

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 61, 121, 135, and 142**

[Docket No. 26933; Amendment Nos. 61-101, 121-263, 135-67, 142-1]

RIN 2120-AA83

Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking at Training Centers; Editorial and Other Changes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment makes minor revisions to correct editorial errors. It also revises certain sections of regulations published on July 2, 1996 (61 FR 34508), to make them consistent with the intent expressed in the notice and final rule. These amendments will not impose any additional restrictions on persons affected by these regulations. This final rule implements new regulations that contain certification and operating rules for training centers that will use aircraft flight simulators and flight training devices for pilot training, testing, and checking.

EFFECTIVE DATE: March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Warren Robbins, Airman Certification Branch (AFS-840), General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-3842.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 1996, a final rule was published that implements new regulations containing certification and operating rules for training centers that will use aircraft flight simulators and flight training devices for pilot training, testing, and checking (61 FR 34508). The training center concept is intended to provide a common source for standardized, quality training accessible to any individual or corporate operator and air carriers.

This rule, in part, amended parts 61, 121, and 135, and added a new part 142 to incorporate aircraft simulation use. Minor editorial changes and minor modifications need to be made to some sections of these amended parts.

Discussion of the Amendments

Part 61

Section 61.4 Qualification and approval of flight simulators and flight training devices. This section is

amended by consolidating paragraphs (a), (b), and (c) into a single paragraph (a). Paragraph (b), as amended, adds language that allows devices previously referred to as ground trainers and pilot trainers to continue to be used to meet various requirements of §§ 61.56, 61.57, 61.65, and 61.29, to the extent of their original approval. This was clearly the intent expressed in the preamble to the final rule.

It should be noted that, under revised paragraph (b), only devices qualified under Advisory Circular (AC) 61-66, "Annual Pilot in Command Proficiency Checks" (superseded) may continue to be used to satisfy requirements of § 61.56. All other such devices, to be defined as Level 1 Flight Training Devices in AC 120-45B, may be used only for the purpose and number of credited hours for which they had received acceptance or approval for use prior to August 2, 1996. Any such device must be shown to function as originally designed for the original approval to be valid. To be used for a different purpose or any additional credit, each training device will have to meet § 61.4(a) and the implementing criteria in effect at the time.

Paragraph (c), as amended, adds clarifying language consistent with the FAA's intent to allow, and continue to allow, certain devices not qualified as a flight simulator or a flight training device to be used for specific training, testing, or checking.

Section 61.51 Pilot logbooks. Paragraph (c)(2)(i) is revised to add words indicating that when the pilot is "the sole occupant of the aircraft," he or she is the pilot in command of that aircraft. Removal of this language was not intended to preclude such a pilot from logging this time as pilot in command. This restores language that appeared in the rule prior to Amendment 61-100, to avoid misinterpretation.

Section 61.55 Second-in-command qualifications. This section is amended to correct an editorial error. Under paragraph (b)(3) the words "the requirements of this paragraph (b)(3)" are changed to read "the requirements of paragraph (b)(2)" to provide the correct reference.

Section 61.56 Flight Review. This section is amended by redesignating paragraph (e) as paragraph (d), and by reinstating paragraph (e) as it was amended by Amendment 61-93 (58 FR 405620, July 28, 1993), subsequent to publication of the Notice of Proposed Rulemaking (NPRM) that led to Amendment 61-100. This amendment aligns the paragraph numbers to agree with the 1993 structure, and continues the 1993 provision that a pilot who

completes in the same timeframe a phase of the FAA-sponsored pilot proficiency awards program (i.e., WINGS Program) in an aircraft need not accomplish a biennial flight review.

Section 61.57 Recent flight experience: Pilot in command. This section currently requires that persons pass an instrument competency test in the category and class of aircraft involved. This section is amended to debate the words "and class" which were inadvertently inserted in paragraph (e)(2) in the NPRM. Although the addition of "and class" may be appropriate in other provisions, the FAA did not intend to propose that the instrument competency check be taken in specific class of aircraft. Instrument operations with various classes of the same category are not sufficiently distinct to warrant separate tests for each class.

