

Federal Register

Thursday
April 23, 1998

Part IV

**Department of
Transportation**

Federal Aviation Administration

**14 CFR Parts 61 and 141
Pilot, Flight Instructor, Ground Instructor,
and Pilot School Certification Rules:
Clarifying Amendments and Other
Editorial Changes; Final Rule**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 141

[Docket No. 25910; Amendment Nos. 61-104 and 141-10]

RIN 2120-AE71

Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules; Clarifying Amendments and Other Editorial Changes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment makes minor revisions to clarify regulations regarding the certification, training, and experience requirements for pilots, flight instructors, and ground instructors, and the certification requirements for pilot schools approved by the FAA.

EFFECTIVE DATE: This rule is effective May 26, 1998.

FOR FURTHER INFORMATION CONTACT: John Lynch, Certification Branch, AFS-840, General Aviation and Commercial Division, Flight Standards Service, FAA, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3844.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Rulemaking, Attn: ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Communications must identify the amendment number or docket number of this final rule.

Using a modem and suitable communications software, an electronic copy of this document may be downloaded from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321-3339) or the Federal Register's electronic bulletin board service (telephone: (202) 512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov>, or the Federal Register's web page at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Small Business Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to report

inquiries from small entities concerning information on, and advice about, compliance with statutes and regulations within the FAA's jurisdiction, including interpretation and application of the law to specific sets of facts supplied by a small entity.

If you are a small entity and have a question, contact your local FAA official. If you do not know how to contact your local FAA official, you may contact Charlene Brown, Program Analyst Staff, Office of Rulemaking, ARM-27, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 1-888-551-1594. Internet users can find additional information on SBREFA in the "Quick Jump" section of the FAA's web page at <http://www.faa.gov> and may send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.dot.gov.

Background

On April 4, 1997, the FAA published a final rule titled "Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules" (62 FR 16220). That final rule, which became effective on August 4, 1997, amended the certification, training, and experience requirements for pilots, flight instructors, and ground instructors, and the certification requirements for pilot schools approved by the FAA. The FAA published corrections to that final rule on July 30, 1997 (62 FR 40888). This amendment makes minor revisions to clarify certain provisions in that final rule. In addition, this amendment includes provisions that were inadvertently omitted from the final rule.

Discussion of Amendment

Terminology

To provide for consistency throughout parts 61 and 141, the phrases "performing the functions of pilot in command (PIC)" and "performing the functions and duties of PIC" have been replaced with the phrase "performing the duties of PIC." It was not the intent of the FAA to distinguish between the words "functions" and "duties" and this revision has been made to avoid any ambiguity concerning the meaning of these terms. This revision is not discussed in the following section-by-section analysis.

Part 61

Section 61.2 Certification of foreign pilots, flight instructors, and ground instructors. As adopted in the final rule, § 61.2 provides that, except under certain conditions, a person who is not

a citizen or resident alien of the United States may not be issued an airman certificate unless that person passes the appropriate knowledge or practical test in the United States. The FAA did not previously require a person who is not a citizen or resident alien of the United States to take the knowledge test in the United States; that requirement was inadvertently included in the provisions of § 61.2. Therefore, the references to the knowledge test have been removed from § 61.2. However, the FAA notes that a person who is not a citizen or resident alien of the United States must take a knowledge test for a certificate or rating when otherwise required in part 61, although the test may be taken outside the United States.

Section 61.31 Type rating requirements, additional training, and authorization requirements. The FAA has revised the heading for § 61.31(h) to read "Additional aircraft type-specific training" rather than "Additional training required by the aircraft's type certificate." This new heading more accurately reflects the content of § 61.31(h), which requires additional training and an endorsement from an authorized instructor before a person may serve as PIC of an aircraft that the Administrator has determined requires additional type-specific training. The introductory text of § 61.31(i)(1) also has been revised to correct a typographical error.

Section 61.35 Knowledge test: Prerequisites and passing grades. Section 61.35(a)(1) requires that an applicant for a knowledge test receive an endorsement from an authorized instructor certifying that the applicant has accomplished a ground-training or home-study course for the certificate or rating sought and is prepared for the knowledge test. The FAA notes that not all applicants for a certificate or rating are required to have such an endorsement before taking a knowledge test. Sections 61.153 and 61.165 do not require an applicant for an airline transport pilot (ATP) certificate or an additional aircraft category or class rating on an ATP certificate to have such an endorsement. In addition, an applicant for a ground instructor certificate or rating under § 61.213 need not obtain an endorsement from an authorized instructor before taking the knowledge test. Therefore, § 61.35 has been revised to require an endorsement only if otherwise required in part 61.

Section 61.39 Prerequisites for practical tests. Section 61.39 has been revised to reflect that not all applicants for a practical test are required to have an endorsement from an authorized instructor to be eligible to take the

practical test. Sections 61.153 and 61.165 do not require an applicant for an ATP certificate or an additional aircraft category or class rating on an ATP certificate to have such an endorsement. Therefore, § 61.39(a)(6) has been revised accordingly.

Section 61.45 Practical tests: Required aircraft and equipment. In the correction to the final rule, the FAA added the language "Unless otherwise authorized by the Administrator" to the introductory paragraph of § 61.45(b). This language was added to permit an applicant to obtain authorization from the Administrator to take the practical test in an aircraft whose operating characteristics preclude a pilot from demonstrating all of the maneuvers required to be performed during the practical test. For example, the Cessna (C) 336 and 337 series airplanes do not have a published minimum control speed with critical engine inoperative (V_{MC}) and thus an applicant for an airplane multiengine rating would not be able to perform the V_{MC} demonstration task if a C-336/337 series airplane is used to take the practical test. As noted in the correction to the final rule, a similar provision was included in § 61.13(c) before the adoption of the final rule but was inadvertently omitted when the provisions of that paragraph were incorporated into § 61.45(b).

