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

Office of the Chief Counsel

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

JUL 23 2010

Burl Brim, Jr.
Director of Operations
Brim Aviation
PO Box 3009
Ashland, OR 97250

Dear Mr. Brim,

This is in response to your request for a legal interpretation submitted on March 16, 2010 regarding the definition of a "flight crewmember trainee," as used in 14 C.F.R. § 133.35(a)(2). Specifically, you ask whether people training for "rescue operations" can be carried in an operation involving a Class B rotorcraft external-load combination.

You confine your question to 14 C.F.R. § 133.35(a)(2), which states that, "No certificate holder may allow a person to be carried during rotorcraft external-load operations unless that person… [i]s a flight crewmember trainee." 14 C.F.R. § 1.1 defines a "flightcrew member" as a "pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time." Therefore, a "flight crewmember trainee" is a person training to become a "pilot, flight engineer, or flight navigator." Accordingly, a person training in emergency operations would not be considered a "flight crewmember trainee" and cannot be carried under 14 C.F.R. § 133.35(a)(2).

In your letter, you also ask for an exemption from this requirement. If you wish to submit a petition for an exemption, please see 14 C.F.R. part 11 for instructions on how to submit a petition for exemption and on what information to include in such a petition.

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Anne Bechdolt, Acting Manager, Operations Law Branch of the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of Flight Standards Service. If you require further assistance, please contact my staff at (202) 267-3073.

Sincerely,

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