

FAA ISSUES CORRECTION TO FINAL RULE

October 19, 2009

What's at Issue

A correction has been issued to the Federal Aviation Administration (FAA) final rule, Pilots, Flight Instructor, and Pilot School Certification, released on August 21, 2009, that amended 14 CFR Parts 61, 91 and 141.

Why it's Important

The final rule, effective October 20, 2009, affects all areas of flight training and pilot certification and contained significant errors that would affect the use of flight simulators for training and testing for additional ratings.

Major Provisions

The corrections document makes changes to the following areas of the final rule:

- **The establishment of a new Part 61.64**
 - Changes were made to Part 61.64 to reinsert an omitted qualification for pilots to use a flight simulator for all training and testing for an additional rating without a supervised operating experience requirement. After the correction, any pilot meeting one of the following five qualification may receive an unrestricted rating when using a flight simulator for all training and testing:
 1. Hold a type rating in a turbojet airplane of the same class of airplane, and that type rating may not contain a supervised operating experience limitation;
 2. Have 1,000 hours of flight time in two different turbojet airplanes of the same class of airplane;
 3. Have been appointed by the U.S. Armed Forces as pilot-in-command in a turbojet airplane of the same class of airplane;
 4. Have 500 hours of flight time in the same type of airplane; or
 5. Have logged at least 2,000 hours of flight time, of which 500 hours were in turbine-powered airplanes of the same class of airplane for which the type rating is sought.
 - Changes were made that allow pilots not meeting any of the qualifications above either to complete all training and testing in a flight simulator and receive a rating with a 25-hour supervised operating experience (SOE) requirement or complete the practical test in an aircraft and receive an unrestricted rating.
- **A conforming change was made throughout the rule replacing “60 days” with “2 calendar months”**
- **A change to the preamble was made**
 - The sentence “*The requirement that a minimum of a Level 5 flight training device be used if a flight training device is used for the practical test conforms with existing FAA policy*” is replaced by “*The requirement that a minimum of a Level 5 flight training device be used if a flight simulator is used for any portion of the practical test conforms with existing FAA policy.*”

OVER...

(Major Provisions Continued)

- Language is being added to Parts 61.99, 61.109, 61.129, 61.313 to clarify that flight training must be completed with an authorized instructor.
- A correction to Part 61.19 is being made that states that for a student pilot seeking a glider or balloon rating that the student pilot certificate does not expire until 60 calendar months after the month it was issued.
- A clarification to Part 61.157 is being made that states that an Aircrew Program Designee or Training Center Evaluator may be authorized to conduct competency and/or proficiency checks required under Part 121 and Part 135 of subpart K of Part 91.

NATA Position

NATA has been involved in discussions with FAA staff about the errors in Part 61.64 for the past several weeks, and we are pleased to see that the needed corrections to Part 61.64 have been made. FAA staff have been available and even participated in a conference call with NATA's Flight Training Committee to understand the possible effects of the errors contained in the final rule.

Status

The "On Display" version of the corrections document is available [here](#). The document will be published in the *Federal Register* on October 20. Both the final rule and the corrections document are effective October 20, 2009.

Staff Contact: Mike France
Manager, Regulatory Affairs
mfrance@nata.aero