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

Office of the Chief Counsel

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

SEP 28 2012

William B. Finagin
Dent-Air Ltd
6 Romar Drive
Annapolis, MD 21403

Dear Mr. Finagin:

This letter responds to your request for a legal interpretation dated April 11, 2012. In your letter, you requested clarification of whether spin training to meet the requirements of a certified flight instructor (CFI) certificate or spin training associated with upset recovery training is aerobatic training and must meet the requirements of 14 C.F.R. § 91.303 or a waiver to that regulation that establishes an aerobatic practice area.

Section 91.303 defines "aerobatic flight" as an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight. Section 91.303 further states that, in relevant part, no person may operate an aircraft in aerobatic flight:

(a) over any congested area of a city, town, or settlement;
(b) over an open air assembly of persons;
(c) within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;
(d) within 4 nautical miles of the center line of any Federal airway;
(e) below an altitude of 1,500 feet above the surface; or
(f) when flight visibility is less that 3 statute miles.

Pilots who wish to practice aerobatic flight maneuvers but cannot meet the requirements of § 91.303 must obtain a waiver from the specific § 91.303 requirement. This waiver permits the aerobatic flight in a designated area referred to as an aerobatic practice area or aerobatic box.

The *Airplane Flying Handbook* (FAA-H-8083-4, 2004) defines a "spin" as an aggravated stall that results in what is termed "autorotation" wherein the airplane follows a downward corkscrew path. As the airplane rotates around a vertical axis, the rising wing is less stalled than the descending wing creating a rolling, yawing, and pitching motion. Prior to beginning

spin training, the flight area, above and below the airplane, must be clear of other air traffic. All spin training should be initiated at an altitude high enough for a completed recovery at or above 1,500 feet AGL.

Spin training typically is conducted under three scenarios: (1) to meet the requirements for the issuance of an initial CFI certificate; (2) in conjunction with unusual upset instruction; and (3) in conjunction with aerobatic flight instruction. The first two scenarios typically are not considered aerobatic flight maneuvers because spin training maneuvers, in these circumstances, do not require use of a parachute and are required by regulation for particular certificates and ratings to simulate recovery procedures. 14 CFR § 91.307(d). The FAA distinguishes spin training in these scenarios from intentional spin aerobatic flight maneuvers.

Accordingly, provided no additional aerobatic flight maneuvers are performed, spin training to meet the requirements of a CFI certificate or associated with upset recovery training are not considered aerobatic maneuvers, and the requirements of § 91.303 do not apply. Prior to beginning spin training, the flight area, above and below the airplane, must be clear of other air traffic, and all spin training should be initiated at an altitude high enough for a completed recovery at or above 1,500 feet above ground level. Nevertheless, if spin training is combined with aerobatic flight maneuvers or conducted for purposes other than those specified above, the pilot must either satisfy the requirements of § 91.303 or obtain a waiver establishing an aerobatic practice area.

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,

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