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

Office of the Chief Counsel

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

FEB 28 2012

Troy J. Whistman
[redacted]

Dear Mr. Whistman:

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 about the change from the 2007 rule language which read, "within the prescribed time, or within 6 calendar months after the prescribed time," to the language in the 2009 amendment which reads, "within the 12 calendar months preceding the month of flight. . ." as the trigger for when a pilot would have to pass an IPC to serve as pilot in command (PIC) under instrument flight rules (IFR).

The clear intent of the 2009 amendment was to remove the confusing language describing the "within the prescribed time, or within 6 calendar months after the prescribed time" and replace it with a clear statement that a pilot must perform the instrument recent flight experience every 12 months to avoid having to pass an IPC to regain PIC privileges to fly under IFR.

As you have pointed out, the language in the 2009 amendment to §61.57(d) is open to other interpretations, and the FAA has acted to amend the rule to clarify our intent. (76 FR 78141, December 16, 2011) A copy of the amendment is enclosed with this letter.

This letter of interpretation makes clear that the correct interpretation of the language of §61.57(d) is that a pilot must perform the instrument recent flight experience required by §61.57(c) within 12 calendar months of the last date that the pilot was able act as PIC under IFR or weather conditions less than the minimums prescribed for VFR. If a pilot fails to meet the recent flight experience within this 12 calendar month period, then the pilot must pass an IPC in order to act as PIC under IFR or in weather conditions less than the minimums prescribed for VFR.

We hope that this letter has been helpful to you. This response was prepared by Neal O'Hara, an Attorney in the Regulations Division of the Office of the Chief Counsel, and has been coordinated with the General Aviation and Commercial Division of the Flight Standards Service. If you have any additional questions regarding this matter, please do not hesitate to contact my staff at (202) 267-3073.

Sincerely,

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

Enclosure