Upon further review, the FAA has determined that instead of relying on the phrase "Unless otherwise authorized by the Administrator," § 61.45(b) should be revised to explicitly provide for the use of such aircraft. Therefore, § 61.45(b) has been revised to provide that an applicant for a certificate or rating may use an aircraft whose operating characteristics preclude the applicant from performing all of the tasks required for the practical test. The FAA notes that before the adoption of the final rule, § 61.13(c) also provided for the placement of a limitation on an applicant's certificate or rating if such an aircraft is used by an applicant. This provision was inadvertently omitted from the previous correction of § 61.45(b). Therefore, § 61.45(b) now provides that the applicant's certificate or rating will be issued with an appropriate limitation if an aircraft whose operating characteristics preclude demonstration of all the tasks required for a practical test.

Section 61.51 Pilot logbooks. Section 61.51(e)(1)(i) allows a recreational, private, or commercial pilot to log PIC time for that flight time during which the pilot is the sole manipulator of the controls of an aircraft for which the

pilot is rated. However, this provision does not permit those pilots to log PIC time if the pilot is the sole occupant of an aircraft but is not rated in that aircraft. For example, a commercial pilot with a single-engine rating who is training for a multiengine rating is not currently permitted to log PIC time for that flight time during which the pilot is the sole occupant of a multiengine aircraft. The provision to allow a recreational, private, or commercial pilot to log PIC time for that flight time during which the pilot is the sole occupant of the aircraft, which was included in § 61.51 before the adoption of the final rule, was inadvertently omitted from the final rule language. This was not the intent of the FAA. Therefore, the FAA has revised § 61.51(e)(1) to permit a recreational, private, or commercial pilot to log PIC time for that flight time during which the pilot is the sole occupant of the aircraft.

Section 61.56 Flight review. Section 61.56 provides that a person may act as PIC of an aircraft only if that person has accomplished a biennial flight review (BFR). Because § 61.51 now permits student pilots, under certain circumstances, to log PIC flight time, there has been some concern as to whether the BFR requirement applies to student pilots. Before the adoption of the final rule, a student pilot was required to log solo flight time, rather than PIC flight time, when that student pilot was the sole occupant of the aircraft or when that student pilot was acting as PIC of an airship requiring more than one flight crewmember. To avoid confusion, the FAA has revised § 61.56 to except a student pilot from the BFR requirement if that student pilot is undergoing training for a certificate and has a current solo flight endorsement as required under § 61.87 of this part.

Section 61.63 Additional aircraft ratings (other than on an airline transport pilot certificate). In the corrections to the final rule, the FAA revised § 61.63(d)(5) to require that the practical test for an additional type rating (other than on an ATP certificate) be performed in actual or simulated instrument conditions rather than under instrument flight rules (IFR). Section 61.63(d)(5) provides that if the practical test is not performed under those conditions because under the aircraft's type certificate the aircraft is incapable of operating under IFR, the type rating is issued with a "VFR only" limitation. That paragraph provides for lifting the limitation for that aircraft type if the person subsequently passes the practical test "under IFR." The FAA has

determined that this later provision should be revised in a manner consistent with the previous correction to provide that the "VFR only" limitation be lifted for that aircraft type after the person passes the practical test "in actual or simulated instrument conditions."

In addition, § 61.63(f)(10) has been revised to clarify that an applicant for an additional rating in a helicopter who meets only the requirements of § 61.63(f)(9)(ii) will be issued the additional rating with a limitation. The previous rule language referenced § 61.63(f)(9), rather than § 61.63(f)(9)(ii), which was incorrect. Similarly, § 61.63(g)(10) has been revised to reference § 61.63(g)(9)(ii), rather than § 61.63(g)(9).

Section 61.109 Aeronautical experience. Section 61.109(f) has been revised to clarify when the aeronautical experience requirements for obtaining a private pilot certificate with a glider category rating must be accomplished with an authorized instructor and when those requirements must be accomplished in solo flight. To obtain a private pilot certificate with a glider category rating, § 61.109(f) requires an applicant to accomplish three training flights in a glider. Unlike the term "flight training," which is defined in § 61.1(b)(6) as training, other than ground training, received from an authorized instructor in flight in an aircraft, the term "training flight" is not defined. Therefore, the FAA has added the phrase "with an authorized instructor" to clarify when training flights are to be accomplished with an authorized instructor.

In addition, the FAA has revised § 61.109(f)(1) to clarify that the 20 flights and 2 hours of solo flight time in a glider that are required by paragraphs (f)(1)(i) and (f)(1)(ii) may be used to meet the 10 hours of flight time specified in the introductory language of paragraph (f)(1). In addition, the three training flights with an authorized instructor required in paragraph (f)(1)(i) may be used to meet the 20 flights also required in that paragraph.

The introductory paragraph of § 61.109(f)(2) also has been revised to clarify that the 10 solo flights and 3 training flights with an authorized instructor in a glider required by paragraphs (f)(2)(i) and (f)(2)(ii) may be used to meet the 3 hours of flight time specified in the introductory language of paragraph (f)(2).

