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

Office of the Chief Counsel

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

MAY -6 2015

Schuyler R. Shipley
[redacted]

Re: Renewal of Flight Instructor Certificate under 14 C.F.R. § 61.197(a)(2)(ii)

Dear Mr. Shipley:

This letter responds to your request for a legal interpretation dated November 24, 2014. You have asked whether your role as a flight instructor and check pilot in support of operations conducted by the Commemorative Air Force (CAF) under part 91 constitutes a position involving the regular evaluation of pilots for the purpose of renewing your flight instructor certificate.

Under § 61.197(a)(2)(ii), a person who holds a flight instructor certificate that has not expired may renew that certificate by presenting a "record showing that, within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots."

The FAA intended the phrase "a position involving the regular evaluation of pilots" to encompass a variety of activities within Title 14 of the Code of Federal Regulations. Section 61.197(a)(2)(ii) does not exclude positions related to part 91 operations as a basis for renewal of a flight instructor certificate.

To determine whether you qualify for renewal based on your position with the CAF, you should present a record of your activity to an Aviation Safety Inspector who will make a determination based on that information. FAA Order 8900.1 contains additional information regarding the standards and process for renewal. FAA Order 8900.1, Vol. 5, Chpt 2, Sec. 11, 5-504. Because your request involves questions of policy, we have forwarded your letter to the General Aviation and Commercial Division of the Flight Standards Service.

If you have any additional questions, please contact the Airman Certification Branch at (202) 267-1100.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations