in § 61.31 (c) (2) is obsolete, and it is stricken out.

(4) Paragraph (a) (4) of § 61.115 has been stricken out previously, therefore the reference to it in § 61.35 (a) (2) is dropped.

(5) Paragraph (a) (4) in § 61.39 is stricken out, since accident reports provide the necessary information previously required by this provision.

(6) The words "three landings and takeoffs" in § 61.63 (b) (2) (1) are rearranged to read "three takeoffs and landings," as a more intelligible provision.

(7) The word "written" in § 61.71 (a) (1) referring to tests on Part 91 for student pilot presolo airship flights, is stricken out because student pilot testing is not required to be written in other provisions on solo flights.

(8) The flush paragraph at the end of § 61.93 is amended by striking out the words "a commercial glider pilot" in the second sentence, and substituting there-

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for the phrase, "if received before September 26, 1966, a commercial glider pilot or appropriately rated flight instructor." The paragraph previously has allowed a commercial pilot to give the instruction. Section 61.3(d) as amended on March 6, 1968, now prohibits this; however, under a previous amendment, instructions could be given by a commercial glider pilot until September 26, 1966.

(9) Section 61.123(b) is amended by striking out the phrase "a commercial glider pilot" and substituting the phrase "if received before September 26, 1966, a commercial glider pilot or appropriately rated flight instructor" therefor. The reasons for this change are the same as those given in item (8) above.

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended, effective November 22, 1969, as follows:

§ 61.15 [Amended]

1. The flush paragraphs at the end of paragraph (j), and paragraph (l), in § 61.15 are stricken out.

§ 61.16 [Amended]

2. The words "After March 31, 1966, a" are stricken out of paragraph (a) (3) of § 61.16, and the word "A" is substituted therefor.

3. Paragraph (c) (2) of § 61.31 is amended to read as follows:

§ 61.31 Military pilots or former military pilots; Special rules.

(c) Instrument rating. * * *

(2) In the case of an instrument rating issued to the holder of an airline transport pilot certificate, the rating is limited to commercial pilot privileges.

§ 61.35 [Amended]

4. The words "subparagraphs (3) and (4)" are stricken out in the first sentence of paragraph (a) (2) of § 61.35, and the words "subparagraph (3)" are substituted therefor.

5. Section 61.39 is amended by striking out paragraph (a) (4), and by amending the second sentence of paragraph (d) to read as follows:

§ 61.39 Pilot logbooks: Except airline transport pilots.

(d) * * * Except as provided in § 61.145(d) (1), he may be credited with not more than 50 percent of that kind of flight time toward the total flight time required for a higher certificate or rating. * * *

§ 61.63 [Amended]

6. The words "three landings and takeoffs" are stricken out in paragraph (b) (2) (i) of § 61.63, and the words "three takeoffs and landings" are substituted therefor.

§ 61.71 [Amended]

7. The word "written" is stricken out in paragraph (a) (1) of § 61.71.

8. The second sentence of the undesignated paragraph at the end of § 61.93 is amended to read as follows:

§ 61.93 Glider rating: aeronautical experience.

* * * If received in a glider, it must have been given by an appropriately rated flight instructor or if received before September 26, 1966, by a commercial glider pilot or appropriately rated flight instructor.

9. Paragraph (b) of § 61.123 is amended to read as follows:

§ 61.123 Glider rating: aeronautical experience.

(b) 2 hours of flight instruction (from an appropriately rated flight instructor or if received before Sept. 26, 1966, by a commercial glider pilot or appropriately rated flight instructor), in procedures and maneuvers required for the commercial pilot flight test;

§ 61.145 [Amended]

10. Section 61.145 is amended as follows:

a. By amending paragraph (b) to read as follows:

(b) An applicant must have had—

(1) At least 250 hours of flight time as pilot in command of an airplane, or as copilot of an airplane performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, at least 100 hours of which were cross-country time and 25 hours of which were night flight time; and

(2) At least 1,500 hours of flight time as a pilot, including at least—

(i) 500 hours of cross-country flight time;

(ii) 100 hours of night flight time; and

(iii) 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight.

Flight time used to meet the requirements of subparagraph (1) of this paragraph may also be used to meet the requirements of subparagraph (2) of this paragraph. Also, an applicant who has made at least 20 night takeoffs and landings to a full stop may substitute one additional night takeoff and landing to a full stop for each hour of night flight

time required by subparagraph (2) (ii) of this paragraph. However, not more than 25 hours of night flight time may be credited in this manner.

b. By striking out the number "250" in the first and second sentences of paragraph (c), and inserting the number "150" in place thereof.

c. By inserting a new paragraph (d) to read as follows:

(d) A commercial pilot may credit toward the 1,500 hours total flight time requirement of paragraph (b) (2) of this section the following flight time in operations conducted under Part 121 of this chapter:

(1) All second-in-command time acquired in airplanes required to have more than one pilot by their approved Aircraft Flight Manuals or airworthiness certificates; and

(2) Flight engineer time acquired in airplanes required to have a flight engineer by their approved Aircraft Flight Manuals, while participating at the same time in an approved pilot training program approved under Part 121 of this chapter.

However, the applicant may not credit under subparagraph (2) of this paragraph more than 1 hour for each 3 hours of flight engineer flight time so acquired, nor more than a total of 500 hours.

d. By inserting a new paragraph (e) to read as follows:

(e) If an applicant who credits second-in-command or flight engineer time under paragraph (d) of this section toward the 1,500 hours total flight time requirement of paragraph (b) (2) of this section—

(1) Does not have at least 1,200 hours of flight time as a pilot including no more than 50 percent of his second-in-command time and none of his flight engineer time; but

(2) Otherwise meets the requirements of paragraph (b) (2) of this section.

his certificate will be endorsed "Holder does not meet the pilot flight experience requirements of ICAO," as prescribed by Article 39 of the "Convention on International Civil Aviation." Whenever he presents satisfactory evidence that he has accumulated 1,200 hours of flight time as a pilot including no more than 50 percent of his second-in-command time and none of his flight engineer time, he is entitled to a new certificate without the endorsement.

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

Issued in Washington, D.C., on October 16, 1969.

G. S. MOORE,
Acting Administrator.