

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 61**

[Docket No. 27184; Notice No. 93-11]

RIN 2120-AF13

**Renewal of Flight Instructor Certificates****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Federal Aviation Regulations (FAR) governing the renewal of flight instructor certificates; specifically, to permit holders of flight instructor certificates to renew their certificates by completing an approved number of hours of ground or flight instruction, or both, in an approved flight instructor refresher course (FIRC). The proposed amendment addresses concerns identified by the Aircraft Owners and Pilots Association (AOPA) in a petition for exemption. This action is intended to provide an equivalent level of safety while reducing the financial burden placed on individual flight instructors.

**DATES:** Comments must be submitted on or before October 18, 1993.

**ADDRESSES:** Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 27184, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27184. Comments may be examined in room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** John Lynch, Regulations Branch (AFS-850), General Aviation and Commercial Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 267-8150.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Comments relating to the economic, environmental, energy, or federalism impacts that might result from adoption of the proposals contained in this notice are also invited. Substantive comments should be accompanied by actual and anticipated cost impact statements, as appropriate. Comments should identify the

regulatory docket number and be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before action is taken on the proposed amendments. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket Number \_\_\_\_." The postcard will be date stamped and mailed to the commenter.

**Availability of This Notice**

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the docket number of this NPRM.

Persons interested in being placed on a mailing list for future NPRM's should request from the above office a copy of Advisory Circular 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**Background**

This proposal to amend the specific number of hours of instruction that holders of flight instructor certificates must complete in an approved FIRC to renew their certificates is based on a petition for exemption from AOPA. The FAA believes, however, that rulemaking is necessary to permit holders of flight instructor certificates to renew their certificates by attending an approved FIRC of fewer hours of ground or flight instruction, or both, than the 24 hours currently required by the FAR. Therefore, the FAA has determined that the appropriate response to the AOPA's petition for exemption is to propose a change to the existing regulations. The FAA has concluded that this proposal would maintain a current level of safety and is appropriate in light of the recent advances in instructional technology

and training techniques. In addition, the FAA has determined that this proposal would benefit the aviation community as a whole and as such is initiating this notice of proposed rulemaking.

**Discussion**

The AOPA petitioned the FAA for exemption from § 61.197(c) of the FAR to permit holders of flight instructor certificates to renew their certificates by attending an approved FIRC of 16 hours of ground or flight instruction, or both, in lieu of the current 24 hours required by § 61.197(c). AOPA fully describes its rationale in the petition for exemption published at the end of this notice.

The FAA agrees with the petitioner's rationale. There is a need to streamline current FIRCs to provide for a condensed weekend renewal program. The majority of certificated flight instructors maintain personal or professional responsibilities such that weekend renewal is a needed option for the maintenance of their certificate. The recent advances in instructional technology and training techniques more than compensate for a reduction in classroom time requirements. The innovative and interactive educational programs, such as the AOPA's "Trigger Tapes" and "Operation Airspace" facilitating learning at the application level, allow for a reduction in the amount of hours that holders of flight instructor certificates must complete in an approved FIRC to renew their certificates while maintaining the current level of safety.

The FAA has determined that if the option to specify the number of hours of instruction through an FAA approval as part of the approved renewal program is adopted there would be substantial benefits to the aviation community; specifically, it would eliminate the burden of the longer 24 hour course, mitigate the current decline in instructional resources, and offer financial advantages to individual flight instructors. For example, approval of AOPA's 16 hour course would allow a 1 day reduction in travel expenses to individual flight instructors saving an average per diem cost of \$100.

The AOPA petition for exemption was published in the Federal Register on March 17, 1993 (58 FR 14466). The FAA received two comments on the petition of which both comments voiced support. After review of the petition and the submitted comments, the FAA has concluded that while the petition has considerable merit, AOPA is not unique in its position. Therefore, the FAA has initiated this notice of proposed rulemaking in response to AOPA's petition for exemption.

**Proposed Rule**

The FAA agrees with the intent of the AOPA petition for exemption. This proposal integrates the concepts of the petitioner's request and the FAA's views on how to accomplish these objectives while maintaining safety and cost effectiveness. The proposal set forth in this NPRM would allow for approval of the number of hours of instruction that holders of flight instructor certificates must complete in an FAA approved FIRC to renew their certificate.

**International Civil Aviation Organization and Joint Aviation Regulations**

The FAA has determined that a review of the Convention on International Civil Aviation Standards and Recommended Practices is not warranted because flight instructor certification requirements have no bearing on flight operations internationally.

