



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

JUL - 6 2010

Taylor Grayson  
6900 Amersham Drive  
Memphis, TN 38119

Office of the Chief Counsel

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

Dear Mr. Grayson:

This responds to your two requests for legal interpretation both dated January 27, 2010. Your first letter requests clarification concerning the application of 14 C.F.R. §§ 61.65(d)(2) and 61.195(c) in the context of instrument training. Your second letter requests clarification of which records of endorsements must be maintained by a flight instructor under 14 C.F.R. § 61.189(b)(1).

Section 61.65(d)(2) states, in relevant part, that a person applying for an instrument-airplane rating must have logged forty hours of actual or simulated instrument time, of which fifteen hours must have been received from an authorized instructor who holds an instrument-airplane rating. Section 61.195(c) states, in relevant part, that a flight instructor who provides instrument training for the issuance of an instrument rating must hold an instrument rating on his or her pilot certificate and flight instructor certificate that is appropriate to the category and class of aircraft used for the training provided.

In your first letter, you ask whether a certified flight instructor (CFI) without an instrument rating on the CFI's flight instructor certificate can provide "training for the instrument rating outside of the minimum 15 hours" required by § 61.65(d)(2). You also ask whether any CFI can provide flight training on the "basic instrument maneuvers" under § 61.107 and the "control and maneuvering of an airplane solely by reference to the instruments" under § 61.109 in the context of a private pilot seeking an instrument rating.

Your letter appears to suggest that § 61.65(d)(2) requires 15 hours of instrument training from a CFI with an instrument rating on the flight instructor and pilot certificates and 25 hours of other instrument training. Section 61.65(d)(2) does not require 40 hours of instrument training; it requires 40 hours of actual or simulated instrument time. As part of those 40 hours of instrument time, 15 must be completed with a CFI who has an instrument rating (in other words, instrument training). A pilot seeking an instrument rating also must receive 3 hours of instrument training within 2 calendar months preceding the practical test and instrument training on cross-country flight procedures, which may be part of the 40 and 15 total hours required. Under the regulation, the required instrument time other than instrument training does not require the presence of a CFI but only the presence an individual qualified to act as a safety pilot or as a pilot in command of an operation in actual instrument conditions.

The FAA has consistently interpreted § 61.195(c) to permit instrument training only by a flight instructor who has an instrument rating on the flight instructor certificate and on the commercial or air transport pilot certificate. *See* Legal Interpretation to Taylor Grayson (Jan. 4, 2010); Legal Interpretation to Tom A. Drake (Aug. 7, 1997). The FAA has distinguished instrument training from training in “basic instrument maneuvers” under § 61.107 and training in the “control and maneuvering of an airplane solely by reference to the instruments” under § 61.109 necessary for private pilot certificate. *See* Grayson Interpretation. However, those exceptions are inapplicable in the context of training for an instrument rating because generally the pilot seeking an instrument rating already has a private pilot certificate. Accordingly, any training provided to a pilot seeking an instrument rating (including instrument training in addition to the minimum training required under 61.65(d)(2)) would be instrument training, and the CFI providing that training must have an instrument rating on the flight instructor and pilot certificates.

In your second letter, you ask for which types of endorsements related to solo flights (e.g., initial solo, renewal solo, initial cross-country, individual cross-country flight, night solo, class B airspace, and class B airport) must a flight instructor maintain a record in his or her logbook or separate document to maintain compliance with § 61.189(b)(1).

Section 61.189(b)(1) requires, in relevant part, that a flight instructor maintain a record in a logbook or a separate document the name of each person whose logbook or student pilot certificate that instructor has endorsed for solo flight privileges and the date of the endorsement.

As correctly noted in your letter, there is more than one type of solo flight endorsement. Appendix 1 of Advisory Circular 61-65E, *Certification: Pilots and Flight and Ground Instructors*, provides standardized language for various endorsements related to solo flight privileges (e.g., initial solo flight, 90-day renewals of solo flight, initial solo cross-country flight, and solo flight in Class B airspace). In 1997, the FAA amended § 61.189 with minor editorial changes resulting in its current version. 62 Fed. Reg. 16220, 16274 (Apr. 4, 1997). Prior to that amendment, the regulation required the record include the type and date of each endorsement, leading to a conclusion that any endorsement related to solo flight must be maintained in a flight instructor record. *See* 14 C.F.R. § 61.189(a)(1) (1997). However, the language following the 1997 amendment is less specific. A requirement for a flight instructor to maintain an independent record of endorsements given dates to at least 1955, and the rationale for the record-keeping requirement was to have better records of student instruction (which are not maintained by the FAA) to ensure high-quality instruction. *See* 20 Fed. Reg. 3028 (May 5, 1955) (proposing record-keeping requirement as 14 C.F.R. § 20.126(b)). That rationale remains unchanged. Sections 61.87(n) and (o) specifically require an endorsement, dated within the previous 90 days, from an authorized flight instructor for the specific make and model aircraft to be flown prior to operating an aircraft in solo flight or making a night solo flight. Considering the foregoing, a flight instructor must, at a minimum, maintain a record of solo flight endorsements required under § 61.87 (i.e., initial solo flight, 90-day renewals of solo flight, initial night solo flight, and 90-day renewals of night solo flight) that instructor has given. Nevertheless, a flight instructor

should maintain a record of all endorsements related to solo flight that instructor has given to maintain a complete and accurate record of student instruction.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca B. MacPherson", with a long horizontal flourish extending to the right.

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