

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8078; Amdt. 61-38]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Certification of Certain Foreign Military Pilots on Duty With an Armed Force of United States

The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to extend the privileges of § 61.31(a) to certain foreign military pilots who hold a current civil pilot license issued by a foreign member State of the International Civil Aviation Organization (ICAO), and to clarify § 61.31 (b), (c), and (d) by including the identifying words "United States" where applicable.

The amendment to § 61.31(a) was proposed in Notice 67-12 and published in the FEDERAL REGISTER on April 8, 1967 (32 F.R. 5740). The comments received on the notice support the proposal. As stated in the notice, the amended provision recognizes the technical value of the foreign civil pilot license, in keeping with ICAO objectives, with respect to pilots assigned to flight duty with U.S. Armed Forces. It should be noted that the foreign military pilot must be both a holder of a civil pilot license and a member of the Armed Force of the same member state of ICAO before the privileges of the section are extended to him. Thus, the FAA extends the privileges of the section to the foreign military pilot only when the country in whose Armed Force he is a member has favorably considered his civil pilot qualifications and issued him a civil pilot license.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented.

With the amendment to § 61.31(a), paragraphs (b), (c), and (d) of the section need clarification. Paragraph (a) is quite clear in speaking of members of an Armed Force of the United States. Paragraphs (b), (c), and (d), however, speak of "military aircraft", "official military checkout", "military instrument flight check", "current military instrument rating or card", and "appropriate Armed Force form or Navy flight log-book". Prior to this amendment, § 61.31 (b), (c), and (d) in context indicated that the expressions applied to U.S. military qualifications. However, with the introduction of members of an Armed Force of a foreign member state of ICAO in paragraph (a) of § 61.31, paragraphs (b), (c), and (d) could be misconstrued. Therefore, these paragraphs are amended so that each reference to a military qualification is preceded by the identifying words "United States". Since this amendment in this respect is clarifying and places no added burden upon any person, notice and public procedure thereon are not necessary.

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended effective November 5, 1967, as follows:

1. By amending paragraph (a) of § 61.31 as follows:

a. By striking out the word "or" at the end of subparagraph (3).

b. By striking out the period at the end of subparagraph (4), and inserting a semicolon followed by the word "or" in place thereof.

c. By inserting a new subparagraph (5) to read as follows:

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

(a) *Written test and evidence.* * * *

(5) He holds a current civil pilot license issued by a foreign contracting state to the Convention on International Civil Aviation authorizing at least the pilot privileges of the airman certificate he seeks, and—

(i) He is a member of an Armed Force of that contracting state on duty with an Armed Force of the United States

with solo flying status as a rated pilot; or
- (ii) He was, at any time since the beginning of the 12th calendar month before he applies, a member of an Armed Force of that contracting state on duty with an Armed Force of the United States with solo flying status as a rated pilot, and was not removed from that duty or status, or from solo flying status with an Armed Force of that contracting state, for lack of flying proficiency.

2. By amending paragraph (b) of § 61.31 as follows:

a. By inserting the words "United States" after the words "pilot in command in" and before the words "military aircraft" and after the word "official" and before the words "military checkout" in subparagraph (1).

b. By inserting the words "on his U.S. pilot certificate" after the words "instrument rating" and before the comma, in subparagraph (2).

c. By inserting the words "United States" after the words "of a" and before the words "military instrument flight check" in subparagraph (2).

3. By amending paragraph (c) of § 61.31 by inserting the words "United States" before the word "military" wherever the word "military" appears in subparagraphs (1), (2), and (3).

4. By amending paragraph (d) of § 61.31 as follows:

a. By inserting the words "United States" before the words "Air Force", "Navy", "military", and "rated" in subparagraph (2) and before the words "Air Force", "military", and "checkout" in subparagraph (3).

b. By striking out the words "from an Armed Force" and inserting the words "from a U.S. Armed Force" in place thereof in subparagraph (4).

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on October 2, 1967.

D. D. THOMAS,
Acting Administrator.

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