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

Office of the Chief Counsel

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

FEB 7 2008

Mr. Ronald B. Levy
[redacted]

Dear Mr. Levy,

This responds to your e-mail to our Regional Counsel, Ms. Loretta Alkalay, dated October 7, 2007, forwarded to Ms. Rebecca MacPherson, Assistant Chief Counsel for Regulations, on October 09, 2007. You request an interpretation of section 14 CFR 61.56(d), as it pertains to requirements for a flight review.

You specifically inquire whether successful completion of a flight instructor practical test within the preceding 24 calendar months relieves a pilot of the requirement to complete a 14 CFR 61.56(a): Flight Review. Your letter references the pertinent section of Part 61 Frequently Asked Questions (FAQ), which states that a flight instructor practical test would meet the requirements of § 61.56 flight review and requires that the examiner should record a satisfactory completion of such a review in the logbook. Even though you note that Part 61 FAQ no longer officially reflects the policy of a Flight Standards Service, the legal question of whether a flight instructor practical test might satisfy the requirements of §61.56 flight review remains.

Set forth below is the pertinent part of the regulation.

> § 61.56: Flight Review
> (a) Except as provided in paragraphs (b) and (f) of this section, a flight review consists of a minimum of 1 hour of flight training and 1 hour of ground training. The review must include:
> (1) A review of the current general operating and flight rules of part 91 of this chapter; and
> (2) A review of those maneuvers and procedures that, at the discretion of the person giving the review, is necessary for the pilot to demonstrate the safe exercise of the privileges of the pilot certificate.
> /.../
> (d) A person who has, within a period specified in paragraph (c) of this section, passed a pilot proficiency check conducted by an examiner, an approved pilot check airman, or a U.S. Armed Force, for a pilot certificate, rating, or operating privilege need not accomplish the flight review required by this section.

The answer is that a successful completion of a flight instructor practical test within the preceding 24 calendar months does not automatically relieve a pilot of the requirement to complete §61.56 flight review. A flight instructor practical test is not a pilot proficiency

check for a pilot certificate, rating or an operating privilege, or any other acceptable substitute for a flight review specifically listed in § 61.56(d). A flight instructor practical test is not primarily focused on piloting skills but rather on one's instructional skills. Thus, prima facie, it does not constitute a pilot proficiency check adequate to substitute for a flight review, as specified under § 61.56(d).

However, 14 CFR 61.56(a)(2) states that the person giving a flight review has the discretion to determine the maneuvers and procedures necessary for the pilot to demonstrate "safe exercise of the privileges of the pilot certificate." When the individual taking a flight instructor practical test requests that the test be taken in conjunction with a biennial flight review, the activities related to the flight instructor practical test may be evaluated by the examiner for demonstrating the maneuvers and procedures necessary to accomplish a flight review. There may be circumstances when the examiner determines that passing a flight instructor practical test also satisfies the requirements for a §61.56 flight review. At least, it is likely that the flight instruction practical test will reduce the scope of maneuvers and procedures needed to complete the §61.56 flight review taken in conjunction with the practical test. The examiner must record the successful completion of the flight review in the pilot's logbook to attest that the pilot has met the requirements of §61.56.

This response was prepared by Adrianne Wojcik, an Attorney in the Regulations Division of the Office of the Chief Counsel, and has been coordinated with the General Aviation Division of Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-7776.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations