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

Office of the Chief Counsel

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

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Mr. Harry G. LaForge, Jr.
Hoffman Pilot Center, Inc.
2800 Loraine Drive
Missoula, MT 59803-9711

Dear Mr. LaForge:

This is in response to your letter requesting a legal interpretation of the provisions of 14 C.F.R. § 61.197(a)(2) concerning applying for an early renewal of an unexpired flight instructor certificate based on completion of a Flight Instructor Refresher Course (FIRC). I apologize for the delay in providing this response to you.

The text of § 61.197(a)(2) states that a person who holds a flight instructor certificate that has not expired may renew that certificate by submitting a completed and signed application for renewal of a flight instructor certificate and accomplishing one of several renewal requirements. One of those renewal requirements is the successful completion of a FIRC within three calendar months preceding the date of application for renewal. 14 C.F.R. § 61.197(a)(2)(iii).

Section 61.197(b) describes when the expiration date of the renewal certificate shall be depending on when the renewal requirements are accomplished. Section 61.197(b)(1) states that the expiration date of the renewal certificate shall be 24 calendar months from the month the renewal requirements are accomplished. In a 1998 final rule, the FAA explained that this provision allows a flight instructor to renew his or her flight instructor certificate at any time. 63 FR 20282, April 23, 1998. We stated that, under subparagraph (b)(1), "if renewal is accomplished through the presentation of a graduation certificate from an FIRC under paragraph (a)(2)(iii), the new expiration date will be calculated from the date the graduation certificate is presented to the Flight Standards Inspector rather than from the date the FIRC is completed." We note, however, that under (a)(2)(iii) the application must be submitted within three calendar months from the date the FIRC was completed.

Section 61.197(b)(2) "allows a person who accomplishes any of the renewal requirements of paragraph (a) in the 3 calendar months preceding the expiration month of the person's current flight instructor certificate to renew their certificate for an additional 24 months from the month of expiration of the current flight instructor certificate." 63 FR 20282, 20285. For instructors who renew their certificates through completion of a FIRC, subparagraph (b)(2)(ii) requires the instructor to complete the FIRC within three months of the expiration date of the current instructor certificate to receive an expiration date that is 24 calendar months from the expiration date of his or her current instructor certificate. Accordingly, if a FIRC is completed more than 3 calendar months from the expiration month of the current flight instructor certificate, the expiration date will be the date that the application is

submitted to the FAA – provided the application is submitted within three calendar months of completion of the FIRC. If a FIRC is completed within 3 calendar months of the expiration date of the current flight instructor certificate, then the expiration date of the renewal certificate will be 24 calendar months from existing expiration date.

Some examples might help explain how to determine the date from which the 24 month renewal flight instructor certificate should be dated.

In example 1, the flight instructor completes his FIRC within the 3 calendar months preceding the expiration date of his current certificate and files an application to renew his certificate within 3 calendar months of the date of graduation from the FIRC course. In this example, the CFI would get a new certificate with an expiration date of 24 months from the date of expiration of his current certificate, as prescribed in § 61.197(b)(2)(ii).

In example 2, the flight instructor has a certificate with an expiration date of August 31, 2012. He completes a FIRC on January 5, 2012, seven months before the expiration date of his current certificate. He applies for renewal of his flight instructor certificate on April 13, 2012, within 3 calendar months of the date of the FIRC graduation. He would receive a new certificate with an expiration date of 24 months from April 30, 2012, or in other words, April 30, 2014.

In example 3, the flight instructor has a certificate with an expiration date of August 31, 2012. He completes a FIRC on March 7, 2012, and applies for renewal of his flight instructor certificate on June 2, 2012, within 3 calendar months of the date of his FIRC graduation, and within 3 calendar months of the expiration date of his current certificate. Does this mean that he gets a new certificate with an expiration date of 24 months from the date his current certificate expires? The answer is no. He would receive a new certificate with an expiration date of 24 months from the date of application, or in other words, an expiration date of June 30, 2014, because even though his application is dated within 3 calendar months preceding the date of expiration of his/her current certificate, the FIRC was not completed within the 3 calendar months preceding the date of expiration of his/her certificate, as is required under § 61.197(b)(2)(ii).

We hope this response is helpful to you. If you have additional questions regarding this matter, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division and the Civil Aviation Registry Division of the Flight Standards Service.

Sincerely,

Mark W. Bury
Acting Assistant Chief Counsel for International Law, Legislation, and Regulations, AGC-200