

[Docket No. 9115; Amdt. 141-7]

**PART 91—GENERAL OPERATING AND FLIGHT RULES**

**PART 141—PILOT SCHOOLS**

**Flight Equipment Requirements, and Chief Instructor Experience Requirements**

The purpose of these amendments to Parts 91 and 141 of the Federal Aviation Regulations is to: (1) Clarify Part 91, and conform § 141.55(b) with its predecessor § 50.12(c) of the Civil Air Regulations, in connection with flight instruction, and thereby allow the use of an airplane having a restricted category airworthiness certificate, appropriate for the flight instruction given, to be used in a pilot training course on agricultural aircraft operations; and (2) require a chief flight instructor for a commercial or flight instructor flying school to have an instrument rating on only his commercial pilot certificate, and not necessarily on his flight instructor certificate.

Amendment 6 to Part 141, effective December 13, 1967, provided for approval of pilot training courses, that were not previously included in that part. Among these courses is one given to provide instruction in the proficiency required of an applicant for an agricultural aircraft operator certificate or his designated chief supervisor. However, § 141.55(b) has required each airplane used for flight instruction of students enrolled in a flying course to be certificated under Part 23 or 25 of the Federal Aviation Regulations, thus excluding the use of restricted category airplanes for special purpose operations (including agricultural) certificated under Part 21.

These amendments conform § 141.55(b) with its predecessor § 50.12(c) of the Civil Air Regulations by removing the too-restrictive reference to Parts 23 and 25 of the FAR's that was included at the time of recodification. As a result, an airplane having a restricted category airworthiness certificate appropriate for flight instruction in agricultural aircraft operations may now be used for flight instruction in a pilot training course approved under § 141.71(e). It may be noted that the limitation of § 141.55(b) previously has applied only to airplanes. Thus, that section has not prohibited the use of rotorcraft for pilot training in agricultural or external-load operations (the other kind of proficiency that as yet is the subject of an approved pilot training course under Subpart D).

These amendments also clarify Part 91 of the Federal Aviation Regulations in connection with flight instruction in view of the described amendment to Part 141. Specifically, § 91.39 (a) and (b) are amended to make it clear that a restricted category aircraft can be used, for compensation or hire, to provide flight crewmember training in a special purpose operation for which the aircraft is certificated under Part 21 of the Federal Aviation Regulations.

The purpose of Amendment 5 to Part 141, effective November 9, 1967, was to establish equivalent but more practical levels of experience for chief flight instructors. Previously, the chief flight instructor for a commercial flying school was required to have an instrument rating. However, the notice of proposed rule making (Notice 67-23), as well as the rule as finally issued, required him to have an instrument rating also on his flight instructor certificate, although the preamble for neither document explained that this was intended. Apparently, persons generally read the notice as not changing the single instrument rating requirement then in effect, and they did not comment. As a result, an unintended burden was placed upon pilot schools under Part 141, although in fact the rule was issued on less than 30 days notice on the basis that it relieved an undue burden on flying schools and flight instructors. The accompanying amendments clarify the language of the rule to indicate specifically that the chief flight instructor for a commercial or flight instructor flying school needs the instrument rating only on his pilot certificate.

Since these amendments are necessary to complete the objectives of Amendments 5 and 6 to Part 141, and are clarifying only as to Part 91, I find that notice and public procedure thereon are unnecessary and that these amendments may be made effective on less than 30 days notice.

In consideration of the foregoing, Parts 91 and 141 of the Federal Aviation Regulations are amended, effective September 11, 1968, as follows:

**1. Part 91 is amended as follows:**

a. By adding a flush paragraph following paragraph (a) of § 91.39 to read as follows:

**§ 91.39 Restricted category civil aircraft; operating limitations.**

(a) \* \* \*

For the purposes of this paragraph, the operation of a restricted category civil aircraft to provide flight crewmember training in a special purpose operation for which the aircraft is certificated is considered to be an operation for that special purpose.

b. By amending the second sentence of § 91.39(b) to read as follows:

**§ 91.39 Restricted category civil aircraft; operating limitations.**

(b) \* \* \* For the purposes of this paragraph, a special purpose operation involving the carriage of persons or materials necessary for the accomplishment of that operation such as crop dusting, seeding, spraying, and banner towing (including the carrying of required persons or materials to the location of that operation), and an operation for the purpose of providing flight crewmember training in a special purpose operation, are not considered to be the carrying of persons or property for compensation or hire.

**2. Part 141 is amended as follows:**

a. By amending paragraph (b) of § 141.55 to read as follows:

**§ 141.55 Flight equipment requirements.**

(b) Each aircraft used for flight instruction of students enrolled in a flying course must have an airworthiness certificate appropriate for the flight instruction given, maintained as provided in Part 91 of this chapter, registered in the name of the school or operated under a lease, and have the equipment and performance characteristics appropriate to its curriculum.

b. By amending paragraph (c) (1) of § 141.59 to read as follows:

**§ 141.59 Chief flight instructor requirements.**

(1) At least a commercial pilot certificate and a flight instructor certificate, each with a rating for the category of aircraft used in the course and, for a course using airplanes, an instrument rating on his commercial pilot certificate.

(Secs. 313(a) 601, 603, 607, and 608 of the Federal Aviation Act of 1958; 49 U.S.C. 1354 (a), 1421, 1423, 1427, 1428)

Issued in Washington, D.C., on September 4, 1968.

D. D. THOMAS,  
Acting Administrator.

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