September 19, 1995

Chris Murphy

[redacted]

Dear Mr. Murphy:

This is in response to your letter dated September 12, 1995, requesting an interpretation of section 61.31(e) of the Federal Aviation Regulations [FARs]. Specifically, you request clarification of the type of endorsement required by this regulation.

As currently written, FAR 61.31(e) characterizes as "high performance airplanes" both 1) airplanes of more than 200 horsepower, and 2) airplanes with retractable landing gear, flaps, and a controllable propeller (more commonly known as a "complex airplane"). When the regulation was originally promulgated in 1973, there were few aircraft in the first category, which were not also in the second category, and visa versa.

Appendix 1 to Federal Aviation Administration [FAA] Advisory Circular 61-65C [excerpt enclosed] currently recommends that all FAR 61.31(a) logbook endorsements simply state: "I certify that I have given flight instruction in a high performance airplane to Mr./Ms._____ , holder of pilot certificate # _____, and find him\her competent to act as PIC in high performance airplanes". Contrary to your suggestion it is not currently appropriate to differentiate between these two above-specified categories in making FAR 61.31(a) logbook endorsements.

Over the last two decades, however, it has been increasingly common to find high performance aircraft, which fit one of these two categories and not the other, and both the aviation industry and the FAA have recognized, as your letter suggests, that different airman skills are required for each category. On August 11, 1995, the FAA issued a Notice of Proposed Rulemaking [60 FR 41660, et. seq., pertinent pages enclosed], which would amend FAR 61.31 to distinguish "high performance airplanes" [airplanes with 200 hp or more], from "complex airplanes" [airplanes with retractable landing gear, flaps, and a controllable propeller]. If and when this regulatory change becomes effective, separate logbook endorsements would then be appropriate for each category of airplanes. Until then, a single logbook endorsement as recommended by AC 61-65C is appropriate, which would permit the pilot to fly either airplanes of more than 200 horsepower or airplanes with retractable landing gear, flaps and a controllable propeller [see enclosed FAA interpretation dated August 16, 1982, providing advice consistent with our

interpretation].

I hope that this explanation has been responsive to the issues raised in your letter.

Sincerely,

Karl B. Lewis
Supervisory General Attorney