

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

(Docket No. 24550; Amdt. 61-78)

Delay of Compliance Date for Aeronautical Experience Requirements for Rotorcraft Category Rating

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment delays the compliance date of the new aeronautical experience requirements for private and commercial pilot rotorcraft rating certification contained in the recent revisions to the Federal Aviation Regulations. This amendment is needed because public notification on the provisions of these new aeronautical experience requirements in some cases has not been adequate. It is intended to provide a reasonable time to implement the necessary administrative and operational actions on the part of the FAA and aviation schools and instructors.

EFFECTIVE DATE: February 16, 1987.

FOR FURTHER INFORMATION CONTACT: Donald E. Franklin or Thomas E. Stuckey, Manager, Project Development Branch (AFS-850), General Aviation and Commerial Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone: (202) 267-6150.

SUPPLEMENTARY INFORMATION:

Background

Sections 61.113 and 61.131 of the Federal Aviation Regulations prescribe aeronautical experience requirements for applicants for a rotorcraft category rating on private and commercial pilot certificates. On October 31, 1986, these sections were revised by Amendment 61-77, Rotorcraft Regulatory Review Program Amendment No. 5: Operations and Maintenance (51 FR 40692; November 7, 1986) to establish additional rotorcraft experience requirements for these ratings. The new requirements were given an effective date of January 6, 1987, 60 days after publication of the final rule in the Federal Register. It now appears that in some cases insufficient time was allowed for compliance with these new experience requirements.

On January 5, 1987, the Helicopter Association International (HAI) petitioned for a delay in the effective

date for impleting those portions of the Rotorcraft Regulatory Review Program Amendment No. 5 relating to §§ 61.113 and 61.131. Specifically, HAI stated that many rotorcraft training schools and operators, instructors, and designated pilot examiners do not have copies of these new rules. HAI further stated that it has been advised by Jeppesen and Sanderson, Inc., that copies of these new rules will not be available in the private sector until January 23, 1987. HAI stated that, in some cases, training and flight tests have had to be cancelled because instructors and designated pilot examiners are waiting to review the changes these new rules will have on the certification requirements for the private and commercial pilot. HAI stated that it has received complaints from students and pilots who have already invested substantial time and money in preparation for a rotorcraft category rating. These students are concerned that, because of the early effectiveness of these new programs, they will not be able to obtain a private or commercial pilot certificate without an additional expense of \$4,000 to \$5,000. In light of the unanticipated burden of these students, HAI requested that the FAA delay implementing the provisions of §§ 61.113 and 61.131 for at least 90 days to allow for completion of training programs already in progress when the final rule was issued. HAI stated that a 90-day delay would provide the public with sufficient advance notification of the new requirements and would also provide reasonable time for schools and instructors to perform the necessary administrative and operational actions.

Upon further consideration, and in light of the petition from HAI, the FAA has determined it would be unfair to implement the changes contained in the revised §§ 61.113 and 61.131 without first providing the public with adequate advance notification and allowing a reasonable period of time for current applicants to complete their qualification. This will not diminish the current level of safety in rotorcraft operations and will not significantly delay the upgrading of the certification standards for rotorcraft pilots.

The FAA has decided that, to provide a reasonable period of time, the compliance date of the new requirements should be delayed until May 1, 1987. This will allow completion of the necessary administrative and operational actions needed to implement these new aeronautical experience requirements.

Reason for No Notice and Immediate Adoption

In view of the fact that Amendment 61-77 has already become effective and immediate delay of the compliance date is needed to allow current students to complete their qualification under the previous requirements, notice and public procedure are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Conclusion

To the extent that this amendment will have an economic effect, it will only be a positive one. It will spare current applicants for rotorcraft ratings the expenses of having to obtain additional aeronautical experience. Therefore, the FAA has determined that this amendment is not major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Although this delay in compliance is of some benefit to instructors and schools who have not yet received notice of the content of the new requirements, the resulting economic benefit to small entities will be minimal. Therefore, it is certified that under the criteria of the Regulatory Flexibility Act this amendment will not have a significant economic impact, positive or negative, on a substantial number of entities. Because of the absence of any costs resulting from the proposal, the FAA has determined that the expected impact of these regulations is so minimal that they do not warrant a full regulatory evaluation.

List of Subjects in 14 CFR Part 61

Airmen, Aircraft pilots, Pilots, Transportation, Air safety, Safety, Aviation safety, Air transportation, Aircraft, Rotorcraft, Helicopters, Gyroplanes.

The Amendment

Accordingly, Part 61 of the Federal Aviation Regulations (14 CFR Part 61) is amended 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. 1354(a), 1355, 1421, 1422, and 1427, 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

2. By amending § 61.113 by inserting the words "After April 30, 1987," at the beginning of paragraphs (a) and (b) and adding a sentence at the end of paragraph (c) and adding new

paragraphs (d) and (e) to read as follows:

§ 61.113 Rotorcraft rating: Aeronautical experience.

* * * * *

(c) * * * This limitation is not placed on the certificate of an applicant who qualifies under paragraph (d) or (e) of this section.

(d) Until May 1, 1987, for a helicopter rating an applicant must have at least a total of 40 hours of flight instruction and solo flight time in aircraft with at least 15 hours of solo flight time in helicopters, which must include—

(1) A takeoff and landing at an airport that serves both airplanes and helicopters;

(2) A flight with a landing at a point other than an airport; and

(3) Three hours of cross-country flying, including one flight with landings at three or more points, each of which must be more than 25 nautical miles from each of the other two points.

(e) Until May 1, 1987, for a gyroplane rating an applicant must have at least a total of 40 hours of flight instruction and solo flight time in aircraft with at least 10 hours of solo flight time in a gyroplane, which must include—

(1) Flights with takeoffs and landings at paved and unpaved airports; and

(2) Three hours of cross-country flying, including a flight with landings at three or more points, each of which must be more than 25 nautical miles from each of the other two points.

3. By amending § 61.131 by inserting the words "After April 30, 1987," at the beginning of paragraphs (a) and (b) and adding new paragraphs (c) and (d) to read as follows:

§ 61.131 Rotorcraft rating: aeronautical experience.

* * * * *

(c) Until May 1, 1987, for a helicopter rating at least 150 hours of flight time as pilot, including at least—

(1) 100 hours in powered aircraft and at least 50 hours in helicopters;

(2) 100 hours of pilot in command time, including a cross-country flight with landings at three points, each of which is more than 50 nautical miles from each of the other points;

(3) 40 hours of flight instruction from an authorized flight instructor, including 15 hours in helicopters; and

(4) 10 hours as pilot in command in helicopters, including—

(i) Five takeoffs and landings at night;

(ii) Takeoffs and landings at three different airports that serve both airplanes and helicopters; and

(iii) Takeoffs and landings at three points other than airports.

(d) Until May 1, 1987, for a gyroplane rating at least 200 hours of flight time as pilot, including—

(1) 100 hours in powered aircraft;

(2) 100 hours as pilot in command, including a cross-country flight with landings at three points, each of which is more than 50 nautical miles from each of the other two points;

(3) 75 hours as pilot in command in gyroplanes, including—

(i) Flights with takeoffs and landings at three different paved airports and three unpaved airports; and

(ii) Three flights with takeoffs and landings at an airport with an operating control tower; and

(4) Twenty hours of flight instruction in gyroplanes, including 5 hours in preparation for the commercial pilot flight test.

Issued in Washington, DC on February 6, 1987.

Donald D. Engen,

Administrator.

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