Section 61.109(g)(2) has been revised to clarify the type of instrument training required for a private pilot certificate with an airship rating. As noted in the correction to the final rule, the

instrument training for a private pilot certificate requires training only on basic maneuvers such as straight and level flight, constant airspeed climbs and descents, turns to a heading, and recovery from unusual flight attitudes, and need not be provided by an instructor who holds an instrument rating on his or her flight instructor certificate. In addition, there are no regulations that provide for an airship category rating with an instrument rating on a pilot or flight instructor certificate. Therefore, to avoid any possible confusion, the rule language has been revised to specify the required instrument maneuvers.

The FAA also has revised § 61.109(g)(4) to require that an applicant for a private pilot certificate with an airship rating must accomplish 5 hours performing the duties of PIC in an airship with an authorized instructor. In the final rule, this provision required an applicant to log 5 hours of solo flight time with an authorized instructor. However, solo flight time cannot be accomplished with an authorized instructor on board the aircraft; therefore, the provision should have stated that the applicant is required to perform the duties of PIC.

For reasons similar to those previously discussed in the preamble to § 61.109(f), the FAA has revised § 61.109(h) to clarify that an applicant for a private pilot certificate with a balloon class rating must accomplish with an authorized instructor the "training flights" and the flight performing the duties of PIC required in that paragraph. The FAA notes that the authorized instructor in that case would be a commercial pilot with a balloon class rating.

Section 61.129 Aeronautical experience. In Notice No. 95-11, proposed § 61.129(b)(4) would have required an applicant to accomplish solo flight time in a multiengine airplane. During the rulemaking process, the FAA determined that the accomplishment of solo flight time in a multiengine airplane may be impracticable because of liability and insurance concerns. Therefore, in the final rule, the FAA replaced the requirement that an applicant accomplish solo flight time in a multiengine airplane with the requirement that the flight time required under § 61.129(b)(4) be acquired while performing the duties of PIC in a multiengine airplane with an authorized instructor. However, in revising this requirement, the FAA did not consider the applicant who holds a private pilot certificate with a multiengine rating and, therefore, may already have solo

flight time in a multiengine aircraft or may be able to accomplish solo flight time without the cost of acquiring the required flight time with an authorized instructor. Therefore, the FAA has revised § 61.129(b)(4) to require an applicant to accomplish 10 hours of solo flight in a multiengine airplane or 10 hours of flight time performing the duties of PIC in a multiengine airplane with an authorized instructor.

In addition, the FAA has revised § 61.129(b)(4) to permit an applicant for a commercial pilot certificate with a multiengine rating to credit the 10 hours of flight time performing the duties of PIC in a multiengine airplane required by that paragraph toward the 100 hours of PIC flight time required under § 61.129(b)(2). This revision is consistent with the provisions of § 61.129(b) as proposed in Notice No. 95-11. As previously noted, proposed § 61.129(b)(4) would have required an applicant to accomplish solo flight time in a multiengine airplane. The solo flight time would have constituted PIC flight time; therefore, the applicant would have been able to credit that flight time toward the requirements of § 61.129(b)(2). However, under § 61.129(b)(4) as adopted in the final rule, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised § 61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of § 61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under § 61.129(b)(4) as PIC flight time under § 61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor.

The FAA notes that if an applicant meets the requirements of § 61.129(b)(4) by logging 10 hours of solo flight time in a multiengine airplane (as permitted in this final rule), that time would constitute PIC flight time. Therefore, the applicant may count that flight time toward the requirements of § 61.129(b)(2) and log it as PIC time under § 61.51(e).

Finally, for the reasons previously discussed in the preamble to § 61.109, the FAA has added the phrase "with an authorized instructor" to § 61.129(f) to clarify that training flights in a glider are to be accomplished with an authorized instructor. In addition, the introductory text of § 61.129(f)(1) has been revised to clarify that the 100 flights required by paragraph (f)(1) may be used to meet 25

hours of flight time as a pilot in a glider also specified in that paragraph. Section 61.129(h) also has been revised to clarify that an applicant for a commercial pilot certificate with a balloon class rating must accomplish with an authorized instructor (a commercial pilot with a balloon class rating) the "training flights" and flight performing the duties of PIC required by that paragraph.

Section 61.157 Flight proficiency. For the reasons discussed in the preamble to § 61.63, the FAA has revised § 61.157(b)(3), which provides for the addition of an aircraft type rating to an ATP certificate, to permit the lifting of the "VFR only" limitation once the person passes the practical test in actual or simulated instrument conditions rather than under IFR.

In addition, the FAA has removed the requirement in § 61.157(f)(2) that proficiency and competency checks used to satisfy the requirements of § 61.157 include all maneuvers and procedures required for the issuance of a type rating. That requirement was inconsistent with the waiver provision of § 61.157(j) and the requirements of appendix F to part 121. Section 61.157(f)(2) also has been revised to clarify that those checks must be conducted by an authorized designated pilot examiner or FAA aviation safety inspector. The previous rule language stated that the checks had to be evaluated by a "designated examiner or FAA inspector."

The introductory language of paragraphs (g), (h), and (i) of § 61.157 has been revised to clarify that the requirements of those paragraphs must be met only if a flight simulator or flight training device is used to meet "all," rather than "any," of the training requirements and the practical test for an airline transport pilot certificate with the applicable category, class, and type rating. The word "all" was inadvertently changed to the word "any" during the rulemaking process when the previous provisions of §§ 61.158(d)(3) and 61.163 were incorporated into § 61.157(g).

Finally, the FAA has revised § 61.157(g)(8) to reference § 61.157(g)(7)(ii) rather than § 61.157(g)(7). Therefore, § 61.157(g)(8) provides that an applicant meeting only the requirements of paragraph (g)(7)(ii) of that section be issued an additional rating or an ATP certificate with an additional rating, as applicable, with a limitation. Similarly, paragraphs (h)(8) and (i)(8) have been revised to reference §§ 61.157(h)(7)(ii) and 61.157(i)(7)(ii), respectively, rather than §§ 61.157(h)(7) and 61.157(i)(7).

