

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER D—AIRMEN

[Regulatory Docket No. 7879; Amdt. 61-20]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Prerequisites for Flight Tests

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to allow applicants for private or commercial pilot certificates or instrument ratings to credit certain flight instruction received from flight instructors who are not certificated by the FAA; provide certain exceptions from the requirement for a flight instructor's statement before the flight test; and require at least 20 hours of flight instruction for a commercial pilot certificate (airplane). The changes were proposed in Notice No. 66-37 issued on October 13, 1966 (31 F.R. 13554).

Several comments concurred generally with the proposals. Several other comments expressed opposition to crediting flight instruction (toward private or commercial pilot certificates or instrument ratings) that might be given to a civilian by a U.S. Armed Force pilot who does not hold a flight instructor certificate issued by the FAA. As proposed, the new § 61.22 would have allowed the crediting of flight instruction from, among others, a flight instructor who is authorized to give that flight instruction by "an Armed Force of the United States". The opposing comments expressed concern that this language might include flight instruction given to civilians as well as to military personnel. It was contended that many military pilots lack knowledge of all aspects of civilian aviation, and that the military instructors may or may not have flown civil aircraft. However, it must be pointed out that an applicant is tested on his aeronautical knowledge; if thereupon he is eligible for the flight test, he has shown that he is not one of those who lack knowledge of civil aviation. Furthermore, as stated in the notice, the proposed action does not reduce the amount of instruction required by the regulations for the several kinds of pilot certificates and ratings, nor does it eliminate the need to take the flight test, that would reveal any areas of pilot skill in which the flight instruction may have been inadequate.

The effect of crediting flight instruction given by military pilots to civilians was not intended. Therefore, the provision is clarified by using language in new § 61.22 that in terms limits the credited flight instruction received from

an Armed Force, of either the United States or a foreign ICAO member state, to instruction received in a program for training military pilots. Similar language change has been made, in these amendments, of the provisions on retesting after failure of the flight test, in §§ 61.27 (b) and (d) (2) (i), to achieve the same limited content. Similar change also has been made in the reference in § 61.21(a) (4) (ii) to an official military flight test passed by a member of an Armed Force of the United States applying for an airline transport pilot certificate, who now will not need a flight instructor's statement before taking the FAA flight test. As thus changed, these amendments are being issued for the reasons stated in Notice No. 66-37, namely, to save time and expense for the applicants affected, as well as for the Agency, by removing the burden of complying with the requirement that their instruction must be received from FAA certificated instructors. As an exceptional situation, these amendments, as proposed, provide in § 61.157 (a) (2) and (c) (2) that flight instruction must be received from an FAA certificated flight instructor, since in this situation (when the holder of an airplane transport pilot certificate, airplane or VFR rotorcraft rating, applies for the other of these two ratings) this kind of flight instruction is considered necessary.

These amendments also include the proposed addition to §§ 61.85, 61.115, 61.119, and 61.123 of a provision that the required flight instruction for private and commercial pilot certificate applicants must be in procedures and maneuvers required for the applicable flight test. These amendments further include the related proposed changes removing the requirement of §§ 61.85, 61.89, and 61.93 that an applicant for a private pilot certificate must hold a student pilot certificate endorsed for solo and cross-country flights, and with this the requirement of § 61.111(e) that an applicant for a commercial pilot certificate, free balloon class rating, must hold a student pilot certificate.

These amendments also implement the changes proposed by Notice No. 66-37 for § 61.21(a) (4), that requires an applicant for a flight test ordinarily to have a statement from a flight instructor certifying he has given the applicant flight instruction in preparation for the flight test and considers him ready for the test. First, the essential rating needed by the flight instructor is designated (the category or instrument rating on his flight instructor certificate that is sought by the applicant). Second, the flight instructor's statement must have been made within 60 days. As a correlative action, the 6-month recency requirement previously provided

in § 61.115(a) (3) is deleted since it no longer is needed in view of the revised provisions of § 61.21(a) (4). Third, excepted from the requirement of a written statement is an applicant who holds a foreign pilot license issued by a foreign contracting ICAO member state authorizing at least the pilot privileges of the airman certificate now sought by him, and an applicant who is a member of a U.S. Armed Force applying for an airline transport pilot certificate and who, in a program for training military pilots, has passed an official military flight test as pilot in command of the type of aircraft to be used in the flight test. One comment on Notice No. 66-37 felt that a statement from an FAA certificated flight instructor should be required in all cases. However, as stated in the notice, in each of these two situations the applicant can offer an equivalent to the instructor's recommendation as a means of assuring that adequate and effective flight instruction has been received.

