



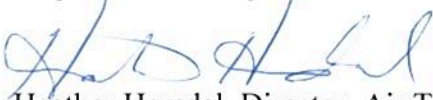
# Federal Aviation Administration

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## Memorandum

Date: JUN 14 2017

To: Angela McCullough, Director, Eastern Service Center, AJV-E

From:   
Heather Hemdal, Director, Air Traffic Procedures, AJV-8

Subject: Interpretation and Change Request from Eastern Service Center to FAA JO 7110.65, Paragraph 4-8-1, Approach Clearance

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We are in receipt of your request for an interpretation pertaining to Federal Aviation Administration (FAA) JO 7110.65, Paragraph 4-8-1, Approach Clearance, Note 2. The Air Traffic Procedures Group has thoroughly reviewed the incoming request and has determined that it does not rise to the level of requiring a formal interpretation; we offer the following clarification instead.

**1. What are the controller's responsibilities relating to 4-8-1.a. Note 2, specifically, must the controller advise the pilot that the procedure is Not Authorized or other applicable notes?**

As stated in FAA Order JO 7110.65, Paragraph 4-8-1, Note 2, the controller's responsibility is to issue approach clearances based on known traffic. The receipt of an approach clearance does not relieve the pilot's responsibility to comply with procedure notes on the instrument approach charts, including, whether the approach is authorized at night. A pilot's responsibility regarding the use of instrument approach charts is codified in Title 14 of the Code of Federal Regulations (14 CFR).

**2. May the controller clear an aircraft for an approach when it is Not Authorized at night or other applicable notes, such as Landing Not Authorized at Night?**

Yes. As stated above, it is the pilot's responsibility to comply with the procedure notes on instrument approach charts, not the controller's. Additionally, a controller is not responsible to know when "night," as defined in Title 14 of the Code of Federal Regulations (the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the Air Almanac) occurs at an airport, which for an En Route controller, may be hundreds of miles away.

With regard to ZBW's request to add phraseology to FAA Order JO 7110.65, Paragraph 4-8-1 directing the controller to advise a pilot when an approach that has been requested is not

authorized at night, AJV-8 does not concur with the suggested change. 14 CFR places the responsibility with the pilot to review the procedure notes in the briefing strip of the approach chart. Therefore, FAA Order JO 7110.65, Paragraph 4-8-1 will not be amended, as the addition of this language would require the controller to share this responsibility.

Please forward any questions or comments to Coleen Hawrysko, Manager, En Route Standards and Procedures, AJV-83, 202-267-8807.