NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.37

National Policy

Effective Date:
3/12/08

Cancellation Date:
3/12/09

SUBJ: Training Centers Special Emphasis Review

1. Purpose of This Notice. This notice provides a special emphasis review for principal operations inspectors (POI) whose operators have been authorized by operations specification (OpSpec) or Management Specification (MSpec) paragraph A031 to contract for training, checking, or testing services with Title 14 of the Code of Federal Regulations (14 CFR) part 142 training centers who must do this review. The review will focus on each operator's adherence to the specific authorizations granted by paragraph A031 as well as on the operator's procedures and practices with respect to quality control over their training program. In particular, POIs should examine the qualifications and performance of the training center evaluators (TCE), instructors, and check airmen who conduct training, checking and testing activities on behalf of the operator. Each POI should also examine the methods by which the operator controls training/checking/testing operations conducted on its behalf, and the process by which the operator conducts surveillance of training centers.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) and certificate management office (CMO) POIs whose operators are authorized to contract for training, checking, or testing services with a part 142 training center. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters.

3. Where You Can Find This Notice. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators and the public can find this notice at http://fsims.faa.gov.

4. Background.

a. With the introduction of part 142, air carriers were given the opportunity to contract for flight training services using flight training devices with organizations other than 14 CFR part 119 certificate holders. Part 142 did not, however, relieve air operators from the requirements of their particular operating rules to develop and ensure adequate training for their flight crewmembers. Regulations governing parts 91 subpart K, 121, 125, and 135 detail the training requirements to qualify crewmembers as well as providing a means for the designation of certain highly qualified individuals as check airmen.

b. Regulations permit an air operator to use check airmen under contract to accomplish certain regulatory flight evaluations on the operator's behalf. However, it is the responsibility of the operator to nominate, train and qualify enough check airmen to conduct required flight

checks. It is the POI's responsibility to evaluate the nominees and if found acceptable, issue appropriate letters of authorization (LOA).

c. Employees of a part 142 training center, who are properly nominated, trained, qualified and authorized by the operator's POI, may fulfill the role of a company check airman. Such persons are referred to as "contract check airmen." The terms "contract check airman" and "contract instructor" have been developed to distinguish between a check airman employed by the operator (check airman) and one who is not an employee of the operator (contract check airman). This distinction is necessary to ensure operators properly train and qualify center employees to act on their behalf as contract check airmen. For additional information see Inspector Guidance for Part 142 Training Centers.

> **Note:** Part 91 subpart K uses the term "check pilot" when referring to an individual who has been authorized by a POI to conduct certain tests and checks on behalf of the operator. Parts 121 and 135 use the terms "check airmen" and "check pilot" when referring to individuals who have been authorized to conduct certain test and checks on behalf of the operator. Part 125 uses the term "check airmen" throughout. As a matter of Air Transportation Division policy, the terms "check airman" and "check pilot" are interchangeable and considered to be synonymous.

d. Recent audits of a number of operators conducting contract training using 142 training centers have shown that there may be situations where certain individuals were not properly trained in the operator's program prior to conducting required training and/or testing/checking. Additionally, some operators were unsure of their biennial audit requirements and were not providing adequate oversight and operational control over their training program.

5. Action. This review is designed to evaluate and emphasize an operator's regulatory requirements when contracting for training services from a part 142 training center.

a. Within 120 days of this notice's publication, POIs must complete a review of each of their operator's training program(s) and OpSpec/MSpec paragraph A031 to ensure that operators authorized to contract for training services with part 142 training centers are in compliance with the provisions of their applicable operating regulations, and the authorizations contained in paragraph A031 of their OpSpec/MSpec. FAA policy and procedures for compliance are contained in FSIMS.

b. This review is designed to evaluate and emphasize the regulatory requirements an operator must meet when contracting for training services from a 142 training center. For non-14 CFR Part 121 POIs, the following questions have been provided to assist with your review. POIs should ensure that each of their answers meets regulatory and policy standards.

> **Note:** Appendix 1 contains a checklist that may be useful for tracking the status of this evaluation.

(1) Does the operator have an approved contract check airman and contract flight instructor training curriculum or module that identifies the required differences training to qualify training center employees to conduct training/checking/testing activities on their behalf?

(2) Do required biennial audits evaluate the standards and qualifications of training center personnel who are authorized to conduct the operator's training, testing, and/or checking services?

(3) What safeguards, including periodic program reviews, student feedback, and regular communication with training center management, has the operator implemented to ensure their training program is being conducted in accordance with their training program, as authorized by their POI?

