

**SUBCHAPTER F—AIR TRAFFIC AND GENERAL
OPERATING RULES [NEW]**

[Reg. Docket No. 2013; Amdt. No. 91-6]

**PART 91—GENERAL OPERATING AND
FLIGHT RULES [NEW]**

Use of Parachutes During Acrobatics

The purpose of this amendment is to relieve the requirement for wearing parachutes during certain acrobatic flight. This action was published as a notice of proposed rule making and circulated as Federal Aviation Agency Notice No. 63-40 (28 F.R. 11075).

Section 91.71(b) of the Federal Aviation Regulations prohibits intentional acrobatic flight in an aircraft carrying a person other than a crewmember unless all occupants are equipped with approved parachutes. For the purposes of that section a student pilot has been interpreted as being a passenger, not a crewmember; therefore, a student pilot as well as his flight instructor is required to wear a parachute when the flight instructor is giving the student acrobatic instruction as defined by § 91.71(b) (1) and (2).

It was proposed in Notice No. 63-40 to permit flight instruction required by the regulations, without the wearing of parachutes, when that instruction is given by a certificated flight instructor. The permission would also, under the proposal, apply to flight tests for pilot certification or rating. A certificated flight instructor is properly presumed to have the skill necessary to safely give acrobatic instruction required by the pilot regulations within the operating limitations of the aircraft without the necessity of his or his student's wearing a parachute. Moreover, complaints from the field indicate that wearing parachutes in some aircraft may be a hazard to training since the bulk of the parachute may, due to the configuration and size of the pilot seat, reduce the pilot's visibility and hamper his handling of the controls.

Notice 63-40 referred to "training required by the regulations." Comments to the proposal indicated that there is doubt as to what maneuvers would be permitted without wearing parachutes. Therefore, the amendatory language has been rewritten to make it clear that, regardless of what certificate or rating the applicant is seeking, an acrobatic ma-

neuver required for any pilot certificate or rating (even one not presently sought by the applicant) may be performed without parachutes when done by, or at the direction of, a certificated flight instructor. For example, a student pilot is not required to have flight instruction in spins; however, his flight instructor, if he considers this training necessary, may give the student this training without parachutes since spin instruction is required for certain other certificates or ratings.

Although the notice referred only to certificated flight instructors, the exception to the applicability of § 91.71(b) has been rewritten to make it clear that an airline transport pilot may give certain instruction in air transportation service without the use of a parachute since an airline transport pilot instructing under § 61.163 is, for the purposes of § 91.71, a certificated flight instructor.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Part 91 [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective Aug. 21, 1964, by adding a new paragraph (c) to § 91.71 to read as follows:

§ 91.71 Acrobatic flight.

* * * * *

(c) Paragraph (b) of this section does not apply to—

(1) Flight tests for pilot certification or rating; or

(2) Spins and other flight maneuvers required by the regulations for any certificate or rating when given by—

(i) A certificated flight instructor; or
(ii) An airline transport pilot instructing in accordance with § 61.163.

(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 July 15, 1964.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 64-7235; Filed, July 21, 1964;
8:46 a.m.]

(As published in the Federal Register 29 F.R. 98237 on July 22, 1964)