Federal Aviation Administration

Memorandum

Date: September 25, 2012

To: Dennis Pratte, Acting Manager, General Aviation and Commercial Division, AFS-800

From: Rebecca B. MacPherson, Assistant Chief Counsel, AGC-200

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Subject: Clarification of "different kinds of approaches with the use of navigation systems" required during a cross-country flight for an instrument rating under 14 CFR § 61.65(d)(2)(iii)(C)

On March 18, 2008, the FAA issued a legal interpretation to Mr. Danny Glaser concluding that an approach using an airport surveillance radar (ASR) or a precision approach radar (PAR) did not satisfy the requirements of § 61.65(d)(2)(iii)(C) because they do not qualify as navigation systems. That conclusion remains unchanged. However, that legal interpretation also narrowly interpreted the applicable regulation to require approaches using any three of the following navigation systems: non-directional beacon (NDB); localizer-type directional aid (LDA); very high frequency omni-range station (VOR); global positioning system (GPS); simplified direction facility (SDF); or instrument landing system localizer (LOC). On May 30, 2012, your staff requested reconsideration of that portion of the legal interpretation because it is unnecessarily restrictive and has been overtaken by technological advances in navigation systems.

The list of navigation systems in the *Glaser* interpretation included approved systems at the time of the interpretation to answer the question presented. That list was not intended to exclude navigation systems that might be approved in the future. Accordingly, that list of navigation systems is inapplicable outside of the specific circumstances of the *Glaser* interpretation.

Section 61.65(d)(2)(iii)(C) requires three different kinds of approaches using navigation systems. However, the Flight Standards Service is in the best position to issue policy and guidance as to what constitutes the different kinds of approaches allowed, and that office will amend Advisory Circular (AC) 61-65E accordingly.