

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 121 and 135**

[Docket No. 28471; Notice No. 96-1]

RIN 2120-AF08

Training and Qualification Requirements for Check Airmen and Flight Instructors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: Some experienced pilots who would otherwise qualify as flight instructors or check airmen but who are not medically eligible to hold the requisite medical certificates, cannot perform flight instructor or check airmen functions even in simulators. This proposed rule would establish separate categories of requirements for check airmen who check only in flight simulators and flight instructors who instruct only in flight simulators. To ensure an equivalent level of safety, the affected check airmen and flight instructors would have to accomplish the following, which could be demonstrated in a flight simulator or flight training device: recency of experience requirements; biannual observation checks of their check airman/instructor abilities; and required training, including recurrent ground and flight training. A flight instructor (simulator) or check airman (simulator) would be required to meet recency of experience requirements, in the 12-month period preceding the performance of flight instruction or check airman functions, by flying two flight segments as a required crewmember for the type aircraft involved, if medically qualified and certificated, or by participating in a line-observation program. Additionally, the FAA proposes that check airmen and instructors can obtain all of their flight training in simulators, as opposed to the current scheme in which initial and transition flight training must include an in-flight element.

DATES: Comments must be submitted on or before March 25, 1996.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 28471, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 28471. Comments may also be sent

electronically to the following internet address: nprmcmts@mail.hq.faa.gov. Comments may be examined in Room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tom Toula, Air Carrier Training Branch, (AFS-210), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-3718.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposal contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comment, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a pre-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. ____." The postcard will be date-stamped and mailed to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRMs

should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

The requirements for training, checking, and qualification of check airmen and flight instructors who perform training and checking for certificate holders operating under 14 Code of Federal Regulations parts 121 and 135 appear in §§ 121.411 and 135.337 (check airman and flight instructor qualification) and §§ 121.413 and 135.339 (check airman and flight instructor training and checking).

When parts 121 and 135 were implemented, the primary means of training was in an aircraft. Therefore there was a requirement for check airmen instructors to hold appropriate medical certificates. Even after flight simulators came into use in the late 1970s, check airmen and flight instructors were likely to use both aircraft and flight simulators. Despite significant changes in methods of training, particularly an increased use of flight simulation in training, the sections of parts 121 and 135 mentioned above have not been significantly revised in over 20 years. These sections still focus primarily on check airmen and flight instructors who perform their functions in airplanes.

Today, flight simulators and flight training devices are now so sophisticated that they are used to conduct most training and checking with significant benefits to safety and to the environment and with significant cost savings. Training and checking in simulators and flight training devices have distinct advantages over training and checking in flight. Flight simulators provide a safe flight training environment, more comprehensive training, and may reduce the number of training and in-service accidents by allowing training for emergency situations that cannot be safely conducted in flight. The use of flight simulators and flight training devices in lieu of aircraft has resulted in a reduction in air traffic congestion, energy use, noise, air pollution, and training costs.

Some experienced pilots who would otherwise qualify as flight instructors or check airmen but who are not medically eligible to hold the requisite medical certificates, cannot perform flight instructor or check airmen functions even in simulators. Thus the regulations do not establish separate categories of requirements for check airmen who check only in flight simulators or for

flight instructors who instruct only in flight simulators. There are a number of highly experienced airmen who might serve as flight instructors or check airmen, including former military pilots, former air carrier pilots, and furloughed pilots, as well as other experienced pilots, who because of medical conditions, are unable to hold an airman medical certificate.

This proposed rule would allow experienced check airmen and flight instructors who are not able to hold a current medical certificate to check or instruct in flight simulators and flight training devices. Affected check airmen and flight instructors would have to meet similar requirements that a pilot flying the line is required to meet, such as initial training, proficiency checks, and competency checks and could use flight simulators to meet these similar requirements. The proposed regulations also address check airmen in aircraft, check airmen in flight simulators or flight training devices, flight instructors in aircraft, and flight instructors in flight simulators or flight training devices.

The Air Carrier Training Working Group of the Aviation Rulemaking Advisory Committee (ARAC) recommended that the FAA amend its regulations so that airmen who were not eligible to hold medical certificates would nonetheless be eligible to instruct or check pilots and other airmen in simulators. On July 16, 1992, ARAC forwarded draft rule language for the FAA to review. The FAA used ARAC's draft as the basis for developing this proposal.

Discussion of the Proposed Rule

The proposed rule would revise the following sections of parts 121 and 135: §§ 121.411, 121.413, 135.337, and 135.339; it would add the following four new sections: §§ 121.412, 121.414, 135.338, and 135.340.

The most significant changes between the current and proposed rules are as follows:

(1) The categories of check airman (simulator) and flight instructor (simulator) would be defined with separate requirements for each.

