

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9815; Amdt. 61-50]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Flight Instructor Recommendation Requirement—Removal in Certain Cases

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to remove the requirement that an applicant for an airline transport pilot certificate or an additional rating on that certificate must have a written recommendation from a certificated flight instructor in order to be eligible to take a flight test for that certificate or rating.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 69-38) issued on August 29, 1969, and published in the FEDERAL REGISTER on September 5, 1969 (35 F.R. 14081). Due consideration has been given to all comments presented in response to that notice.

Of the 24 comments, 11 concurred with (generally without substantive comment) and 13 opposed the proposal. Some of the latter asserted that the proposal degrades the status of flight instructors, or that the GADO's would be burdened by increased failures in flight tests, or that the quality of airline transport pilots would be lowered. However, the FAA does not agree that any of these results will be caused by these amendments. As pointed out in the notice, the recommendation requirement does not serve the original stated purpose of the provision (Notice 64-18) so far as applicants for airline transport pilot certificates are concerned, that is, to benefit these applicants by insuring that they have had adequate preparation before taking the flight test, thus reducing the possibility of failure. This is so, in view of the fact that flight instructor certificate applicants are not examined on the knowledge and skill requirements that are pertinent to airline transport pilot testing standards, nor need they

have the flight experience required therefor.

The commentators who opposed the proposal suggested certain alternatives, all of which were considered and rejected in developing the proposal. Seven of these commentators suggested that the instructor should have an airline transport pilot certificate in addition to his flight instructor certificate, and that the recommendation be required from such a flight instructor. The suggestion has merit, and the FAA agrees that an applicant prepared by such an instructor is more likely to have had good preparation and to pass the flight test. However, there is no standard of conduct or proficiency applicable to an airline transport pilot who would instruct an airline transport pilot applicant or issue a written statement under § 61.21 recommending that applicant, beyond that which would apply to the instructor's relationship with a commercial pilot applicant. For this reason it was not proposed as an alternative in the notice, either as a single requirement or as a requirement in conjunction with a flight instructor certificate. Removing the present requirement opens the field to the applicant to seek the best training available to him to prepare for the airline transport pilot flight test.

Two of the commentators who opposed the proposal recommend that an airline transport pilot grade of flight instructor should be established. However, such a grade or rating was not proposed in the notice because there are no flight instruction requirements in the experience requirements for an airline transport pilot certificate. If in the future specified flight instruction should be so required, consideration will be given at that time to also specifying the qualifications of the flight instructor giving the required flight instruction.

Related alternatives suggested by the commentators who opposed the proposal were that the instructor should have an airline transport pilot certificate but not necessarily a flight instructor certificate, or that the rules should allow recommendation from either an airline transport pilot or a flight instructor. The considerations for rejecting the alternatives discussed above dispose of these suggested alternatives.

In consideration of the foregoing, paragraph (a)(4) and paragraph (b) of

§ 61.21 of the Federal Aviation Regulations are amended, effective September 11, 1970, to read as follows:

§ 61.21 Prerequisites for flight test.

(a) * * *

(4) Have a written statement made not more than 60 days before applying for the flight test, from a flight instructor whose flight instructor certificate bears the category rating of the aircraft to be used in the flight test (or an instrument rating if that rating is sought), certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test. However, an applicant need not have this written statement if he—

(i) Holds a foreign pilot license issued by a contracting State to the Convention on International Civil Aviation that authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is applying for a type rating only;

(iii) Is applying for an airline transport pilot certificate or an additional aircraft rating on an airline transport pilot certificate; or

(iv) Is applying for a pilot certificate with a lighter-than-air category or associated class rating.

(b) Notwithstanding subparagraph (1) of paragraph (a) of this section, an applicant for an airline transport pilot certificate or an additional aircraft rating on that certificate, who has been continuously employed as a pilot or as a pilot assigned to flight engineer duties by, and has continuously participated in an approved pilot training program of, a U.S. air carrier or commercial operator since no later than 24 months after passing the written test, or has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a U.S. scheduled military air transportation service after passing the written test, may take the flight test for that certificate or rating as long as he continues in that employment and pilot training program.

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

Issued in Washington, D.C., on August 4, 1970.

J. H. SHAFFER,
Administrator.

(As published in the Federal Register
/35 F.R. 12708/ on Aug. 11, 1970)