



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.  
Washington, D.C. 20591

DEC 17 2010

M. Kristine Hartzell  
Manager, Regulatory Affairs  
Airline Owners and Pilots Association  
421 Aviation Way  
Frederick, MD 21701

Dear Ms. Hartzell,

We appreciate your letter concerning our recent letter of interpretation to Richard Theriault issued by the Office of Chief Counsel on October 8, 2010, and affording us the opportunity to provide a clarification and more detailed explanation of our interpretation. Specifically, you questioned the statement in the interpretation that the training for an instrument rating under 14 C.F.R. §61.65(e) does not meet the requirements for aeronautical experience to obtain a commercial rotorcraft certificate under 14 C.F.R. §61.129(c)(3)(i). While this interpretation arose from a question concerning a commercial rotorcraft or helicopter certificate, it is generally applicable to other categories.

The Theriault interpretation reinforces the existing requirement that instrument training used to satisfy the aeronautical experience requirements under §61.129 needs to be clearly documented by the applicant for the commercial pilot certificate. The interpretation dispels the notion that holding an instrument rating is, on its own, sufficient evidence that the applicant has fulfilled the aeronautical experience requirements for a commercial pilot certificate under §61.129. However, we anticipate that for commercial pilot applicants who already hold an instrument rating, the hours of instrument training used to obtain that rating will meet at least some, if not most, or quite often, meet all the requirements for instrument aeronautical experience as required under §61.129. The interpretation did not establish an additive requirement for the number of hours of instrument training required to meet the aeronautical experience requirements of §61.129.

We recognize that our focus on the exact nature of the instrument aeronautical experience acquired while training for the §61.65 instrument rating as it relates to the hours necessary to meet the instrument aeronautical experience requirement under §61.129 may seem like a new position. It is not. We are merely clarifying the requirement that the applicant for a commercial pilot certificate provide evidence that they have met the requirements of §61.129. There is not an exact equivalence between the training required for an instrument rating under §61.65 and the aeronautical experience requirements under §61.129. It has been brought to our attention that information previously available on our own website appears inconsistent with this interpretation. This information has recently been removed

from the website. We are working with the program office to ensure that these types of discrepancies are clarified through open communication with the industry.

This response was prepared by Neal O'Hara, an Attorney in the Regulations Division of the Office of the Chief Counsel, and has been coordinated with the Certification and General Aviation Operations Branch of the Flight Standards Service. We hope that this response is helpful to you. If you have additional questions regarding this matter, please contact us at (202) 267-3073.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca B. MacPherson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rebecca B. MacPherson  
Assistant Chief Counsel for Regulations, AGC-200