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

Office of the Chief Counsel

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

MAR 13 2013

Mr. Michael D. Nolan
[redacted]

Dear Mr. Nolan:

This is in response to your letter requesting a legal interpretation of whether an authorized instructor may issue a high performance endorsement to an airman using a multi-engine aircraft with engines of more than 200 horsepower, if that airman does not hold a multi-engine rating on his airman certificate.

The provisions of 14 C.F.R. § 61.31(f) for the training required for a high-performance endorsement make no mention of any requirement that a pilot must hold a rating (such as a multi-engine rating) on his airman certificate before obtaining the high-performance endorsement. The relevant portion of § 61.31(f)(1) reads as follows:

> "No person may act as pilot in command of a high-performance airplane (an airplane with an engine of more than 200 horsepower), unless that person has –
>
> (i) Received and logged ground and flight training from an authorized instructor in a high-performance airplane, or in a flight simulator or flight training device that is representative of a high-performance airplane, and has been found proficient in the operation and systems of the airplane; and
>
> (ii) Received a one-time endorsement in the pilot's logbook from an authorized instructor who certifies the person is proficient to operate a high-performance airplane"

In the absence of language requiring a pilot to have a multi-engine rating prior to obtaining a high-performance endorsement, it means that a pilot may obtain a high-performance endorsement prior to obtaining a multi-engine rating on the pilot's airman certificate. Of course, that pilot may not use that high-performance endorsement to fly as pilot-in-command of a multi-engine airplane until such time as the pilot obtains a multi-engine rating on his or her pilot certificate.

We hope this response is helpful to you. If you have additional questions on this matter, or need additional information, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

Mark W. Bury
Acting Assistant Chief Counsel for International Law, Legislation
and Regulations, AGC-200