Section 61.197 Renewal of flight instructor certificates. Section 61.197(a) permits a person to renew a current flight instructor certificate by passing a practical test or by presenting certain documentation to a FAA Flight Standards Inspector. A person may renew a current flight instructor certificate at any time with one exception. As adopted in the final rule, a person may renew a current flight instructor certificate through presentation of a graduation certificate from an approved flight instructor refresher course (FIRC) only if the FIRC was completed within the 90 days preceding the expiration of the current flight instructor certificate.

The FAA has revised paragraph (a)(2)(iii) to permit the renewal of a current flight instructor certificate at any time by presenting a graduation certificate demonstrating that the applicant has successfully completed an approved FIRC. The FAA notes, however, that if a flight instructor renews his or her flight instructor certificate more than 3 calendar months before the expiration of that certificate by presenting a graduation certificate from an FIRC, that course must have been completed within the 3 calendar months preceding the date of presentation of the graduation certificate to the Flight Standards Inspector. The FAA has replaced the "90 day" language with the phrase "3 calendar months" throughout § 61.197 to facilitate the calculation of the relevant time periods. Section 61.197(b)(2) will provide that if renewal is sought within the 3 calendar months preceding the expiration month of the current flight instructor certificate through the presentation of an FIRC graduation certificate, the FIRC must have been completed within the 3 calendar months preceding the expiration month of the certificate.

In addition to the correction discussed above, the FAA has made other minor revisions to § 61.197 to clarify the provisions of that section. The following discussion is provided to explain the provisions of § 61.197 as adopted in this final rule.

Paragraph (a)(1)(i) has been revised to state that a person may renew a current flight instructor certificate by passing a practical test "for one of the ratings listed on the current flight instructor certificate." For example, if a flight instructor holds a current flight instructor certificate with single-engine airplane and multiengine airplane ratings, that instructor would be required to pass a practical test for only one of those ratings to be issued a new flight instructor certificate with both

ratings. The previous language, which required the applicant to take a practical test "for renewal of the flight instructor certificate," may have given the impression that an applicant had to take a practical test for each of the ratings listed on the applicant's flight instructor certificate. This has never been the policy of the FAA and it was not the intention of the FAA to impose such a requirement when the final rule language was adopted.

Paragraph (a)(2)(ii) permits a person to renew their flight instructor certificate without accomplishing a practical test by presenting to an authorized FAA Flight Standards Inspector a record that shows that within the preceding 24 calendar months the flight instructor has served in a position involving the regular evaluation of pilots. The FAA offers the following examples of "a position involving the regular evaluation of pilots." A person who regularly determines whether pilots may use a fixed base operator's aircraft may be in a position involving the regular evaluation of pilots. A captain for a certificate holder operating under part 121 or part 135 may be in a position involving the regular evaluation of pilots. These individuals may renew their flight instructor's certificate under paragraph (a)(2)(ii) if the authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the applicant's position and the applicant has satisfactory knowledge of current pilot training, certification, and standards.

Paragraph (b)(1) has been revised to state the general rule that a current flight instructor certificate will be renewed for an additional 24 months from the month the person accomplishes any of the renewal requirements of paragraph (a). This provision allows a flight instructor to renew his or her flight instructor certificate at any time. The FAA notes that if renewal is accomplished through the presentation of a graduation certificate from an FIRC under paragraph (a)(2)(iii), the new expiration date will be calculated from the date the graduation certificate is presented to the Flight Standards Inspector rather than the date the FIRC is completed.

Paragraph (b)(2) allows a person who accomplishes any of the renewal requirements of paragraph (a) in the 3 calendar months preceding the expiration month of the person's current flight instructor certificate to renew their certificate for an additional 24 months from the month of expiration of the current flight instructor certificate. However, as previously noted, if

renewal is accomplished under paragraph (b)(2) through the presentation of a graduation certificate from an FIRC, that course must have been completed within the 3 calendar months preceding the expiration month of the current flight instructor certificate. For example, if a person whose current flight instructor certificate expires on May 31, 1998, seeks to renew his or her certificate through presentation of a graduation certificate from an FIRC and obtain a new expiration date of May 31, 2000, that person must complete the FIRC and present the graduation certificate to the Flight Standards Inspector on or after February 1, 1998. The 3-calendar-month window is computed from the first day of the expiration month rather than the last day of the expiration month of the current flight instructor certificate. Therefore, if a person's flight instructor certificate expires on May 31, 1998, the 3-calendar-month window is computed from May 1, 1998.

Section 61.199 Expired flight instructor certificates and ratings. The FAA has revised § 61.199 to clarify that a flight instructor who holds an expired flight instructor certificate may exchange that certificate for a new flight instructor certificate with the same ratings by passing a practical test as required in § 61.183(h) for only one of the ratings listed on the expired certificate. Section 61.199 previously did not require a flight instructor who held an expired flight instructor certificate to pass a practical test for each rating listed on that certificate and the FAA did not intend to impose such a requirement when it revised that section.

Part 141

Section 141.35 Chief instructor qualifications. The FAA has revised § 141.35 to require that a chief instructor for a course of training leading to the issuance of a recreational pilot certificate meet the requirements of § 141.35(b). This provision was inadvertently omitted from the final rule. Without this revision, those chief instructors would be required to meet the more demanding requirements of § 141.35(d).

