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

October 19, 2007

Mr. Richard Johnson
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1906 S. Vista Avenue, Suite A
Boise, ID 83705

Dear Mr. Johnson:

This is in response to your June 16, 2007, inquiry, submitted on behalf of your client, Aviation Specialties Unlimited, Inc., in which you seek an interpretation of 14 C.F.R. §135.324, as it applies to the Night Vision Goggle (NVG) guidance recently set forth in Notice 8000.349, Appendix 1, § 1606(C)(2). In part, you quote the language in Appendix 1, §1606 C(2), which states that a carrier that:

> does not hold an operating certificate and Op Specs for the *same type of operation* for which training is provided, or does not hold a part 142 training center certificate, with approved courses applicable to the training provided, must be qualified as a pilot and flight instructor for operations by the certificate holder [to provide NVG training]. (emphasis added).

You ask whether this language requires that your client engage in part 135 air ambulance operations in order to provide NVG training to other part 135 air ambulance operators.

Because of the performance limitations that NVGs have on a pilot's visual cues, Notice 8000.349 set forth a separate process for verifying part 135 operators conducting operations using NVGs, and for Part 135 operators providing NVG training. In regard to training, all part 135 operators must meet the requirements of 14 C.F.R. § 135.324 in order to conduct flight training. The language from the Notice, as quoted above, should not be read to limit part 135 operators to training only other part 135 operators engaged in identical commercial service. Rather, the Notice should be read as giving guidance to FAA inspectors on the circumstances in which the FAA would allow Part 135 operators with the same type of operation specifications, either on-demand or commuter, to train another Part 135 operator with the same type of operation specifications, either on-demand or commuter. When the entire Notice is read in context, an important piece of guidance to our inspectors is that they should ensure that any NVG training in an airborne aircraft is administered by an NVG instructor who is qualified to fly that particular aircraft, and whose principal employer also operates the same type of aircraft. For example, if ASU, Inc., is certified as a Part 135 on-demand operator, flying a Bell-206 Helicopter, and its principal operations inspector has approved its use of NVGs in its operations, as well as its NVG training program, the FAA would allow an FAA principal operations inspector for another part 135 operator to consider

approving ASU, Inc., to provide NVG training to that other Part 135 on-demand operator that also flies Bell-206 Helicopters. The guidance provided in the Notice, which states that an air carrier must comply with § 135.324, is thus consistent with § 135.324, as well as additional guidance set forth in FAA Order 8900.10, vol.3, ch. 20, § 1, para. 3-1399 (Sept. 13, 2007), which states that an air transportation flight instructor must "hold the certificate and ratings required to serve in revenue service in the specified crewmember duty position on the *specific aircraft* (emphasis added)," in order to be eligible to conduct training.

We appreciate your patience and trust that the above responds your concerns. If you have any questions, please contact my staff at (202) 267-3073. This response was prepared by Anne Bechdolt, Attorney, reviewed by Joseph Conte, Manager, Operations Law Branch of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations
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