(4) Have all contract check airmen been issued LOAs that correctly reflect the authorizations (e.g., simulator only) for each contract check airman?

Note: Contract check airman authority must be defined by the aircraft make, model and series and by the specific section and paragraph of the operators' regulation they have been authorized to conduct/evaluate. For example: B-1900D, simulator only restricted to part 135, §§ 135.293(a)(2) and 135.293(b) training and checking. (See the part 142 Training Center Web site for a sample LOA: www.faa.gov/pilots/training/part_142).

(5) Does paragraph A031 of your operator's OpSpec/MSpec reflect the specific training authorized to be conducted by the contract provider including make/model/series/ and applicable regulatory references?

Note: See Appendix 2 for sample OpSpec/MSpec.

(6) Have all contract check airman, who are approved for the operator(s) you oversee, been properly entered in the Vital Information Subsystem (VIS)?

Note: This is a POI function, not a Training Center Program Manager (TCPM) function. See FSIMS (142 training centers) for additional information.

(7) Has your operator(s) developed written procedures to ensure that they have adequate methods to determine their contract instructors and contract check airman have been properly trained in the operator's procedures?

Note: Verify that the operator can provide adequate documentation that the differences training appropriate to the instructor and check airman training required by their operating rule (i.e., part 91 subpart K, 121, 135, etc.) has been conducted.

(8) Does the operator(s) adequately document who is responsible for accomplishing the various portions of the operator's curriculums?

Note: See the Part 142 Training Center Web site at www.faa.gov/pilots/training/part_142 for a sample "Regulatory Compliance and Training Source Document."

(9) What procedures has your operator(s) implemented to ensure that contract instructors and contract check airmen, who do not serve as required crewmembers, accomplish the line observation requirements of the operating rule appropriate for the air carrier? (i.e., part 91 subpart K, 121, 125, 135).

> **Note:** A deviation to § 142.53(b)(2) (line observation) issued to a training center does not relieve an air operator under part 91 subpart K, 121, or 135 from the line observation requirements of their operating rule. In the past, some part 142 training centers have advised their parts 121/135/91 subpart K customers that a deviation issued to the center, relieving the center of this requirement, applied to contract instructors and contract check airman. This advice is wrong. It is the operator's responsibility to ensure each contract flight instructor or contract check airmen is in compliance with the requirements of the applicable operating rule.

(10) Is each of your operators in compliance with FAA drug and alcohol program requirements with regard to their use of contract instructors and/or contract check airmen?

(a) It is the responsibility of all part 119 certificate holders who are authorized to operate under parts 121 and/or 135 to ensure that any person who performs safety-sensitive functions directly or by contract is subject to drug and alcohol testing as required in part 121, appendices I and J and Title 49 of the Code of Federal Regulations (49 CFR) part 40. Flight instruction, including simulator training conducted by a part 142 training center for an air carrier, has been considered a safety-sensitive function since the promulgation of the FAA-mandated drug testing regulations. Therefore, any person performing flight instruction duties for an air carrier must be subject to a drug and alcohol testing program conducted in accordance with FAA and DOT regulations.

(b) Persons that are employed by training centers and who perform flight instruction/checking/testing duties for air carriers are required to be subject to drug and alcohol testing by either of the following means:

1. An air carrier may include the training center's employee(s) under its drug and alcohol testing program. In this instance, the training center employee(s) covered under the air carrier's drug and alcohol testing program would be authorized to perform air carrier flight instruction solely for that air carrier.

2. The training center may opt to have its own drug and alcohol testing program by registering directly with the FAA Drug Abatement Division, AAM-800. For a copy of the registration form, visit the Drug Abatement Web site at: www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol.

(c) Drug abatement is a function of Aerospace Medicine, not Flight Standards. The preceding paragraph (10) is therefore provided for POI information only. However, any FAA inspector or part 142 certificate holder with questions or concerns regarding an air operator's or Training Center's compliance with applicable drug and alcohol regulations should contact the Drug Abatement Division by phone at 202-267-8442 or by e-mail at drugabatement@faa.gov.

(11) Has your operator established a procedure to ensure that each FAA Form 8710-1, Airman Certificate and/or Rating Application, which are completed by their contract check airmen/training center TCEs, are forwarded to your office for review and action?

> **Note:** Contract check airmen who are also TCEs and who have been authorized to conduct testing in accordance with 14 CFR parts 61 and 183 will forward all pilot certification files (Form 8710-1 and supporting documentation) to the respective air carrier POI for processing. The POI of the air operator is responsible for processing certification files and forwarding the file to the Airman Certification Branch, AFS-760.