(2) The following requirements for flight instructors and check airmen who only perform check airmen and instructor functions in flight simulators and flight training devices would be deleted:

- The requirement to hold at least a Class III medical certificate, in § 121.411(a)(6).
- The requirement to hold a Class I, II, or III medical certificate, in § 135.337(a).

(3) A flight instructor (simulator) or check airman (simulator) would be required to meet recency of experience requirements, in the 12-month period preceding the performance of flight instruction or check airman functions, by flying two flight segments as a required crewmember for the type aircraft involved, if medically qualified and certificated or by participating in a line-observation program.

(4) Training requirements for check airmen and flight instructors who serve in training programs under parts 121 and 135 are in §§ 121.413, 121.414, 135.339, and 135.340. The FAA proposes to change these requirements in the following ways:

- A new requirement would be imposed for check airmen and flight instructors, to satisfactorily complete, within the preceding 24 calendar months, an observation check of their check airman or flight instructor functions. This check may be accomplished in a flight simulator or in a flight training device as appropriate.
- Flight instructors would be required to have much of the same ground training requirements as check airmen. As a practical matter, ground training for flight instructors and check airmen are the same; however, the current rules are not specific in this area. This change would ensure that flight instructors and check airmen receive the same ground training.
- Initial and transitional flight training for pilot check airmen and pilot instructors currently requires in-flight training and practice. The FAA proposes to allow this training to take place in simulators or training devices.

These changes would allow certain experienced pilots who are unable to meet current medical certificate requirements to be able to check and instruct, but only in flight simulators and flight training devices. To allow this flexibility while maintaining safety, the proposed rules would require flight instructors (simulator) and check airmen (simulator) to meet recency of experience requirements, take biannual observation checks of their check airman/instructor abilities, complete the required recurrent training necessary to serve as a pilot-in-command under parts 121 and 135 or a flight engineer or flight navigator under part 121, and complete required proficiency or competency checks. A detailed section-by-section description of the proposed rule follows.

Section-by-Section Analysis

Section 121.411 Qualifications: Check Airmen (Airplane) and Check Airmen (Simulator)

Section 121.411(a)(1) now requires that a flight instructor or check airman who serves in a training program under part 121, for the particular airplane type involved, hold the airman certificates and ratings that must be held in order to serve as a pilot in command (PIC), a flight engineer, or a flight navigator, as appropriate, in operations under part 121. Current § 121.411(a)(6) requires that a check airman or flight instructor who serves in a training program under part 121 must hold at least a Class III medical certificate. Under current § 121.411(b)(1) a simulator instructor instructing for a course of training in an airplane simulator as provided in § 121.409(b) must hold an airline transport pilot (ATP) certificate.

Proposed revisions to this section would change the applicability from check airmen and flight instructors to check airmen (airplane) and check airmen (simulator). Flight instructors would be covered under proposed § 121.412. Proposed paragraph (a) of § 121.411 would state that a check airman (airplane) is a person who is qualified and permitted to conduct flight checks and instruction in an airplane, in a flight simulator, or in a flight training device for a particular type airplane. A check airman (simulator) would be qualified to conduct flight checks only in a flight simulator or in a flight training device for a particular type aircraft.

Proposed paragraph (b) would contain the eligibility requirements to serve as a check airman (airplane). With some editorial revisions and an additional requirement to satisfy the recency of experience requirement of § 121.439, the eligibility requirements would remain the same as the current requirements. The recency provisions would be added to ensure equivalent recency of experience for those check airmen who may not be flying line operations.

Proposed paragraph (c) of § 121.411 would establish the eligibility requirements for check airmen (simulator). These proposed requirements would be the same as those for check airmen (airplane) in proposed paragraphs (b) with two exceptions. There would be no requirement to hold a Class III medical certificate and the recency of experience requirements of proposed § 121.411(b)(6) would not be required of part 121 check airmen (simulator). Check airmen (simulator) would instead be allowed to meet proposed recency of

experience requirements in proposed paragraph (f), discussed later in this section. Check airmen (airplane) may only meet recency of experience requirements in an airplane because they are able to perform their functions in an airplane as a required flight crewmember. In addition, current § 121.411(c), which grants training relief to check airmen, flight instructors, and simulator instructors who were designated before December 22, 1969, would be deleted since the FAA believes that this provision is obsolete.

Proposed paragraph (d) would be added to clarify that the completion of the requirements of (b) (2), (3), and (4) or (c) (2), (3), and (4), whichever is applicable, must be entered into the operator's records for each individual check airman.

Proposed paragraph (e) would be added to restate the portion of current § 121.411(a)(6) allowing airmen who have passed their 60th birthday or who do not hold a medical certificate to perform check airman functions, but, under this proposed paragraph, these airmen may not serve as crewmembers under part 121 operations.

