

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Adminis- tration, Department of Transportation

[Docket No. 10171; Amdts. Nos. 121-74;  
100-27]

#### PART 121—CERTIFICATION AND OP- ERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

##### Pilot in Command Operating Experience

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to permit a check pilot designated as pilot in command to occupy an observer's seat while a transitioning pilot qualifying for service as pilot in command occupies a pilot station, if after at least two takeoffs and landings the check pilot is satisfied that the qualifying pilot is competent to perform the duties of a pilot in command. The amendment is also applicable to air taxi operations using large aircraft, as provided in § 135.2.

This amendment is based on a notice of proposed rule making, Notice 70-36, published in the Federal Register on September 15, 1970 (35 F.R. 14463). Four commentators responded to the notice and their views, as well as the response of the FAA thereto, are discussed below.

As stated in the notice, this amendment is based on a petition for rule making submitted by United Air Lines, Inc. (United), requesting an amendment to § 121.434 to give check pilots greater discretion in the selection of the seat to be occupied by them during their supervision of air carrier pilots acquiring initial operating experience. As a result of the FAA examination of the petition and relevant safety considerations, the agency developed the proposals which make up the substance of this amendment.

Those commentators opposed to the notice recommended that check pilot discretion should extend beyond the transition situation to encompass initially qualifying pilots in command and second in command pilots upgrading to pilot in command. These commentators disagreed with the FAA rationale limiting check pilot discretion to the transitioning situation, namely that in the initial and upgrading situations a pilot will not have been exposed to the operating environment of a pilot in command of a Part 121 operation. It was their opinion that inasmuch as pilots in the initial and upgrade situation will have received their necessary ratings and pilot-in-command training before the operating experience phase, they will have suffi-

cient knowledge of, and the ability to perform, the responsibilities of the position and that the check pilot, with his expertise, will be able to determine whether the qualifying pilot should be allowed to occupy a pilot station.

We consider this argument to be only partially valid, for until a pilot has experienced the environment of a pilot in command in line operations for the length of time prescribed by § 121.434, we question whether he has sufficient training to adequately assume the responsibilities of a pilot in command in Part 121 operations. It was for this reason that the proposals in the notice extended only to pilots in command of one airplane within a group transitioning to another airplane of the same group.

In further support of broad check pilot discretion in determining when a pilot is capable of occupying a pilot station, several commentators argued that the check pilot is in the best position to determine when a pilot (whether in the initial, upgrade, or transition situation) is ready to assume control of the airplane as pilot in command. The FAA recognizes the expertise of check pilots to determine the ability of pilots to assume the responsibilities of the positions for which they are training. However, the agency does not believe that the check pilot function should be performed without required standards. In this case, the requirements of current § 121.434, with the change made by this amendment, are considered necessary to insure the safe conduct of the operating experience phase of pilot flight training.

One commentator objected to the notice on the grounds that it confused the regulations by changing the clear language of § 121.543, requiring that each flight crewmember on the flight deck remain at his station, to include an exception covering the situation where a check pilot occupies an observer's seat while the pilot in command trainee he is checking is obtaining his transition flight training from a pilot seat. We agree that an amendment to § 121.543 is unnecessary inasmuch as the amendment to § 121.434 adopted herein clearly specifies when a check pilot serving as pilot in command is authorized to occupy an observer's seat and while occupying that seat he is considered to be at his station as required by current § 121.543. Accordingly, the proposal to amend § 121.543 is not adopted.

It should be noted that several comments received made recommendations that were beyond the scope of the notice and cannot, therefore, be considered as a part of this action. However, the FAA will examine these recommendations and if it appears that they will enhance the effectiveness of training without derogating from safety, the agency will undertake the necessary rule making to implement them.

Section 121.431 is amended to incorporate in Subpart O the airplane groups

and terms and definitions prescribed in Subpart N in order to maintain consistency between the Subparts. This change is editorial only.

Finally, as proposed in the Notice, § 121.434(b)(3) is amended to permit operating experience to be obtained during ferry flights or proving flights in the case of airplanes new to the certificate holder and prior to their being placed in service. This amendment is made to assist certificate holders in the qualification of the initial pilot in command of such aircraft.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective July 30, 1971, as follows:

1. By amending § 121.431 to read as follows:

##### § 121.431 Applicability.

(a) This subpart prescribes crewmember qualifications for all certificate holders except where otherwise specified.

(b) For the purpose of this subpart, the airplane groups and terms and definitions prescribed in § 121.400 of this part apply.

2. By amending § 121.434(b)(3) and adding a flush paragraph at the end of § 121.434(c)(1) to read as follows:

##### § 121.434 Operating experience.

(b) \* \* \*

(3) The experience must be acquired in flight during operations under this part. However, in the case of an aircraft not previously used by the certificate holder in operations under this part, operating experience acquired in the aircraft during proving flights or ferry flights may be used to meet this requirement.

(c) \* \* \*

(1) \* \* \*

During the time that a qualifying pilot in command is acquiring the operating experience in this subparagraph a check pilot who is also serving as the pilot in command must occupy a pilot station. However, in the case of a transitioning pilot in command the check pilot serving as pilot in command may occupy the observer's seat, if the transitioning pilot has made at least two takeoffs and landings in the type airplane used, and has satisfactorily demonstrated to the check pilot that he is qualified to perform the duties of a pilot in command of that type of airplane.

(Secs. 313(a), 601, 604, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, 1427; sec. 8(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 21, 1971.

J. H. SHAFFER,  
Administrator.

(As published in the Federal Register [36 F.R. 12284] on June 30, 1971)