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

Office of the Chief Counsel

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

AUG - 6 2010

Specialist Norman Rhone, USA
[redacted]

Dear Mr. Rhone:

We are in receipt of your inquiry requesting clarification of whether you need six months of work experience in addition to your experience as a controller in the U.S. Army, before being eligible for employment at an air traffic control tower under 14 C.F.R. §65.39.

By the clear language of the regulation, which I have quoted below, as an active duty member of the U.S. Army with at least 6 months experience as an air traffic controller, you meet the requirements for a facility rating under §65.39. The section reads as follows:

> **§65.39 – Practical experience requirements: Facility rating** – Each applicant for a facility rating at any air traffic control tower must have satisfactorily served- (a) As an air traffic control tower operator at that control tower without a facility rating for at least 6 months; or
> (b) As an air traffic control tower operator with a facility rating at a different control tower for at least 6 months before the date he applies for the rating.
> *However, an applicant who is a member of an Armed Force of the United States meets the requirements of this section if he has satisfactorily served as an air traffic control tower operator for at least 6 months.* (emphasis added)

Therefore, as a member of the U.S. Army, on active duty, serving as an air traffic control tower operator for at least 6 months, you meet the experience requirements for a facility rating as specified by the rule.

We trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3072. This response was prepared by Neal O'Hara, and Attorney in the Regulations Division of the Office of the Chief Counsel.

Sincerely,

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