Section 141.36 Assistant chief instructor qualifications. Section 141.36 has been revised to require that assistant chief instructors for a course leading to the issuance of a recreational pilot certificate meet the requirements of § 141.36(b), rather than the more demanding requirements of § 141.36(d).

Appendix B to Part 141—Private Pilot Certification Course and Appendix D to Part 141—Commercial Pilot

Certification Course. For the reasons previously discussed in the preamble to §§ 61.109 and 61.129, paragraph 4(b)(6) of appendix B to part 141 and paragraph 4(b)(6) of appendix D to part 141 have been revised to include the phrase "with a certificated flight instructor" when requiring an applicant to accomplish training flights in a glider. In addition, paragraph 4(b)(8) of appendix B has been revised to clarify that the five flights an applicant for a private pilot certificate with a balloon class rating must accomplish are "training flights." The word "training" was inadvertently omitted from the final rule.

Good Cause Justification for Immediate Adoption

This amendment makes minor revisions to clarify the language in parts 61 and 141 and includes certain provisions omitted from a previous rulemaking action. In addition, the amendment would impose no additional burden on the public. Therefore, the FAA finds that notice and opportunity for public comment before adopting this amendment are unnecessary.

Regulatory Evaluation

The FAA has determined that this regulation imposes no additional burden on any person. Accordingly, it has been determined that the action (1) is not significant under Executive Order 12866 and (2) is not a significant rule under Department of Transportation Order 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. No cost impact is expected to result from this amendment and, therefore, a full regulatory evaluation is not required. In addition, the FAA certifies that the rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

14 CFR Part 61

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 141

Airmen, Aviation safety, Educational facilities, Reporting and recordkeeping requirements, Schools.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 61 and 141 of Title 14, Code of Federal Regulations (14 CFR part 61 and part 141) as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45302.

2. Section 61.2 is amended by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 61.2 Certification of foreign pilots, flight instructors, and ground instructors.

(a) Except as provided for in paragraph (b) of this section, an airman certificate issued under this part (other than under § 61.75) may not be issued to a person who is not a citizen of the United States or a resident alien of the United States unless that person passes the appropriate practical test within the United States.

(b) A person who is not a citizen of the United States or a resident alien of the United States may be issued an airman certificate, and the practical test for that certificate may be administered outside the United States when—

3. Section 61.31 is amended by revising the paragraph (h) heading and the introductory text of paragraph (i)(1) to read as follows:

§ 61.31 Type rating requirements, additional training, and authorization requirements.

(h) *Additional aircraft type-specific training.*

(i) *Additional training required for operating tailwheel airplanes.* (1) Except as provided in paragraph (i)(2) of this section, no person may act as pilot in command of a tailwheel airplane unless that person has received and logged flight training from an authorized instructor in a tailwheel airplane and received an endorsement in the person's logbook from an authorized instructor who found the person proficient in the operation of a tailwheel airplane. The flight training must include at least the following maneuvers and procedures:

4. Section 61.35 is amended by revising paragraph (a)(1) to read as follows:

§ 61.35 Knowledge test: Prerequisites and passing grades.

(1) Received an endorsement, if required by this part, from an authorized instructor certifying that the applicant accomplished the appropriate

ground-training or a home-study course required by this part for the certificate or rating sought and is prepared for the knowledge test; and

5. Section 61.39 is amended by revising the introductory text of paragraph (a)(6) to read as follows:

§ 61.39 Prerequisites for practical tests.

(6) Have an endorsement, if required by this part, in the applicant's logbook or training record that has been signed by an authorized instructor who certifies that the applicant—

6. Section 61.45 is amended by revising paragraph (b) to read as follows:

§ 61.45 Practical tests: Required aircraft and equipment.

(b) *Required equipment (other than controls).* (1) Except as provided in paragraph (b)(2) of this section, an aircraft used for a practical test must have—

(i) The equipment for each area of operation required for the practical test; (ii) No prescribed operating limitations that prohibit its use in any of the areas of operation required for the practical test;

(iii) Except as provided in paragraph (e) of this section, at least two pilot stations with adequate visibility for each person to operate the aircraft safely; and (iv) Cockpit and outside visibility adequate to evaluate the performance of the applicant when an additional jump seat is provided for the examiner.

(2) An applicant for a certificate or rating may use an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test. However, the applicant's certificate or rating, as appropriate, will be issued with an appropriate limitation.

7. Section 61.51 is amended by revising paragraphs (d) and (e)(1)(i), (ii) and (e)(4)(i) and by adding paragraph (e)(1)(iii) to read as follows:

7. Section 61.51 is amended by revising paragraphs (d) and (e)(1)(i), (ii) and (e)(4)(i) and by adding paragraph (e)(1)(iii) to read as follows:

§ 61.51 Pilot logbooks.

(d) *Logging of solo flight time.* Except for a student pilot performing the duties of pilot in command of an airship requiring more than one pilot flight crewmember, a pilot may log as solo flight time only that flight time when the pilot is the sole occupant of the aircraft.

(1) * * *

(i) Is the sole manipulator of the controls of an aircraft for which the pilot is rated;

(ii) Is the sole occupant of the aircraft; or

(iii) Except for a recreational pilot, is acting as pilot in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted.

(4) * * *

(i) Is the sole occupant of the aircraft or is performing the duties of pilot of command of an airship requiring more than one pilot flight crewmember;

8. Section 61.56 is amended by revising the introductory text of paragraph (c), redesignating paragraph (g) as paragraph (h), redesignating paragraph (h) as paragraph (i) and revising it, and adding paragraph (g) to read as follows:

§ 61.56 Flight review.