Proposed paragraph (f) would be added to offer an alternate method for maintaining recency of experience requirements for check airmen (simulator). Under this proposal, check airmen (simulator) would, within the 12-month period preceding the performance of check airman duties, either fly two segments as a required crewmember for the type airplane or satisfactorily complete an approved line-observation program.

Proposed paragraph (g) would be added to provide that the recency of experience requirements of paragraph (f) may be completed in the calendar month before or the calendar month after the month in which it is due.

Section 121.412 Qualifications: Flight Instructors (Airplane) and Flight Instructors (Simulator)

The proposed requirements for this section are virtually identical to those in proposed § 121.411 for check airmen. Additionally, this proposed section would specify that individuals who do not hold a medical certificate may not function as a flight instructor in an airplane.

Section 121.413 Initial and Transition Training and Checking Requirements: Check Airmen (Airplane) and Check Airmen (Simulator)

Proposed paragraph (a)(1) would continue the current requirement that, in order to serve as a check airman, a person must have completed initial or

transition check airman training. Additionally, proposed paragraph (a)(2) would require an observation check of check airman functions within the preceding 24 calendar months. The observation check could be done in part or in full in an airplane, in a flight simulator, or in a flight training device as appropriate. An FAA inspector or an appropriate designated examiner could administer this observation check. The FAA believes that the observation check requirement would better ensure that check airmen maintain their qualifications and their abilities to perform all other duties as appropriate for check airmen.

In proposed paragraph (b) the observation check requirement of paragraph (a)(2) could be accomplished in the month before or the month after the month in which it is due.

Proposed paragraph (c) of this section would cover initial ground training requirements for check airmen. Most of the requirements are in current paragraphs (a)(1) through (a)(6) of § 121.413. Some editorial revisions would be made in the proposal.

Proposed paragraph (d) would cover transition ground training for check airmen. This proposed paragraph would separate transition ground training requirements from initial ground training requirements, but would impose no new requirements since transition and ground training are currently required in § 121.413(a)(6).

Proposed paragraph (e) would be added to cover initial and transition flight training for pilot check airmen (airplane), flight engineer check airmen (airplane), and flight navigator check airmen (airplane). Proposed paragraph (e) would contain requirements equivalent to those contained in current § 121.413 (c) and (d), but would place greater emphasis on the safety issues required during checking that takes place under actual flight. Additionally, it would broaden the scope of current § 121.413(c) to include flight engineers (airplane) and flight navigators (airplane). The FAA believes that the flight engineer (airplane) and flight navigator (airplane) safety functions are as important to the safe conduct of a flight as that of the check airman (airplane).

Proposed paragraph (f) would be added to allow all the flight training provisions of proposed paragraph (e) to be accomplished in full or in part in flight, in flight simulators, or flight training devices as appropriate. Because of technological advances in simulation, the FAA believes that the requirements in current § 121.413(c)(1) may be conducted in a simulator. Current

paragraph (c) allows the initial and transition flight training in safety measures for emergency situations (paragraph (c)(2)) and the results of improper or untimely safety measures (paragraph (c)(3)) to be accomplished in an approved flight simulator, but requires the training requirements of current paragraph (c)(1) to be conducted in flight. The FAA believes that this proposal is appropriate because of the proven effectiveness of flight simulator training. Flight training devices would also be allowed to fulfill the training requirements for the same reasons.

Proposed paragraph (g) would be added to establish initial and transition flight training for check airmen (simulator). The proposed requirements include training and practice in the required normal, abnormal, and emergency procedures and training in the operation of flight simulators or flight training devices. Under the proposed paragraph, the training could be conducted in flight training devices or flight simulators as appropriate. The proposed requirements are necessary to establish flight training requirements specifically for check airmen (simulator) who are qualified to conduct flight checks or instruction only in a flight simulator or in a flight training device.

Section 121.414 Initial and Transition and Checking Requirements: Flight Instructors (Airplane) and Flight Instructors (Simulator)

The proposed requirements for this section would be identical to the provisions in proposed § 121.413 except that the terms and references would apply to flight instructors, the required observation check would be an observation check of instructor functions, and would include the current requirement for training in teaching methods and procedures except for the holder of a flight instructors certificate.

Section 135.337 Qualifications: Check Airmen (Aircraft) and Check Airmen (Simulator)

Section 135.337(a)(1) currently requires that a flight instructor or check airman serving in a training program under part 135, for the particular aircraft type involved, must hold the airman certificate and ratings that must be held to serve as a PIC in operations under part 135. Section 135.337(a)(5) currently requires that such a flight instructor or check airman hold a Class I or Class II medical certificate required to serve as a PIC in operations under part 135. Under current § 135.337(a)(7), a check airman who serves in an aircraft simulator only must hold a Class III

medical certificate. Section 135.337(b) currently requires that a person who serves as a simulator instructor for a course of training in an aircraft simulator must hold at least a commercial pilot certificate.

