

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Admin- istration, Department of Transpor- tation

[Docket No. 8260; Amdt. 61-40]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Operation of Hot Air Balloons Without an Airborne Heater

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to limit the privileges of certain student and commercial pilots (lighter-than-air) to operating only hot air balloons without an airborne heater if they do not meet all of the otherwise applicable aeronautical knowledge and experience requirements. These amendments also remove from Part 61, as no longer needed, § 61.179 (Special issue of a flight instructor certificate with a glider rating) and the related provisions in §§ 61.3(d) and 61.39(a), respectively, on exercising the privileges of a flight instructor certificate with a glider rating thereon, and on logging flight instruction received from commercial glider pilots.

With respect to the operation of hot air balloons, these amendments (before the changes made here) were proposed in Notice No. 67-26 and published in the FEDERAL REGISTER on July 8, 1967 (32 F.R. 10103). The public comments received on the notice concurred generally with the objective of requiring specified pilot knowledge and experience for the operation of hot air balloons equipped with airborne heaters.

It was proposed in Notice No. 67-26 to establish the same knowledge and experience requirements for pilots of hot air balloons with airborne heaters as already existed for pilots of gas balloons. As contained in § 61.128 the experience required of an applicant for a commercial pilot certificate (lighter-than-air, free balloon class) consists of at least eight ascents averaging 2 hours in duration, including six ascents under designated supervision, one ascent in control to an altitude of 10,000 feet under that supervision, and one solo ascent. It was stated in the notice that basically the operating characteristics of a hot air balloon with an airborne heater are more similar to those of a lighter-than-air gas balloon than they are to the operating characteristics of a hot air balloon without the airborne heater.

Four of the public comments received contended, and presented performance information, that balloons equipped with airborne heaters do not in fact approximate the performance of gas balloons. It was asserted that a commercial pilot needs

only eight 1-hour flights (rather than 2-hour flights) to demonstrate his ability and gain experience. Also, it was asserted, the longer flights can be made only in large balloons (60,000 cubic feet and up), and this would eliminate smaller balloons from use for student training and licensing flights; the world record for duration for 30,000 cubic foot balloons is less than 2 hours; and the vast majority of all flights, and most races, are of 1-hour duration or less. It was further asserted that requiring these flights to average 2 hours would be unsafe and hazardous, in view of the limited fuel available for a hot air balloon.

In view of these considerations, these amendments establish a level of commercial pilot experience requirements lower than that for unlimited free balloons such as is required for gas balloons. Accordingly, § 61.128 as amended requires the eight ascents to average 1 hour rather than 2 hours (as originally proposed) in the aeronautical experience for a commercial pilot certificate for hot air balloons with airborne heaters.

It also was contended that the proposed changes should not require, for hot air balloons with airborne heaters, 10,000 feet as the altitude for one ascent in control under the designated supervision. It was asserted that an ascent to 10,000 feet in northeastern United States could be hazardous. Upon further consideration, it is believed that this ascent need be only to an altitude of 5,000 feet above the point of takeoff, and this altitude is used in these amendments instead of 10,000 feet as originally proposed.

Notice No. 67-26 proposed the addition of a new § 61.130(c) to provide for issuance of commercial pilot certificates limited to "Hot Air Balloons Without Airborne Heater Only" to applicants who meet the aeronautical skill requirements for lighter-than-air, free balloon class, but do not meet the aeronautical knowledge and experience requirements of §§ 61.113(c) and 61.128. With a separate experience requirement now provided for the commercial pilot certificate for hot air balloons with airborne heaters, new paragraphs (c) and (d) now replace the proposed paragraph (c) in § 61.130. Under paragraph (c), the certificate issued to the applicant who meets the experience requirements of amended § 61.128 for hot air balloons only, will have the limitation "Hot Air Balloons (With or Without Airborne Heater) Only". Under paragraph (d), the certificate issued to the applicant who meets none of the experience requirements of § 61.128 will have the limitation "Hot Air Balloons (Without Airborne Heater) Only"—in effect, the limitation originally proposed in the notice. Appropriate provisions for removal of these limitations are included.