Section 61.64 Additional aircraft ratings for other than airline transport pilot certificates (for other than parts 121 and 135 use). This section is amended by revising paragraph (b)(2), deleting paragraph (c)(2), and renumbering paragraph (c)(3) as paragraph (c)(2). Paragraph (b)(2), as revised, will reinstate the provision that the holder of a category rating for a powered aircraft will not have to take a knowledge test for an additional category rating. Paragraph (c)(2) incorrectly required applicants for an added class rating to take a knowledge test. These revisions correct language that was used in the NPRM and Amendment 61-100, although there was no intention to propose a change in the prior rule. An additional knowledge test is unnecessary for adding a category or class rating. Where one powered category rating is already held, the practical test is sufficient to test any additional theoretical knowledge that the pilot may need for the new category or class. Section 61.64(e)(10) is amended to revise the reference to paragraph (e)(9) to read "paragraph (e)(9)(ii)," since paragraph (10) refers only to paragraph (e)(9)(ii).

Section 61.65 Instrumental rating requirements. Paragraph (g)(1) is revised to delete the word "any." This word was erroneously added in § 61.65(g)(1) prior to the phrase "category, class, and type aircraft that is certified for flight in instrument conditions." Allowing the use of any category, class, and type of aircraft during the practical test (e.g., a helicopter being used for an airplane instrument rating practical test) would not adequately establish the applicant's qualifications.

Further under paragraph (g)(1), the phrase "that is certified for flight in

instrument conditions" should not have been added. This wording unintentionally precludes practical testing in some aircraft that may not be certified for flight into instrument meteorological conditions but which may be operated under instrument flight rules in visual meteorological conditions (i.e., the flight is not conducted in weather conditions that are less than minimums required for visual flight rules). Therefore, this wording has been deleted.

Under paragraph (g)(2) the words "required by this paragraph (g)(2)" are not needed and are therefore deleted.

Section 61.109 Airplane rating: Aeronautical experience. This section is amended to correct an editorial error. A typographical error that occurred when this final rule was printed rendered paragraph (f) as paragraph (h). Therefore, paragraph (h) should be redesignated as paragraph (f).

Section 61.129 Airplane rating: Aeronautical experience. Paragraph (b) is revised to correct an error in formatting that raised confusion as to whether the aeronautical experience provision of 100 hours of pilot time in an airplane and the provisions that break down that aeronautical experience requirement had been removed. Such a revision was not proposed and was never intended. This experience is necessary to ensure that the U.S. commercial pilot certificate meets International Civil Aviation Organization (ICAO) standards. The amended paragraph (b) avoids any confusion.

Section 61.157 Airplane rating: Aeronautical skill (for parts 121 and 135 use only). Paragraph (g) is revised to clarify that completion of an air carrier pilot-in-command proficiency check satisfies the requirement for demonstration of aeronautical skill only when the check is evaluated by a designated examiner or FAA inspector, and only when the check includes all maneuvers and procedures which are required for the original type rating. This has been the FAA's long standing interpretation of similar language in the flush paragraph which appears at the end of § 121.441(a), which states "The satisfactory completion of a type rating flight check under § 61.157 of this chapter satisfies the requirement for a proficiency check." The intent, that a pilot-in-command proficiency check under these conditions satisfies the demonstration of aeronautical skill for a type rating, should be stated under § 61.157(g), not in § 121.441. Therefore, this action will also amend § 121.441 to delete that redundant flush paragraph.

Section 61.197 Renewal of flight instructor certificates. Paragraph (b) is revised to reinstate Amendment 61-95 (59 FR 17644, April 13, 1994) that eliminated the requirement for 24 hours of ground and flight training for a flight instructor refresher clinic. The 24 hour requirement had been erroneously reinserted by Amendment 61-100 (61 FR 34508). The revised paragraph will also allow any authorized Flight Standards Inspector to renew a flight instructor certificate. The paragraph is also revised to state that an applicant who is an instructor or evaluator of a part 142 Training Center may renew a flight instructor certificate, without the applicant accomplishing a practical test. This addition makes explicit one kind of "comparable position involving the regular evaluation of pilots." Further, language has been added to this section explicitly stating that application for renewal must be made prior to the expiration date of a current flight instructor certificate. This always has been implied by this section.

