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

Office of the Chief Counsel

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

APR - 7 2011

Rolf Scholz
[redacted]

Dear Mr. Scholz:

This letter is in response to your request for a legal interpretation regarding the instrument proficiency check (IPC) requirements in 14 C.F.R. § 61.57(d). Specifically, you have asked whether an IPC conducted to satisfy a requirement in the WINGS Pilot Proficiency Program rather than to restore instrument currency may be conducted by a certificated flight instructor who does not hold an instrument rating on his or her flight instructor certificate.

In responding to your inquiry, we note that the FAA recently submitted to the Federal Register a technical amendment to § 61.57 that reinserts paragraph (d)(2) which was removed inadvertently in a 2009 final rule. That paragraph lists the individuals, including authorized flight instructors, who may conduct an IPC. 14 C.F.R. § 61.57(d)(2)(iv). In a 2008 legal interpretation, we stated that an authorized instructor for purposes of § 61.57(d) is a flight instructor who holds an instrument rating on his or her flight instructor certificate that is appropriate to the category of aircraft. *See* Legal Interpretation to Michael Griffith from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Dec. 18, 2008). We based this conclusion on § 61.193, which states that a flight instructor is authorized to issue endorsements "within the limitations of that person's flight instructor certificate and ratings[.]" 14 C.F.R. § 61.193(a).

You suggest that a pilot who is instrument current could complete an IPC by performing the required instrument tasks and maneuvers under the supervision of a flight instructor who does not hold an instrument instructor rating. The event you describe is not an IPC because it does not satisfy all of the requirements set forth in § 61.57(d), specifically the requirement that the check be administered only by specific individuals.

We further note that the Advisory Circular for the WINGS program states "[a]irmen must accomplish flying tasks with a qualified instructor and that instructor must verify that the airman accomplished the selected tasks to the appropriate standards." AC 61-91J, WINGS – Pilot Proficiency Program (Feb. 16, 2011). As noted, for purposes of an IPC, a certificated flight instructor is qualified to assess and verify that a pilot is proficient in the required areas of operation and instrument tasks that comprise an IPC if that instructor holds an instrument rating on his or her flight instructor certificate.

This response was prepared by Anne Moore, an Attorney in the Regulations Division of the Office of the Chief Counsel, and has been coordinated with the Certification and General Aviation Operations Branch of Flight Standards Service. If you have any additional questions regarding this matter, please contact us at you convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200