FEDERAL AVIATION AGENCY
FLIGHT STANDARDS SERVICE
Washington 25, D. C.

February 7, 1962

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 62-6

SUBJECT: Issuance of Free Balloon Pilot Certificates Limited to Hot-Air Balloons

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The Flight Standards Service of the Federal Aviation Agency has under consideration an amendment to Part 22 of the Civil Air Regulations to require an applicant for a free balloon pilot certificate limited to hot-air balloons to show that he meets certain aeronautical skill requirements before being issued a certificate. The reasons therefor are set forth in the explanatory statement of the attached proposal which is being published in the Federal Register as a notice of proposed rule making.

The Flight Standards Service desires that all persons who will be affected by the requirements of this proposal be fully informed as to its effect upon them and is therefore circulating copies in order to afford interested persons ample opportunity to submit comments as they may desire.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comment will be given careful consideration.

It should be noted that comments should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, and in order to insure consideration must be received on or before April 16, 1962.

Director,
Flight Standards Service

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FEDERAL AVIATION AGENCY

FLIGHT STANDARDS SERVICE

[14 CFR Part 22]
[Regulatory Docket No. 1069; Draft Release No. 62–6]

NOTICE OF PROPOSED RULE MAKING

Issuance of Free Balloon Pilot Certificates Limited to Hot-Air Balloons

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 22 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue, N.W., Washington 25, D.C. All communications received on or before April 16, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Section 22.13 of the Civil Air Regulations currently provides for the issuance of free balloon pilot certificates. This section also provides for the issuance of free balloon pilot certificates which are limited to hot-air balloons. An applicant for such a certificate must comply with certain requirements of age, character, citizenship, education, and physical condition. He does not have to comply with any requirement of aeronautical knowledge, experience, or skill. As a result, anyone who holds an airman medical certificate of the third class or higher, and who is at least 17 years of age, can secure a free balloon pilot certificate limited to hot-air balloons. These requirements are easily met by many certificated airmen, and hundreds of them have acquired a hot-air balloon certificate merely as a novelty and with no serious intention of operating any kind of free balloon.

Issuance of a free balloon pilot certificate limited to hot-air balloons, without any showing of aeronautical knowledge, experience, or skill, dates back to March of 1951. At that time the Civil Aeronautics Board amended Part 22 of the Civil Air Regulations to exempt applicants from the aeronautical knowledge requirement on the grounds that it is not a prerequisite to the operation of a hot-air balloon. The Board also exempted such applicants from any experience or skill requirements on the grounds that such requirements are inconsistent with the operating limitations of hot-air balloons.

Section 602(b) of the Federal Aviation Act of 1958 provides for the issuance of an airman certificate to any person who applies for it, if the Administrator of the Federal Aviation Agency finds, upon investigation, that such person is properly qualified for the certificate sought. Until recently each ascent of a hot-air balloon was necessarily of short duration; when the heated air cooled, the balloon descended. A new development for hot-air balloons provides a gas-fired heater to generate hot air as needed and hot-air balloons using this device can now ascend and descend at the operator's will, and can remain aloft as long as there is fuel for the heater. A substantial change is thus brought about in the operation of such balloons. Consequently, it is the opinion of the Agency that the operation of a hot-air balloon now requires a demonstration of skill by the applicant to assure his use of safe and proper piloting technique. It is, therefore, proposed herein to require an applicant for a free balloon pilot certificate, limited to hot-air balloons, to possess a reasonable degree of skill in their operation.

This would be accomplished by amending the introductory paragraph of section 22.13 to include a reference to paragraph (h) among the requirements for a free balloon pilot certificate limited to the operation of hot-air balloons. In addition, in order to avoid placing a hardship on the holder of a lighter-than-air student pilot certificate who seeks a hot-air balloon certificate, it would be necessary to also amend section 22.31(a)(1)(ii) to omit the six instruction flights now required for endorsement of his certificate for solo in free balloons.

In consideration of the foregoing, it is proposed to amend Part 22 of the Civil Air Regulations as follows:

1. By amending the introductory paragraph of § 22.13 to read as follows:

22.13 *Free balloon pilot certificate.* An applicant for a free balloon pilot certificate shall comply with the requirements of paragraphs (a) through (h) of

this section. An applicant for a free balloon pilot certificate which is limited to the operation of hot-air balloons shall comply only with the requirements of paragraphs (a) through (e), and paragraph (h) of this section.

2. By amending § 22.31(a)(1)(ii) to read as follows:

22.31 *Flight limitations and privileges.*

(a) * * *

(1) * * *

(ii) He shall have had a minimum of six instruction flights of not less than one hour duration each in free balloons and such fact has been certified to by his instructor on his student pilot certificate: Provided, That such instruction flights are not required in order to solo a hot-air balloon.

These amendments are proposed under the authority of sections 313(a), 601, 602 of the Federal Aviation Act of 1958, (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422).

George C. Price

Director,
Flight Standards Service

Issued in Washington, D.C., on February 5, 1962.