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

Office of the Chief Counsel

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

DEC 26 2012

Michael S. Crouse
[redacted]

Dear Mr. Crouse:

This letter responds to your request for a legal interpretation dated August 20, 2012. In your letter, you requested clarification of the requirements to remove a pilot in command limitation under 14 CFR § 61.64. Specifically, you ask whether the 25 hours of flight time can be performed in either pilot seat, and whether the flight time can be logged during either part 135 or part 91 operations.

We note that the rule language quoted in your letter was amended by a technical amendment that became effective on December 16, 2011. 76 FR 78141 (Dec. 16, 2011). We believe the amended language, which is quoted below, answers your questions.

Section 61.64(f) now states when the limitation will be placed on a certificate when using a flight simulator or flight training device during a type rating practical test. This language is similar to the prior § 61.64(a)(4)(i)-(ii). Section 61.64(g) now states the limitation may be removed provided the applicant:

> (1) Performs 25 hours of flight time in an aircraft of the category, class, and type for which the limitation applies under the direct observation of the pilot in command who holds a category, class, and type rating, without limitations, for the aircraft;
> (2) Logs each flight and the pilot in command who observed the flight attests in writing to each flight;
> (3) Obtains the flight time while performing the duties of pilot in command; and
> (4) Presents evidence of the supervised operating experience to any Examiner or FAA Flight Standards District Office to have the limitation removed.

Section 61.64(g), as amended, does not require the flight time to be performed in a particular pilot seat as long as the flight time is obtained while performing the duties of pilot in command. Additionally, § 61.64(g) does not limit the operating rules under which the flight time must be performed.

This response was prepared by Robert Hawks, an Attorney in the Regulations Division of the Office of Chief Counsel, and coordinated with the General Aviation and Commercial Division of Flight Standards Service. We hope this response has been helpful to you. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

for Rebecca B. MacPherson
Assistant Chief Counsel for International Law,
Legislation and Regulations, AGC-200