**Paperwork Reduction Act Approval**

This proposed amendment will not change the reporting requirements. Therefore, in accordance with the Paperwork Reduction Act of 1980. (Pub. L. 96-511), there are no additional requirements for information collection associated with this proposed rule.

**Economic Evaluation**

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if benefits to society for each regulatory change outweigh potential costs. Accordingly, the FAA makes the following preliminary economic evaluation of this proposal. Based on the results of its investigation, the FAA has concluded that this proposal is cost-beneficial.

This section contains the benefits and cost analyzed in the preliminary regulatory evaluation. In addition, it includes an initial regulatory flexibility determination required by the 1980 Regulatory Flexibility Act and an international trade impact assessment.

Current holders of flight instructor certificates may renew their certificates if they successfully complete an approved flight instructor refresher course consisting of not less than 24 hours of ground or flight instruction, or both. The FAA has determined, however, that recent advances in instructional technology and training techniques allow for a reduction in the number of required instruction hours without compromising safety. The FAA will develop the standards and recommended number of hours required

for an approved FIRC. This will be done to ensure that a high level of safety is maintained.

The estimated benefits of the proposed rule are the cost savings from the reduction in required instructional hours and travel expenditures for the affected flight instructors. For example, approval of AOPA's 16 hour course would allow a 1 day reduction in travel expenses to individual flight instructors: assuming an average per diem cost of \$100 and that two-thirds of the annual average of 20,000 flight instructors renewing their certificates through FIRCs would have to travel out of town, the industry could realize an annual savings of \$1.3 million in per diem travel expenses. There also would be a reduction in foregone earnings. Assuming a flight instructor earns \$20 per hour and provides 4 to 8 hours of instruction, per day, the reduction in foregone earnings would be between \$1.6 million and \$3.2 million annually. In addition, the FAA believes that individual flight instructors would realize a savings in the cost of the FIRC by the reduction in the number of required instruction hours. The FAA welcomes any comments on this issue.

There would be no incremental costs associated with this proposed rule since the number of instruction hours required in a FIRC would be relaxed. The FAA has concluded that there would be no degradation of safety as any reduction in instructional hours would be the result of advances in instructional technology and training techniques. The FAA believes that it is the content of the FIRC, not the specific number of hours of instruction in that FIRC, that is important to safety. Therefore, the FAA has concluded that the proposed rule is cost-beneficial.

**International Trade Impact Analysis**

This proposed rule would have a negligible impact on trade opportunities for U.S. firms doing business overseas or on foreign firms doing business in the U.S. The proposed rule primarily affects certificated flight instructors, not businesses involved in the sale of aviation products or services.

**Regulatory Flexibility Determination**

The proposed rule would not have a significant economic impact, positive or negative, on small entities. Flight instructors, rather than small entities, would be affected by this proposed rule. Where a flight instructor is also the sole proprietor of a small business, and exercises the privileges of his or her certificate in operations that are incidental to that business, the proposed rule would have a negligible impact.

**Federalism Impact**

The proposals contained herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this amendment does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

**Conclusion**

This notice proposes to amend § 61.197(c) of the FAR by permitting holders of flight instructor certificates to renew their certificates by completing an approved number of hours of ground or flight instruction, or both, in an approved flight instructor refresher course.

For the reasons discussed in the preamble, and based on the findings in the initial Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not major under Executive Order 12291. In addition, the FAA certifies that this proposed rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is not considered significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For this reason, it has been determined that the expected economic impact of the proposed amendment is so minimal that a full Regulatory Evaluation is not warranted.

**List of Subjects in 14 CFR Part 61**

Flight instructors.

**The Proposed Amendment**

Accordingly, part 61 of the Federal Aviation Regulations (14 CFR part 61) is proposed to be amended as follows:

**PART 61—CERTIFICATION; PILOTS AND FLIGHT INSTRUCTORS**

1. The authority citation for part 61 is revised to read as follows:

**Authority:** 49 U.S.C. Appendix 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g).

2. Section 61.197 is amended by revising paragraph (c) as follows:

**§ 61.197 Renewal of flight instructor certificates.**

\* \* \* \* \*

(c) He or she has successfully completed, within 90 days before the

application for the renewal of his or her certificate, an approved flight instructor refresher course consisting of ground or flight instruction, or both.

Issued in Washington, DC, on September 13, 1993.

**Thomas C. Accardi,**

*Director, Flight Standards Service.*

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