Parts 121 and 135

Section 121.402 Training program: Special rules. Paragraph (a) of this section is amended by adding the word "flight" before "training, testing, and checking." Paragraph (a) was not intended to require specialized training (e.g., hazardous materials training and maintenance technician training) to be done by another certificate holder or a part 142 Training Center.

Section 121.431 Applicability. Paragraph (a)(2) is revised to change the reference from "§§ 121.411 and 121.413" to "§§ 121.414." Also, § 135.324 (Training Program: Special Rules) is amended by revising paragraph (b)(4) to change the reference from "§§ 135.337 or 135.339" to "§§ 135.337 through 135.340." These two sections need to be amended in order to be consistent with the June 17, 1996 Amendment Nos. 121-257 and 135-64 (61 FR 30734) that added new sections to parts 121 and 135 regarding qualifications, and initial and transition training and checking requirements for flight instructors.

Part 142

Section 142.11 Application for issuance or amendment. This section is amended by deleting paragraph (e)(4) and redesignating paragraph (e)(5) as paragraph (e)(4). Paragraph (e)(4), as adopted, referred to § 142.21; however, because § 142.21 was a reserved section, reference made to it under § 142.11 is erroneous.

Section 142.53 Training Center instructor training and testing

requirements. This section is amended by inserting in paragraph (a)(7)(ii) the words "of a representative segment of each curriculum" This insertion is needed to preclude confusion that might result from an interpretation that instructor testing must include all maneuvers, in apparent contradiction with paragraph (a)(1), which specifies that only a representative segment of each curriculum must be checked.

Federalism Implications

The regulations do not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among various levels of government. Thus, in accordance with Executive Order 12612, it is determined that such a regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

Paperwork Reduction Act

The information collection requirements associated with this rule have already been approved. There are no further paperwork requirements associated with this correction.

Good Cause Justification for Immediate Adoption

This amendment is needed to make editorial corrections and minor clarifying revisions. Because the amendment is editorial in nature and would impose no additional burden on the public, I find that notice and opportunity for public comment before adopting this amendment is unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation imposes no additional burden on any person. Accordingly, it has been determined that the action: (1) Is not a significant rule under Executive Order 12866; and (2) is not a significant rule under Department of Transportation Regulatory Policy and Procedures (44 FR 111034, February 26, 1979). Also, because this regulation is editorial in nature, no impact is expected to result, and a full regulatory evaluation is not required. In addition, the FAA certifies that the rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

14 CFR Part 61

Aircraft, Airmen.

14 CFR Part 121

Air Carriers, Aircraft Airmen,
Aviation safety, Charter flights.

14 CFR Part 135

Air Taxis, Aircraft, Airmen, Aviation
safety.

14 CFR Part 142

Administrative practice and
procedure, Aircraft, Airmen, Drug
testing, Educational facilities, Reporting
and recordkeeping requirements.

The Amendments

In consideration of the foregoing, the
Federal Aviation Administration
amends 14 CFR Part 61, 121, 135, and
142 as follows:

**PART 61—CERTIFICATION: PILOTS
AND FLIGHT INSTRUCTORS**

1. The authority citation for part 61
continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–
44703, 44707, 44709–44711, 45102–45103,
45301–45302.

2. Section 61.4 is revised to read as
follows:

**§ 61.4 Qualification and approval of flight
simulators and flight training devices.**

(a) Except as provided in paragraphs
(b) and (c) of this section, each flight
simulator and each flight training
device, for which any airman is to
receive credit for use in satisfying any
training, testing, or checking
requirement under this chapter, must be
qualified and approved by the
Administrator for—

(1) The training, testing, and checking
for which it is used;

(2) Each maneuver, procedure, or
crewmember function performed; and

(3) The representation of the specific
category and class of aircraft, type
aircraft, and particular variation within
type of aircraft, or set of aircraft in the
case of some flight training devices.

(b) Any device found acceptable to, or
approved by, the Administrator prior to
August 2, 1996, which can be shown to
function as originally designed, may be
used for the same purposes for which it
was originally accepted or approved and
to the extent of such acceptance or
approval only.