Some comments also urged that a student pilot (lighter-than-air) should be allowed to operate a free balloon,

other than a hot air balloon without an airborne heater, as pilot in command after six instruction flights totalling only 3 hours in free balloons, instead of a total of 6 hours as provided in proposed new § 61.71(d). However, the requirement is considered appropriate as proposed, and no change has been made.

These amendments also make the proposed clarifying changes in § 61.101(a)(5) and (b) to reflect that only lighter-than-air category and airship ratings are issued to private pilots under Subpart C of Part 61, as well as in § 61.39(a)(2)(iv) to provide for logging free balloon flight instruction received from a private pilot (lighter-than-air, airship class). Also, these amendments make the other changes proposed in Notice 67-26, for the reasons there stated. One comment questioned the adequacy of substitution, in § 61.71(c), of an instructor's certification for a written test on Part 91 of the Federal Aviation Regulations, as concerns the operation of a free balloon as pilot in command by a student pilot (lighter-than-air). However, this change was proposed to make the requirement consistent with the corresponding familiarity requirement in § 61.63(a)(1) for operation of aircraft in solo flight. Also, with respect to the amended § 61.71(c) as issued, an exception of § 91.6 is made from the general rules with which familiarity is required, since a student pilot (lighter-than-air) would not need familiarity with Category II operation for operating a free balloon.

Amendment 61-18 issued June 21, 1965 (30 F.R. 8256) provided in § 61.179 for special issue of a flight instructor certificate with a glider rating to the holder of a commercial pilot certificate with a glider rating who met specified instruction requirements within 12 months preceding his application and before September 26, 1966. The latter date has passed, and there is no longer need for this provision. Accordingly, these amendments delete the provision from Part 61. Consistently, these amendments remove from § 61.3(d) the provision allowing the holder of a commercial pilot certificate with a glider rating valid on September 25, 1965, to exercise the privileges of the holder of a flight instructor certificate with a glider rating thereon until September 26, 1966, and from § 61.39(a)(2)(iv) the reference to logging flight instruction received from a commercial glider pilot, since it no longer is appropriate for commercial glider pilots, as such, to sign student records.

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

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended as follows, effective May 10, 1968:

1. By striking out the flush paragraph

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following subparagraph (d) (3) of § 61.3.

2. By amending the introductory language of paragraph (e) and paragraph (e) (3) of § 61.15 to read as follows:

§ 61.15 Aircraft ratings.

(e) Subject to § 61.16, the holder of a lighter-than-air pilot certificate, a pilot certificate with a lighter-than-air category rating, or a free balloon pilot certificate may continue to exercise the privileges of that certificate or rating. However, if he exchanges his pilot certificate—

(3) The holder of a free balloon pilot certificate is issued a commercial pilot certificate with a lighter-than-air category rating and free balloon class rating, and if appropriate, with the limitation provided in § 61.130(c) or § 61.130(d).

3. By amending paragraph (d) (4) of § 61.16 to read as follows:

§ 61.16 General limitations.

(4) The holder of a lighter-than-air pilot certificate, a pilot certificate with a lighter-than-air category rating, or a free balloon pilot certificate, when operating a hot air balloon without an airborne heater.

4. By amending paragraph (a) (2) (iv) of § 61.39 to read as follows:

§ 61.39 Pilot logbooks: except airline transport pilots.

(iv) Flight instruction from an appropriately rated flight instructor, in the case of airplanes, gliders, or rotorcraft; from an appropriately rated commercial pilot, in the case of airships; or from an appropriately rated private (airship class) or commercial pilot, in the case of free balloons.

5. By amending the flush paragraph following paragraph (a) (3) of § 61.71, by amending paragraph (c) of § 61.71, and by adding the following new paragraph (d) to § 61.71, to read as follows:

§ 61.71 Lighter-than-air operations: flight limitations.