(c) Except as provided in paragraphs (d), (e), and (g) of this section, no person may act as pilot in command of an aircraft unless, since the beginning of the 24th calendar month before the month in which that pilot acts as pilot in command, that person has—

(g) A student pilot need not accomplish the flight review required by this section provided the student pilot is undergoing training for a certificate and has a current solo flight endorsement as required under § 61.87 of this part.

(i) A flight simulator or flight training device may be used to meet the flight review requirements of this section subject to the following conditions:

(1) The flight simulator or flight training device must be used in accordance with an approved course conducted by a training center certificated under part 142 of this chapter.

(2) Unless the flight review is undertaken in a flight simulator that is approved for landings, the applicant must meet the takeoff and landing requirements of § 61.57(a) or § 61.57(b) of this part.

(3) The flight simulator or flight training device used must represent an aircraft or set of aircraft for which the pilot is rated.

9. Section 61.63 is amended by revising paragraphs (d)(5), (f)(10), and (g)(10) to read as follows:

§ 61.63 Additional aircraft ratings (other than on an airline transport pilot certificate).

(d) * * *

(5) Must perform the practical test in actual or simulated instrument conditions, unless the aircraft's type certificate makes the aircraft incapable of operating under instrument flight rules. If the practical test cannot be accomplished for this reason, the person may obtain a type rating limited to "VFR only." The "VFR only" limitation may be removed for that aircraft type when the person passes the practical test in actual or simulated instrument conditions. When an instrument rating is issued to a person who holds one or more type ratings, the type ratings on the amended pilot certificate shall bear the "VFR only" limitation for each aircraft type rating for which the person has not demonstrated instrument competency;

(f) * * *

(10) A applicant meeting only the requirements of paragraph (f)(9)(ii) of this section will be issued an additional rating with a limitation.

(g) * * *

(10) An applicant meeting only the requirements of paragraph (g)(9)(ii) of this section will be issued an additional rating with a limitation.

10. Section 61.87 is amended by revising paragraph (a) to read as follows:

§ 61.87 Solo requirements for student pilots.

(a) *General.* A student pilot may not operate an aircraft in solo flight unless that student has met the requirements of this section. The term "solo flight" as used in this subpart means that flight time during which a student pilot is the sole occupant of the aircraft or that flight time during which the student performs the duties of a pilot in command of a gas balloon or an airship requiring more than one pilot flight crewmember.

11. Section 61.109 is amended by revising paragraphs (f), (g)(2), (g)(4), the introductory text of paragraph (h) and paragraphs (h)(1)(i) and (ii) to read as follows:

§ 61.109 Aeronautical experience.

(f) *For a glider category rating.* (1) If the applicant for a private pilot certificate with a glider category rating has not logged at least 40 hours of flight time as a pilot in a heavier-than-air

aircraft, the applicant must log at least 10 hours of flight time in a glider in the areas of operation listed in § 61.107(b)(6) of this part, and that flight time must include at least—

(i) 20 flights in a glider in the areas of operations listed in § 61.107(b)(6) of this part, including at least 3 training flights in a glider with an authorized instructor in preparation for the practical test that must have been performed within the 60-day period preceding the date of the test; and

(ii) 2 hours of solo flight time in a glider in the areas of operation listed in § 61.107(b)(6) of this part, with not less than 10 launches and landings being performed.

(2) If the applicant has logged at least 40 hours of flight time in a heavier-than-air aircraft, the applicant must log at least 3 hours of flight time in a glider in the areas of operation listed in § 61.107(b)(6) of this part, and that flight time must include at least—

(i) 10 solo flights in a glider in the areas of operation listed in § 61.107(b)(6) of this part; and

(ii) 3 training flights in a glider with an authorized instructor in preparation for the practical test that must have been performed within the 60-day period preceding the date of the test.

(g) * * *

(2) 3 hours of flight training in an airship on the control and maneuvering of an airship solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to a heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities and radar services appropriate to instrument flight;

(4) 5 hours performing the duties of pilot in command in an airship with an authorized instructor.

(h) *For a balloon rating.* A person who applies for a private pilot certificate with a lighter-than-air category and balloon class rating must log at least 10 hours of flight training that includes at least six training flights with an authorized instructor in the areas of operation listed in § 61.107(b)(8) of this part, that includes—

(1) * * *

(i) At least one training flight with an authorized instructor within 60 days prior to application for the rating on the areas of operation for a gas balloon;

(ii) At least one flight performing the duties of pilot in command in a gas balloon with an authorized instructor; and

* * *

12. Section 61.129 is amended by revising paragraphs (b)(4) introductory text, (f), (g)(5) introductory text, and (h)(4) introductory text, (h)(4)(i)(A), (B), and (h)(4)(ii)(A) to read as follows:

§ 61.129 Aeronautical experience.

(b) * * *

(4) 10 hours of solo flight time in a multiengine airplane or 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor (either of which may be credited towards the flight time requirement in paragraph (b)(2) of this section), on the areas of operation listed in § 61.127(b)(2) of this part that includes at least—

(f) *For a glider rating.* A person who applies for a commercial pilot certificate with a glider category rating must log at least—

(1) 25 hours of flight time as a pilot in a glider and that flight time must include at least 100 flights in a glider as pilot in command, including at least—

(i) 3 hours of flight training in a glider or 10 training flights in a glider with an authorized instructor on the areas of operation listed in § 61.127(b)(6) of this part, including at least 3 training flights in a glider with an authorized instructor in preparation for the practical test within the 60-day period preceding the date of the test; and

(ii) 2 hours of solo flight that include not less than 10 solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part; or

(2) 200 hours of flight time as a pilot in heavier-than-air aircraft and at least 20 flights in a glider as pilot in command, including at least—

(i) 3 hours of flight training in a glider or 10 training flights in a glider with an authorized instructor on the areas of operation listed in § 61.127(b)(6) of this part including at least 3 training flights in a glider with an authorized instructor in preparation for the practical test within the 60-day period preceding the date of the test; and

(ii) 5 solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part.