(c) The Administrator may, from time
to time, approve devices other than
flight training devices or flight
simulators for specific purposes.

3. Section 61.51 is amended by
redesignating (c)(2)(i)(B) as paragraph
(c)(2)(i)(C) and adding a new paragraph
(c)(2)(i)(B) to read as follows:

§ 61.51 Pilot logbooks.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(B) The sole occupant of the aircraft;
or

* * * * *

4. Section 61.55 is amended by
revising paragraph (b)(3) to read as
follows:

**§ 61.55 Second-in-command
qualifications.**

* * * * *

(b) * * *

(3) Except as provided in paragraph
(b)(4) of this section, the requirements of
paragraph (b)(2) of this section may be
accomplished in a flight simulator that
is—

* * * * *

5. Section 61.56 is amended by
removing paragraph (d), revising
paragraph (e) and redesignating it as
paragraph (d) and by adding new
paragraph (e) to read as follows:

§ 61.56 Flight review.

* * * * *

(d) An applicant who has, within the
period specified in paragraph (c) of this
section, satisfactorily completed a test for
a pilot certificate, rating, operating
privilege, or a pilot proficiency check
need not accomplish the flight review
required by this section if the test was
conducted by a person authorized by
the Administrator, or authorized by a
U.S. Armed Force to conduct the test.

(e) A person who has, within the
period specified in paragraph (c) of this
section, satisfactorily completed one or
more phases of an FAA-sponsored pilot
proficiency award program in an aircraft
need not accomplish the flight review
required by this section.

* * * * *

6. Section 61.57 is amended by
revising paragraph (e)(2) to read as
follows:

**§ 61.57 Recent flight experience: Pilot in
command.**

* * * * *

(e) * * *

(2) A person who does not meet the
recent instrument experience
requirements of paragraph (e)(1) of this
section during the prescribed time, or
within 6 calendar months thereafter,
may not serve as pilot in command
under IFR, or in weather conditions less
than the minimums prescribed in VFR,
until that person passes an instrument
competency test in the category of
aircraft involved, given by a person
authorized by the Administrator to
conduct the test.

* * * * *

7. Section 61.64 is amended by
revising paragraphs (b)(2), (c)(2), and
(e)(10) to read as follows:

**§ 61.64 Additional aircraft ratings for other
than airline transport pilot certificates (for
other than parts 121 and 135 use).**

* * * * *

(b) * * *

(2) Unless the applicant holds a
category rating for a powered aircraft,
pass the knowledge test applicable to
the pilot certificate and aircraft category
and class rating sought, and;

* * * * *

(c) * * *

(2) Pass the practical test required for
the pilot certificate held, and required
for the category and class rating sought.

* * * * *

(e) * * *

(10) An applicant meeting only the
requirements of paragraph (3)(9)(ii) of
this section will be issued an added
rating with a limitation.

* * * * *

8. Section 61.65 is amended by
revising paragraphs (g)(1) and (g)(2) to
read as follows:

§ 61.65 Instrument rating requirements.

* * * * *

(g) * * *

(1) The flight increment may be
accomplished in the category, class, and
type of aircraft, as appropriate to the
instrument rating sought, or in a
qualified and approved flight simulator
or qualified and approved flight training
device.

(2) The practical test must include
instrument flight procedures, selected
by the person authorized by the
Administrator to conduct the practical
test, to determine the applicant's ability
to perform competently the IFR
operations described in paragraph (c) of
this section.

* * * * *

9. Section 61.109 is amended by
redesignating paragraph (h) as
paragraph (f).

10. Section 61.129 is amended by
revising paragraph (b) to read as follows:

**§ 61.129 Airplane rating: Aeronautical
experience.**

* * * * *

(b) *Flight time as a pilot.* Except as
provided in paragraph (c) of this
section, and applicant for a commercial
pilot certificate with an airplane rating
must have at least the following
aeronautical experience.