These amendments also change § 61.115(a), as proposed in Notice No. 66-37, to provide that the required aeronautical experience for an applicant for a commercial pilot certificate (airplane) must include, in the flight time, at least 20 hours of flight instruction including at least 10 hours in operating an airplane by referring solely to flight instruments, and 10 hours in operating an airplane in other procedures and maneuvers required for the commercial pilot flight test, in addition to any flight instruction received before his private pilot certificate was issued to him.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended, effective April 23, 1967, as follows:

1. By amending paragraph (a) (4) of § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

(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—

(1) Holds a foreign pilot license issued by a contracting state to the Convention on International Civil Aviation, that

(As published in the Federal Register 32 F.R. 4492⁷ on March 24, 1967)

authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is a member of an Armed Force of the United States applying for an airline transport pilot certificate, and in a program for training military pilots has passed an official military flight test (including instrument flight test) as pilot in command of the type of aircraft to be used in the flight test; or

(iii) Is applying for a type rating only.

2. By inserting a new § 61.22 to read as follows:

§ 61.22 Flight instruction received from flight instructors not certificated by FAA.

Flight instruction received to satisfy the requirements for the certificate or rating sought by the applicant may be credited toward a pilot certificate or rating under §§ 61.17 (b) or (c), 61.35(c), 61.85(a), 61.89(a), 61.93 (a) or (b), 61.115(a), 61.119(a), or 61.123(b) if it is received from—

(a) An Armed Force of either the United States or a foreign contracting state to the Convention on International Civil Aviation in a program for training military pilots; or

(b) A flight instructor who is authorized to give that flight instruction by the licensing authority of a foreign contracting state to the Convention on International Civil Aviation, and the flight instruction is given outside the United States.

3. By amending § 61.27 as follows:

By adding the following new sentence at the end of paragraph (b) and by amending paragraph (d) to read as follows:

§ 61.27 Retesting after failure.

(b) *Flight test.* * * * However, an applicant who qualified for flight testing under § 61.21(a)(4)(i) need not present this statement if he shows that he has received at least 5 additional hours of flight instruction in procedures and maneuvers required for the flight test from an Armed Force of either the United States or a foreign contracting state to the Convention on International Civil Aviation in a program for training military pilots, or from a flight instructor who is authorized to give that flight instruction by the licensing authority of such a foreign contracting state and that flight instruction was given outside the United States.

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting in the following manner:

(1) If he qualified for flight testing other than under § 61.21(a)(4)(ii), he may apply upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers the applicant ready for retesting, and presenting satisfactory evidence that he has—

(i) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of flight instruction from an appropriately rated flight instructor or an airline transport pilot; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

(2) If he qualified for flight testing under § 61.21(a)(4)(ii), he may apply either upon presenting the statement and evidence described in subparagraph (1) of this paragraph, or upon presenting satisfactory evidence that he has—

(i) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of flight instruction from an Armed Force of the United States in a program for training military pilots; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator, to prepare the applicant for retesting.

In retesting, the maneuvers failed, and any other maneuvers the FAA inspector or designated examiner finds to be necessary to determine the competency of the applicant, must be repeated. An applicant who meets the requirements of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b)(2)(i).

4. By amending § 61.85 as follows:

a. By amending the introductory language of paragraph (a) to read as follows:

§ 61.85 Airplane rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must have had—

b. By striking out the words "in preparation for the private pilot flight test" in paragraph (a)(4), and inserting the words "in procedures and maneuvers required for the private pilot flight test" in place thereof.

5. By amending the introductory language of paragraph (a) of § 61.89 to read as follows:

§ 61.89 Rotorcraft rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (rotorcraft) must have had at least—

6. By amending the introductory language of § 61.93 to read as follows:

§ 61.93 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate (glider) must have had at least—

§ 61.111 [Amended]

7. By striking out the words "a student pilot certificate and" in paragraph (e) of § 61.111.

8. By amending § 61.115 as follows:

a. By striking out paragraph (a)(4), and amending paragraph (a)(3) to read as follows:

§ 61.115 Airplane rating: Aeronautical experience.

(a) * * *

(3) 20 hours of flight instruction in airplanes, including at least—

(i) 10 hours of flight instruction in operating an airplane by referring solely to flight instruments, including at least 5 hours of flight instruction from a flight instructor with an instrument rating on his flight instructor certificate, and the remaining hours, if any, from a flight instructor with an airplane rating on his flight instructor certificate; and

(ii) 10 hours of flight instruction from a flight instructor with an airplane rating on his flight instructor certificate in operating an airplane in other procedures and maneuvers required for the commercial-pilot flight test, in addition to any flight instruction received before his private pilot certificate was issued to him.

(4) [Deleted]

b. By striking out the figure "(4)" in the flush paragraph at the end of paragraph (a), and inserting the figures "(3)(i)" in place thereof.

§ 61.119 [Amended]

9. By striking out the words "preparing for the commercial pilot flight test" in paragraph (a)(3) of § 61.119, and inserting the words "in procedures and maneuvers required for the commercial pilot flight test" in place thereof.

§ 61.123 [Amended]

10. By striking out the words "preparing for the commercial pilot flight test" in paragraph (b) of § 61.123, and inserting the words "in procedures and maneuvers required for the commercial pilot flight test" in place thereof.

§ 61.157 [Amended]

11. By amending § 61.157 as follows:

a. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (a)(2).

b. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (c)(2).

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

Issued in Washington, D.C., on March 17, 1967.

WILLIAM F. MCKEE,
Administrator.