Federal Aviation Administration

Memorandum

Date: JUN - 5 2013

To: James Viola, Acting Manager, General Aviation and Commercial Division, AFS-800

From: Mark Bury, Acting Assistant Chief Counsel for International Law, Legislation and Regulations, Office of the Chief Counsel, AGC-200

Prepared by: Cecile O'Connor, Attorney, International Law, Legislation and Regulations Division, AGC-200

Subject: Request for legal interpretation of 14 CFR § 61.183(h)(2) regarding the reinstatement of an expired flight instructor certificate

This responds to your January 18, 2013, memorandum requesting an interpretation of 14 CFR § 61.183(h)(2) regarding the reinstatement of an expired flight instructor certificate under § 61.199. Specifically, you have asked whether a part 142 training center must have an approved training program specific to instructor reinstatement in order to conduct a practical test to reinstate a flight instructor certificate in a level 'D' full flight simulator.

Section 61.199(a)(1) permits a flight instructor to reinstate an expired certificate by successfully completing "[a] flight instructor certification practical test, as prescribed by § 61.183(h), for one of the ratings held on the expired flight instructor certificate."

Section 61.183(h)(2) states that, to be eligible for a flight instructor certificate, a person must pass the required practical test in an aircraft or a "flight simulator or approved flight training device that is representative of the category and class of aircraft for the rating sought, and used in accordance with a course at a training center certificated under part 142 of this chapter."

You have indicated that a Flight Training Program Manager (FTPM) believes § 61.183(h)(2) means, if a part 142 center has an approved training program (non-specific to instructor reinstatement), the FTPM is authorized to conduct reinstatements in an approved level 'D' simulator in any part 142 training course. As explained to my staff, the FTPM believes he or she could observe a training center instructor while the instructor is providing training and evaluation as part of an approved course at the part 142 training center.

The General Aviation & Commercial Division (AFS-800) maintains that a part 142 training center would need an approved training program specific to CFI reinstatement for such training to be conducted in a level 'D' simulator.

Because a flight instructor practical test for the purpose of certificate reinstatement must be done in accordance with § 61.183(h), the flight instructor must complete the practical test as that instructor would have done under that section. Specifically, the instructor must be enrolled in an approved course of training specific to instructor certification or reinstatement in order for such training to be conducted in a level 'D' simulator. We reject the interpretation that "course" in § 61.183(h)(2) means any course at a training center certificated under part 142.