(12) Has your operator established a read file or similar system to enable their contract instructors/contract check airmen to remain up-to-date on company policies and or procedures relating to flight operations?

c. National Use ConDOR.

(1) Within 120 days, POIs of part 121 carriers will initiate and complete an ATOS national ConDOR to assign the actions directed by this Notice. The POI can select the Create ConDOR link, and:

(a) Load the appropriate National ConDOR for this directive (…TCSE) by selecting the Load Template button.

(b) Verify the appropriate air carrier is displayed, or select it from the drop-down menu, as applicable.

(c) Select the number of ConDOR Inspectors.

(d) Input PI Instructions to include:

1. Enter the location(s) where the activity should be performed.

2. Ensure “A031-142” (without quotes) is entered in the Local/Regional/National Use field.

3. Use the Comments field to identify concerns with regard to this Notice’s special emphasis items.

4. Select the Save button after all entries have been made.

(e) Select the “Send Request” Button.

(2) Based upon the responses to the National Use ConDOR, the POI shall determine if additional surveillance is required or further air carrier action is necessary to address the potential increased risk. Possible additional actions may include retargeting the Comprehensive Assessment Program (CAP) to include accomplishing appropriate Design Assessments (DA) or

Performance Assessments (PA), convening a System Analysis Team (SAT) or re-evaluating air carrier approvals or programs.

6. Tracking.

a. POIs of part 91K, 125 and 135 certificate holders. Within 120 days, document accomplishment of each item required by this notice using the Program Tracking and Reporting Subsystem (PTRS):

(1) Use Program Tracking and Reporting Subsystem (PTRS) code 1088, Special Inspection.

(2) Enter "A031-142" in the "National Use" field (without the quotes).

(3) Once you have completed the surveillance activities, close out the PTRS.

b. ATOS Reporting. Inspector(s) assigned the National Use ConDOR will complete the ATOS database record entries, as assigned.

7. Disposition. This notice is a requirement for a one time special investigation and will expire one year from the effective date. Direct questions concerning this notice to the Air Carrier Training and 142 Training Center Branch, AFS-210, at (202) 493-5259.

ORIGINAL SIGNED by
John M. Allen for

James J. Ballough
Director, Flight Standards Service

Appendix A. Special Evaluation Checklist

Required Action #	ITEM	Yes	No	COMMENTS (Add additional sheets if required)	Requires Action Yes	Requires Action No	DATE mm/dd/yr
4. b. 1)	Approved contract check airman/pilot and contract flight instructor training curricula or module.	□	□		□	□	/ /
4. b. 2)	Required biennial audits.	□	□		□	□	/ /
4. b. 3)	Training program conducted in accordance with POI authorization.	□	□		□	□	/ /
4. b. 4)	LOA(s).	□	□		□	□	/ /
4. b. 5)	OpSpec/MSpec reflects the specific training authorized.	□	□		□	□	/ /
4. b. 6)	Contract check airman entered in VIS.	□	□		□	□	/ /
4. b. 7)	Contract instructors and contract check airman/pilots have been properly trained.	□	□		□	□	/ /
4. b. 8)	Responsibility for accomplishing various portions of the operator's curricula.	□	□		□	□	/ /
4. b. 9)	Line observation requirements.	□	□		□	□	/ /
4. b. 10)	Drug and alcohol testing program	□	□		□	□	/ /
4. b. 11)	Each FAA Form 8710-1, forwarded to POI for review and action.	□	□		□	□	/ /
4. b. 12)	Established a read file or similar system	□	□		□	□	/ /

Appendix B. Sample OpSpec/MSpec Paragraph A031

Part 142 Training Center/Satellite, Part 119 Certificate holder, or Other Approved Training Provider	Street Address	City	State or Country	Postal code	Training Center Certificate #	Curriculum, Curriculum Segments or Module Title	Aircraft M/M/S	Audit Date (Audits are due at 2 Yr. intervals from this date)
FlightSafety International	Two Learjet Way	Wichita	KS	67209	XYFX299K	High Flight's approved training program. 135. 293(a)(2), (3) and (b), Competency Check-Airplane. 135. 297 Instrument Proficiency Check-Airplane	LR 31-31	August 27, 2007
SimuFlite Training International, Inc.	2929 W. Airfield Drive, PO Box 61119	DFW Airport	TX	75261	ST7X359K	High Flight's Approved Training Program. 135. 293(a)(2), (3) and (b), Competency Check-Airplane. 135. 297 Instrument Proficiency Check-Airplane	CE-560-560	June 21, 2007