

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transporta- tion

[Docket No. 7848; Amdts. 61-38, 63-8, 65-12]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEM- BERS

Certain Airman Certificates Issued to Persons Other Than U.S. Citizens; Duration Limitation

The purpose of these amendments is to delete the 12-month duration limitation for certain airman certificates issued to persons who are not U.S. citizens. The certificates affected are airline transport pilot certificates, pilot certificates with a lighter-than-air category rating, flight navigator and flight engineer certificates, and air traffic control tower operator, aircraft dispatcher, mechanic, and parachute rigger certificates and associated ratings.

These amendments were proposed in Notice No. 67-22 and published in the FEDERAL REGISTER on June 6, 1967 (32 F.R. 8094).

The original purpose for the 12-month certificate duration limitation was to provide a means for determining whether certificates issued to citizens of foreign countries should remain in force in the event the current reciprocal granting of airman privileges should be modified or terminated. Since the removal of the reciprocity requirement from the regulations, yearly renewal of these airman certificates serves no purpose, and the FAA has determined that the administrative workload associated with their renewal should be eliminated. The duration limitation has already been removed with respect to private and commercial pilot (heavier-than-air) certificates, which, like ground instructor certificates and ratings issued to persons other than U.S. citizens, have indefinite duration.

The public comments received on the notice, with two exceptions, favored the proposal to eliminate the 12-month duration limitation. One unfavorable comment was concerned with an asserted preferential treatment of foreign nationals in the issuance of certificates. However, the purpose of the proposal, as stated, is to remove a burden upon the FAA and the airmen involved that no longer serves a useful purpose. The other unfavorable comment asserted that privileged status should be given to U.S. citizens, and that a noncitizen who wishes to be treated like a U.S. citizen should go through all the necessary requirements to become a citizen. However, this comment does not take into account the fact that eligibility for airman certificates does not depend upon citizenship.

To protect the interests of airmen holding certificates which, because of the 12-month duration limitation, will expire or have expired, the amendments provide that those airmen may obtain reissuance of the certificates without proof of technical ability. The certificate will be reissued to the holder without an expiration date. Unless the holder of an expired certificate obtains a reissuance, he will be unable to exercise any airman privileges under that certificate.

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

In consideration of the foregoing, Parts 61, 63, and 65 of the Federal Aviation Regulations are amended, effective December 21, 1967, as follows:

1. By amending Part 61 as follows:

§ 61.9 [Amended]

- a. By striking out § 61.9(c).
- b. By adding the following new section after § 61.9:

§ 61.9a Reissuance: Expired certificates— airline transport pilot and lighter- than-air category rating.

(a) An airline transport pilot certificate or pilot certificate with a lighter-than-air category rating bearing an expiration date and issued after September 26, 1950, to a person who was not a citizen of the United States may be reissued to that person without an expiration date.

(b) The holder of a certificate with an expiration date may not after that date exercise the privileges of the certificate without obtaining its reissuance.

2. By amending Part 63 as follows:

a. By amending § 63.15(a) to read as follows:

§ 63.15 Duration of certificates.

(a) A certificate issued under this part is effective until it is surrendered, suspended, or revoked.

b. By adding the following new section after § 63.15:

§ 63.15a Reissuance: Expired certificates.

(a) Any certificate covered by this part bearing an expiration date and issued after September 26, 1950 to a person who was not a citizen of the United States may be reissued to that person without an expiration date.

(b) The holder of a certificate with an expiration date may not after that date exercise the privileges of the certificate without obtaining its reissuance.

3. By amending Part 65 as follows:

§ 65.15 [Amended]

a. By striking out the words "to a U.S. citizen" in § 65.15(a) and by striking out § 65.15(b).

b. By adding the following new section after § 65.15:

§ 65.15a Reissuance: Expired certificates.

(a) Any parachute rigger certificate or rating that was issued after September 4, 1950, and any other certificate or rating covered by this part (except a repairman certificate) that was issued after September 26, 1950, bearing an expiration date, to a person who was not a citizen of the United States may be reissued to that person without an expiration date.

(b) The holder of a certificate or rating with an expiration date may not after that date exercise the privileges of the certificate or rating without obtaining its reissuance.

(Secs. 313(a), 601, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1427)

Issued in Washington, D.C., on November 14, 1967.

WILLIAM F. MCKEE,
Administrator.

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