



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

Office of the Chief Counsel

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

**JUL -6 2011**

Mr. Richard Theriault  


Dear Mr. Theriault:

This is in response to your follow-up letter, seeking clarification of the interpretation issued on October 8, 2010. I hope that this response will address all of your outstanding issues.

Your first question asks whether the five hours on the control and maneuvering a helicopter solely by reference to the instruments required by the aeronautical experience provisions of 14 C.F.R. §61.129(c)(3)(i) may be performed in an aircraft, flight simulator, flight training device or an aviation training device. Yes, these five hours of aeronautical experience for meeting instrument requirements for a commercial pilot certificate may be accomplished outside of a helicopter, in an aircraft, flight simulator, flight training device or an aviation training device, as qualified by the Administrator. Secondly, you ask whether the holding of a helicopter instrument rating would meet the requirements of the five hours of instrument aeronautical experience under §61.129(c)(3)(i)? As stated in our interpretation of December 17, 2010 (see Hartzell) the hours of training used to obtain the instrument rating will meet some, if not most, or quite often, meet all the requirements for instrument aeronautical experience under §61.129.

In response to your second set of hypothetical scenarios seeking to determine who is an "authorized instructor," you state the facts as follows; the holder of a commercial pilot certificate, who does not hold a current flight instructor certificate, works for a Part 135 operator. The pilot serves as a Company Flight Instructor as part of his assigned duties and meets the requirements of §135.338 and §135.340. The question is whether the Company Flight Instructor can log the training and give a logbook endorsement? The answer is yes, because under §61.1(b)(2)(iii), "authorized instructor" means,

"a person authorized by the Administrator to provide ground training or flight training under SFAR No. 58 or part 61, 121, 135, or 142 of this chapter when conducting ground training or flight training in accordance with that authorization."

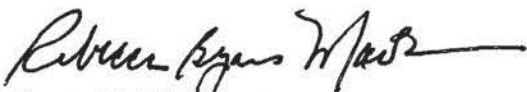
The second scenario presented under the second question is very similar to the first scenario. A company instructor holds a commercial pilot certificate – Helicopter and has a helicopter instrument rating. The instructor does not hold a current CFI-I Helicopter, but does meet all the requirements of §135.338 and §135.340 and is listed as a company instructor authorized

to conduct training for instrument operations. You ask whether the company instructor would be authorized to sign an endorsed form 8710? The answer is yes, for the reasons cited above. Under the definition of "authorized instructor" in §61.1, the company instructor is an authorized instructor, and therefore can sign the form. Lastly, it would not matter who conducted the instrument rating check ride.

It is important to note that while the company flight instructor in these examples is permitted to act as an authorized instructor within an approved air carrier training program under part 135, he is not permitted to provide flight instruction to anyone outside of that program. He cannot, for instance, take up his brother-in-law in an aircraft on the weekend and provide flight instruction. The company flight instructor also cannot provide endorsements, log book entries, etc. which are required to be given by an authorized instructor, to anyone not subject to the approved air carrier training program.

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

Sincerely,



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