(a) * * *

Subparagraph (2) of this paragraph does not apply to a student pilot who holds a free balloon class rating, unless that rating bears a limitation named in § 61.130 (d).

(b) * * *

(c) A student pilot (lighter-than-air)

may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he is familiar with the general and visual flight rules of §§ 91.1 through 91.9 (except § 91.6) and Subpart B of Part 91 of this chapter.

(d) A student pilot (lighter-than-air) may not operate a free balloon, other than a hot air balloon without an airborne heater, as pilot in command until his instructor certifies on his certificate that he has had at least six instruction flights, totalling at least 6 hours, in free balloons.

6. By amending the parenthetical clauses in paragraph (a) (5) and in paragraph (b) of § 61.101 to read "(lighter-than-air, airship class)".

7. By amending the introductory language of paragraph (c) of § 61.113 to read as follows:

§ 61.113 Aeronautical knowledge.

(c) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(d), must pass a written test on the following:

8. By amending § 61.128 to read as follows:

§ 61.128 Lighter-than-air (free balloon class rating): Aeronautical experience.

(a) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(c) or § 61.130(d), must have at least eight ascents averaging 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of an appropriately rated private or commercial pilot, one ascent in control to an altitude of 10,000 feet under that supervision, and one solo ascent.

(b) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class) issued under § 61.130(c), must have made at least eight ascents averaging 1 hour in duration, substantiated by a logbook, including six ascents under the supervision of an appropriately rated private or commercial pilot, one ascent in control to an altitude of 5,000 feet, and one solo ascent.

9. By adding the following new paragraphs (c) and (d) at the end of § 61.130:

§ 61.130 Lighter-than-air rating (free balloon class): Aeronautical skill.

(c) An applicant who meets the requirements of paragraphs (a) and (b) of this section, and the requirements of §§ 61.113(c) and 61.128(b), may obtain a commercial pilot certificate with

lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons (With or Without Airborne Heater) Only". Upon meeting the requirements of § 61.128(a), that limitation may be removed.

(d) An applicant who meets the requirements of paragraphs (a) and (b) of this section, but who does not meet the requirements of §§ 61.113(c) and 61.128 (a) or (b) may obtain a commercial pilot certificate with lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons (Without Airborne Heater) Only". Upon meeting the requirements of §§ 61.113(c) and 61.128 (b), that limitation, or a limitation to "Hot Air Balloons Only", may be removed, and a "Hot Air Balloons (With or Without Airborne Heater) Only" limitation obtained under paragraph (c) of this section. Upon meeting the requirements of §§ 61.113(c) and 61.128(a), the limitations under this paragraph or paragraph (c) of this section may be removed.

10. By amending § 61.131(c) to read as follows:

§ 61.131 General privileges and limitations.

(c) Unless his certificate is issued under § 61.130(c) or § 61.130(d), or limited to "Hot Air Balloons Only", a commercial pilot (lighter-than-air, free balloon class) may act as pilot in command of, and give flight instruction in, a free balloon. A commercial pilot (lighter-than-air, free balloon class) whose certificate is issued under § 61.130(c), may act as pilot in command of, and give flight instruction in, only hot air balloons with or without an airborne heater. A commercial pilot (lighter-than-air, free balloon class) whose certificate is issued under § 61.130(d), or is limited to "Hot Air Balloons Only", may act as pilot in command of, and give flight instruction in, only a hot air balloon without an airborne heater.

11. By amending § 61.178(b) to read as follows:

§ 61.178 Additional flight instructor ratings.

(b) The holder of a flight instructor certificate with a "Gliders Only" rating must also show by satisfactory evidence that he has passed the written test prescribed by § 61.171(a).

12. By deleting § 61.179.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1968; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington D.C., on March 6, 1968.

WILLIAM F. MCKEE,
Administrator.