(g) * * *

(5) 10 hours of flight training performing the duties of pilot in command with an authorized instructor on the areas of operation listed in § 61.127(b)(7) of this part, which includes at least—

(h) * * *

(4) 10 hours of flight training that includes at least 10 training flights with

an authorized instructor in balloons on the areas of operation listed in § 61.127(b)(8) of this part, which consists of at least—

(i) * * *

(A) 2 training flights of 2 hours each with an authorized instructor in a gas balloon on the areas of operation appropriate to a gas balloon within 60 days prior to application for the rating;

(B) 2 flights performing the duties of pilot in command in a gas balloon with an authorized instructor on the appropriate areas of operation; and

(ii) * * *

(A) 2 training flights of 1 hour each with an authorized instructor in a balloon with an airborne heater on the areas of operation appropriate to a balloon with an airborne heater within 60 days prior to application for the rating;

13. Section 61.157 is amended by revising paragraphs (b)(3), (f)(2), (g) introductory text, (g)(8), (h) introductory text, (i) introductory text, and (i)(8) to read as follows:

§ 61.157 Flight proficiency.

(b) * * *

(3) Must perform the practical test in actual or simulated instrument conditions, unless the aircraft's type certificate makes the aircraft incapable of operating under instrument flight rules. If the practical test cannot be accomplished for this reason, the person may obtain a type rating limited to "VFR only." The "VFR only" limitation may be removed for that aircraft type when the person passes the practical test in actual or simulated instrument conditions.

(f) * * *

(2) The checks specified in paragraph (f)(1) of this section must be conducted by an authorized designated pilot examiner or FAA aviation safety inspector.

(g) *Use of a flight simulator or flight training device for an airplane rating.* If a flight simulator or flight training device is used for accomplishing all of the training and the required practical test for an airplane transport pilot certificate with an airplane category, class, and type rating, if applicable, the applicant, flight simulator, and flight training device are subject to the following requirements:

(8) An applicant meeting only the requirements of paragraph (g)(7)(ii) of this section will be issued an additional

rating or an airline transport pilot certificate with an additional rating, as applicable, with a limitation. The limitation shall state: "This certificate is subject to pilot-in-command limitations for the additional rating."

(h) *Use of a flight simulator or flight training device for a helicopter rating.* If a flight simulator or flight training device is used for accomplishing all of the training and the required practical test for an airline transport pilot certificate with a helicopter class rating and type rating, if applicable, the applicant, flight simulator, and flight training device are subject to the following requirements:

(8) An applicant meeting only the requirements of paragraph (h)(7)(ii) of this section will be issued an additional rating or an airline transport pilot certificate with an additional rating, as applicable, with a limitation. The limitation shall state: "This certificate is subject to pilot-in-command limitations for the additional rating."

(i) *Use of a flight simulator or flight training device for a powered-lift rating.* If a flight simulator or flight training device is used for accomplishing all of the training and the required practical test for an airline transport pilot certificate with a powered-lift category rating and type rating, if applicable, the applicant, flight simulator, and flight training device are subject to the following requirements:

(8) An applicant meeting only the requirements of paragraph (i)(7)(ii) of this section will be issued an additional rating or an airline transport pilot certificate with an additional rating, as applicable, with a limitation. The limitation shall state: "This certificate is subject to pilot-in-command limitations for the additional rating."

14. Section 61.159 is amended by revising the introductory text of paragraph (a)(4) to read as follows:

§ 61.159 Aeronautical experience: Airplane category rating.

(a) * * *

(4) 250 hours of flight time in an airplane as a pilot in command, or as second in command performing the duties of pilot in command while under the supervision of a pilot in command, or any combination thereof, which includes at least—

15. Section 61.161 is amended by revising paragraphs (a)(3) and (a)(4) to read as follows:

§ 61.161 Aeronautical experience: Rotorcraft category and helicopter class rating.

- (a) * * *
- (3) 200 hours of flight time in helicopters, which includes at least 75 hours as a pilot in command, or as second in command performing the duties of a pilot in command under the supervision of a pilot in command, or any combination thereof; and
- (4) 75 hours of instrument flight time in actual or simulated instrument meteorological conditions, of which at least 50 hours are obtained in flight with at least 25 hours in helicopters as a pilot in command, or as second in command performing the duties of a pilot in command under the supervision of a pilot in command, or any combination thereof.

16. Section 61.163 is amended by revising the introductory text of paragraph (a)(3) to read as follows:

§ 61.163 Aeronautical experience: Powered-lift category rating.

- (a) * * *
- (3) 250 hours in a powered-lift as a pilot in command, or as a second in command performing the duties of a pilot in command under the supervision of a pilot in command, or any combination thereof, which includes at least—

17. Section 61.197 is revised to read as follows:

§ 61.197 Renewal of flight instructor certificates.

