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

FEB 20 2014

Kenneth Holmes
[redacted]

Dear Mr. Holmes:

This letter responds to your request for a legal interpretation that was mailed to my office on September 12, 2013. You have asked several general questions seeking clarification regarding the use of full flight simulators (FFS), flight training devices (FTD), and aviation training devices (ATD) to meet aeronautical experience requirements under 14 C.F.R. part 61. You have also asked whether two pilots may log time at the same time in an Advanced Aviation Training Device (AATD) that replicates a Boeing 737.

Currently, 14 C.F.R. part 60 governs the qualification of full flight simulators (FFS) and flight training devices (FTD).[1] Before a device may be used as an FFS or FTD for the purpose of meeting regulatory requirements, it must be evaluated and qualified under part 60. FFSs and FTDs approved under part 60 must be sponsored by a person who is certificated under parts 119, 141, or 142. Once a device has been evaluated and qualified under part 60, it may be approved for use to meet regulatory requirements – this approval is usually obtained as part of the FAA-approval process for training programs and courses.

In addition to devices approved under part 60, the FAA has approved other devices for use in airman certification training under the authority provided in 14 C.F.R. § 61.4(c).[2] Since July 2008, the FAA has approved devices in accordance with Advisory Circular 61-136, FAA Approval of Basic Aviation Training Devices (BATD) and Advanced Aviation Training Devices (AATD). In order to credit time in an ATD toward aeronautical experience requirements in part 61, the device must first be inspected, qualified, and approved by the FAA. Under the current approval process, the Airman Certification and Training Branch in the General Aviation and Commercial Division of the Flight Standards Service issues a letter of authorization (LOA) to the manufacturer of the device that lists the approved uses. For example, an LOA may approve a device for use toward a portion of the training required for a private pilot certificate under § 61.109 or to accomplish instrument experience under § 61.57(c). Without an LOA, a device (including AATDs and BATDs) may not be used to meet training requirements for airman certification.

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[1] Part 60 governs the qualification of FTDs level 4 through 7. Although the FAA has previously approved devices as FTDs levels 1 through 3, the FAA does not currently approve FTDs outside of part 60

[2] Section 61.4(c) states that the "Administrator may approve a device other than a flight simulator or flight training device for specific purposes."

Without knowledge of the specific details of the LOA issued for your AATD, we cannot answer your question regarding whether two pilots may log flight time in an AATD that replicates a Boeing 737. We note, however, that an ATD may be used only for purposes set forth in the LOA issued by the FAA provided that approved use is not inconsistent with express regulatory requirements.

The FAA notes that, because an LOA permits an ATD to be used to meet flight training requirements that would otherwise be required to be met in aircraft, an authorized instructor for purposes of this training is an appropriately rated flight instructor. While ground instructors may use these devices to enhance a student's understanding of aeronautical knowledge areas, a ground instructor may not train or endorse a student for aeronautical experience requirements for a certificate or rating when training is accomplished in an approved ATD.

This response was prepared by Anne Moore, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel. If you have any additional questions regarding this matter, please contact my office at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation, and Regulations