(1) A total of a least 250 hours of flight
time as a pilot that includes at least 100
hours in powered aircraft including at
least—

(i) Fifty hours in an airplane;

(ii) Ten hours of light instruction and practice given by an authorized flight instructor in airplane having a retractable landing gear, flaps, and a controllable pitch propeller; and

(iii) Fifty hours of flight instruction given by an authorized instructor that includes at least 10 hours of instrument instruction of which at least 5 hours must be in flight in airplanes, and 10 hours of instruction in preparation for the commercial pilot practical test.

(2) The 250 hours of aeronautical experience of paragraph (b)(1) of this section may include not more than—

(i) Except as provided in paragraph (b)(2)(ii) of this section, 50 hours of instruction in a flight simulator or flight training device, if it was receiving from an authorized instructor; or

(ii) 100 hours of instruction in a flight simulator or flight training device, if it was received from an authorized instructor in an approved course conducted by a training center certificated under part 142 of this chapter.

* * * * *

11. Section 61.157 is amended by revising paragraph (g) to read as follows:

§ 61.157 Airplane rating: Aeronautical skill (for parts 121 and 135 use only).

* * * * *

(g) Successful completion of a pilot-in-command proficiency or competency check satisfies the requirements of this section for the appropriate aircraft rating if that check—

(1) Complies with

(i) Section 121.441 of this chapter; or

(ii) The competency check requirements of § 135.293 of this chapter and § 135.297 of this chapter; and

(2) Includes all maneuvers and procedures required for award of an original type rating and is evaluated by a person designated by the Administrator or an FAA inspector.

12. Section 61.197 is amended by revising paragraph (b) to read as follows:

§ 61.197 Renewal of flight instructor certificates.

* * * * *

(b) A person who holds a current flight instructor certificate may renew that certificate and its ratings without accomplishing a practical test if that

person makes application to an authorized FAA Flight Standards Inspector prior to its expiration and provided the following items are submitted.

(1) A record that shows that the applicant has satisfactory knowledge of pilot training, certification, and standards, and shows that, within the past 24 calendar months, the applicant has served—

(i) As a company check pilot;

(ii) As a chief flight instructor or assistant chief flight instructor;

(iii) As a company check airman or flight instructor in a part 121 or part 135 air carrier operation;

(iv) As an instructor or evaluator in a part 142 Training Center; or

(v) In a comparable position involving the regular evaluation of pilots.

(2) A graduation certificate from an approved flight instructor refresher course, consisting of ground training or flight training, or both.

* * * * *

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

13. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

§ 121.402 [Amended]

14. Section 121.402 is amended by adding the word “flight” before “training” in paragraph (a).

15. Section 121.431 is amended by revising paragraph (a)(2) to read as follows:

§ 121.431 Applicability.

(a) * * *

(2) Permits training center personnel authorized under part 142 of this chapter who meet the requirements of §§ 121.411 through 121.414 to provide training, testing, and checking under contract or other arrangement to those persons subject to the requirements of this subpart.

* * * * *

§ 121.441 [Amended]

16. Section 121.441 is amended by removing the following undesignated

paragraph at the end of paragraph (a)(2)(ii): “The satisfactory completion of a type rating flight check under § 61.157 of this chapter satisfies the requirement for a proficiency check.”

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS

7. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

18. Section 135.324 is amended by revising paragraph (b)(4) to read as follows:

§ 135.324 Training program: Special Rules.

* * * * *

(b) * * *

(4) Has sufficient instructor and check airmen qualified under the applicable requirements of §§ 135.337 through 135.340 to provide training, testing, and checking to persons subject to the requirements of this subpart.

PART 142—TRAINING CENTERS

19. The authority citation for part 142 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44703, 44705, 44707, 44709–44711, 45102–45103, 45301–45302.

§ 142.11 [Amended]

20. Section 142.11 is amended by removing paragraph (e)(4) and redesignating paragraph (e)(5) as paragraph (e)(4).

21. Section 142.53 is amended by revising paragraph (a)(7)(ii) to read:

§ 142.53 Training Center instructor training and testing requirements.

(a) * * *

(7) * * *

(ii) On the subject matter and maneuvers of a representative segment of each curriculum for which the instructor will be instructing.

* * * * *

Issued in Washington, DC on March 18, 1997.

Barry L. Valentine,

Acting Administrator.

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