



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

Office of the Chief Counsel

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

AUG 7 2008  
Ronald B. Levy, CFI-IA  
6397 Oliver Drive  
Salisbury, MD 21801-1724

Dear Mr. Levy:

This responds to your email message dated April 6, 2008 and addressed to Loretta Alkalay, Regional Counsel for the Eastern Region, in which you ask that we confirm or revise earlier guidance that the Flight Standards Service had posted for a time as a "Q & A" on the Federal Aviation Administration (FAA) website. The guidance, which you provided in your email, and the pertinent regulations are set forth below:

#### **Q&A #291**

**QUESTION:** Am I correct in understanding that a CFII may log approaches that a student flies when those approaches are conducted in actual instrument conditions? Is there a reference to this anywhere in the rules?

**ANSWER:** Ref. § 61.51(g)(2); Yes, a CFII may log approaches that a student flies when those approaches are conducted in actual instrument flight conditions. And this would also permit that instructor who is performing as an authorized instructor to "... log instrument time when conducting instrument flight instruction in actual instrument flight conditions" and this would count for instrument currency requirements under § 61.57(c).

#### **Applicable Regulations**

Section 61.51 Pilot logbooks.

(g) Logging instrument flight time. (1) A person may log instrument time only for that flight time when the person operates the aircraft solely by reference to instruments under actual or simulated instrument flight conditions.

(2) An authorized instructor may log instrument time when conducting instrument flight instruction in actual instrument flight conditions.

Section 61.57 Recent flight experience: Pilot in command.

(c) Instrument experience. Except as provided in paragraph (e) of this section, no person may act as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR, unless within the preceding 6 calendar months, that person has:

(1) For the purpose of obtaining instrument experience in an aircraft ..., performed and logged under actual or simulated instrument conditions, either in flight in the appropriate category of aircraft for the instrument privileges sought or in a flight simulator or flight training device that is representative of the aircraft category for the instrument privileges sought—

(i) At least six instrument approaches; ...

The Chief Counsel's office agrees that the earlier guidance reflects the appropriate interpretation of the regulations. The regulations expressly permit an authorized instructor conducting instrument instruction in actual instrument flight conditions to log instrument flight time (61.51(g)(2)). The only remaining issue is whether, even if properly logged, the approaches are considered to have been "performed" by the instructor within the meaning of section 61.57 (c)(1). The FAA views the instructor's oversight responsibility when instructing in actual instrument flight conditions to meet the obligation of 61.57(c)(1) to have performed the approaches.

We hope that this interpretation has fully responded to your inquiry. This response was prepared by Viola Pando, Attorney in the Regulations Division of the Office of the Chief Counsel and has been coordinated with the Flight Standards Service Division. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,



Rebecca MacPherson  
Assistant Chief Counsel, Regulations Division (AGC-200)