(a) A person who holds a flight instructor certificate that has not expired may renew that certificate by—

- (1) Passing a practical test for—
- (i) One of the ratings listed on the current flight instructor certificate; or
- (ii) An additional flight instructor rating; or
- (2) Presenting to an authorized FAA Flight Standards Inspector—
- (i) A record of training students showing that, during the preceding 24 calendar months, the flight instructor has endorsed at least five students for a practical test for a certificate or rating and at least 80 percent of those students passed that test on the first attempt;
- (ii) A record showing that, within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135

operation, or in a position involving the regular evaluation of pilots; or

(iii) A graduation certificate showing that, within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or a combination of both.

(b) The expiration month of a renewed flight instructor certificate shall be 24 calendar months from—

(1) The month the renewal requirements of paragraph (a) of this section are accomplished; or

(2) The month of expiration of the current flight instructor certificate provided—

(i) The renewal requirements of paragraph (a) of this section are accomplished within the 3 calendar months preceding the expiration month of the current flight instructor certificate, and

(ii) If the renewal is accomplished under paragraph (a)(2)(iii) of this section, the approved flight instructor refresher course must be completed within the 3 calendar months preceding the expiration month of the current flight instructor certificate.

(c) The practical test required by paragraph (a)(1) of this section may be accomplished in a flight simulator or flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

18. Section 61.199 is amended by revising paragraph (a) to read as follows:

§ 61.199 Expired flight instructor certificates and ratings.

(a) *Flight instructor certificates.* The holder of an expired flight instructor certificate may exchange that certificate for a new certificate with the same ratings by passing a practical test as prescribed in § 61.183(h) of this part for one of the ratings listed on the expired flight instructor certificate.

PART 141—PILOT SCHOOLS

19. The authority citation for part 141 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709, 44711, 45102–45103, 45301–45302.

20. Section 141.35 is amended by revising the introductory text of paragraphs (b) and (d) to read as follows:

§ 141.35 Chief instructor qualifications.

(b) For a course of training leading to the issuance of a recreational or private

pilot certificate or rating, a chief instructor must have:

(d) For a course of training other than one leading to the issuance of a recreational or private pilot certificate or rating, or an instrument rating or a rating with instrument privileges, a chief instructor must have:

21. Section 141.36 is amended by revising the introductory text of paragraphs (b) and (d) to read as follows:

§ 141.36 Assistant chief instructor qualifications.

(b) For a course of training leading to the issuance of a recreational or private pilot certificate or rating, an assistant chief instructor must have:

(d) For a course of training other than one leading to the issuance of a recreational or private pilot certificate or rating, or an instrument rating or a rating with instrument privileges, an assistant chief instructor must have:

22. Appendix B to part 141 is amended by revising paragraphs (b)(6)(i) and (ii) and the introductory text of paragraph (b)(8) of section No. 4 and paragraphs (b) introductory text, (g), and (h) of section No. 5 to read as follows:

Appendix B to Part 141—Private Pilot Certification Course

4. * * *

(b) * * *

(6) * * *

(i) Five training flights in a glider with a certificated flight instructor on the launch/tow procedures approved for the course and on the appropriate approved areas of operation listed in paragraph (d)(6) of this section; and

(ii) Three training flights in a glider with a certificated flight instructor in preparation for the practical test within 60 days preceding the date of the test.

(8) For a *lighter-than-air balloon course*: 8 hours of flight training, including at least five training flights, from a commercial pilot with a balloon rating on the approved areas of operation in paragraph (d)(8) of this section, that includes—

5. * * *

(b) For an *airplane multiengine course*: 5 hours of flight training in a multiengine airplane performing the duties of a pilot in command while under the supervision of a certificated flight instructor. The training must consist of the approved areas of operation in paragraph (d)(2) of section No. 4 of this appendix, and include at least—

(g) For a lighter-than-air airship course: 5 hours of flight training in an airship performing the duties of pilot in command while under the supervision of a commercial pilot with an airship rating. The training must consist of the approved areas of operation in paragraph (d)(7) of section No. 4 of this appendix.

(h) For a lighter-than-air balloon course: Two solo flights in a balloon with an airborne heater if the course involves a balloon with an airborne heater or, if the course involves a gas balloon, at least two flights in a gas balloon performing the duties of pilot in command while under the supervision of a commercial pilot with a balloon rating. The training must consist of the approved areas of operation in paragraph (d)(8) of section No. 4 of this appendix, in the kind of balloon for which the course applies.

* * * * *

23. Appendix D to part 141 is amended by revising paragraphs (b)(6)(i) and (ii) of section No. 4 and paragraphs

(b) introductory text, and (g) introductory text of section No. 5 to read as follows:

Appendix D to Part 141—Commercial Pilot Certification Course

* * * * *

4. * * *

(b) * * *

(6) * * *

(i) Five training flights in a glider with a certificated flight instructor on the launch/tow procedures approved for the course and on the appropriate approved areas of operation listed in paragraph (d)(6) of this section; and

(ii) Three training flights in a glider with a certificated flight instructor in preparation for the practical test within 60 days preceding the date of the test.

* * * * *

5. * * *

(b) For an airplane multiengine course: 10 hours of flight training in a multiengine

airplane performing the duties of pilot in command while under the supervision of a certificated flight instructor. The training must consist of the approved areas of operation in paragraph (d)(2) of section No. 4 of this appendix, and include at least—

* * * * *

(g) For a lighter-than-air airship course: 10 hours of flight training in an airship performing the duties of pilot in command while under the supervision of a commercial pilot with an airship rating. The training must consist of the approved areas of operation in paragraph (d)(7) of section No. 4 of this appendix and include at least—

* * * * *

Issued in Washington, D.C., on April 20, 1998.

Jane F. Garvey,
Administrator.

[FR Doc. 98-10793 Filed 4-22-98; 8:45 am]
BILLING CODE 4910-13-P