Proposed revisions to this section would change the applicability from check airmen and flight instructors to check airmen (aircraft) and check airmen (simulator). Flight instructors would be covered under proposed § 135.338. Proposed paragraph (a) of § 135.337 would state that a check airman (aircraft) is a person who is qualified and permitted to conduct flight checks and instruction in an airplane, in a flight simulator, or in a flight training device for a particular type, class, or category aircraft. A check airman (simulator) would be qualified to conduct flight checks only in a flight simulator or in a flight training device for a particular type, class, or category aircraft.

Proposed paragraph (b) would contain the eligibility requirements to serve as a check airman (aircraft). With some editorial revisions and an additional requirement to satisfy the recency of experience requirement of § 135.247, the eligibility requirements would remain the same as current requirements. The recency provision would be added to ensure equivalent recency of experience for those check airmen who may not be flying line operations.

Proposed paragraph (c) of § 135.337 would be added to establish the eligibility requirements for check airmen (simulator). These proposed requirements are the same as those for check airmen (aircraft) in proposed paragraph (b) with two exceptions. There would be no requirement to hold a medical certificate and the recency of experience requirements of proposed § 135.337(b)(3) would not be required of part 135 check airmen (simulator). Check airmen (simulator) would instead be allowed to meet proposed recency of experience requirements in proposed paragraph (f), discussed later in this section.

Proposed paragraph (d) would be added to clarify that the completion of the requirements of (b) (2), (3), and (4) or (c) (2), (3), and (4), whichever is applicable, must be entered into the individual check airmen's training record.

Proposed paragraph (e) would be added to clarify that airmen who do not hold a medical certificate may perform check airmen functions, but they may not serve as a crewmember under part 135 operations.

Proposed paragraph (f) would be added to offer an alternate method for

maintaining recency of experience requirements for check airmen (simulator). Check airmen (simulator) must, within the 12-month period preceding the performance of check airman duties, either fly two segments as a required crewmember for the type, class, or category aircraft or satisfactorily complete an approved line-observation program.

Proposed paragraph (g) would be added to provide that the recency of experience requirements of paragraph (f) may be completed in the calendar month before or in the calendar month after the month in which it is due.

Section 135.338 Qualifications: Flight Instructors (Aircraft) and Flight Instructors (Simulator)

The proposed requirements for this section are virtually identical to those in proposed § 135.337 for check airmen. Additionally, this proposed section would clarify that individuals who do not hold a medical certificate may not function as a flight instructor in an aircraft.

Section 135.339 Initial and Transition Training and Checking Requirements: Check Airmen (Aircraft) and Check Airmen (Simulator)

Proposed paragraph (a)(1) would continue the current requirement that, in order to serve as a check airman, a person must have completed initial or transition check airman training. Additionally, proposed paragraph (a)(2) would require an observation check of check airman functions within the preceding 24 calendar months. The observation check would be done in part or in full in an airplane, flight simulator, or flight training device as appropriate. An FAA inspector or an appropriate designated examiner could administer the observation check. The FAA believes that the observation check requirement would better ensure that check airmen maintain their qualifications and their abilities to perform all other duties as appropriate for check airmen.

In proposed paragraph (b) the observation check requirement of paragraph (a)(2) could be accomplished in the month before or the month after the month in which it is due.

Proposed paragraph (c) of this section would cover initial ground training requirements for check airmen. Most of the requirements are in current paragraphs (a)(1) through (a)(6) of § 135.339. Some editorial revisions are made in this proposal.

Proposed paragraph (d) would be added to cover transition ground training for check airmen. This

proposed paragraph would separate transition ground training requirements from initial ground training requirements, but would impose no new requirements since transition and ground training are currently required in § 135.339(a)(6).

Proposed paragraph (e) would be added to cover initial and transition flight training for pilot check airmen (aircraft). Proposed paragraph (e) would contain requirements equivalent to those contained in current § 135.339(c), but would place greater emphasis on the safety issues required during checking that would take place under actual flight.

Proposed paragraph (f) would be added to allow all the flight training provisions of proposed paragraph (e) to be accomplished in full or in part in flight, in flight simulators, or in flight training devices as appropriate. This would make the requirements in current § 135.339(c)(1) less burdensome. Current § 135.339(c) allows the initial and transition flight training in safety measures for emergency situations (paragraph (c)(2)) and the results of improper or untimely safety measures (paragraph (c)(3)) to be accomplished in an approved flight simulator, but requires the training requirements of (c)(1) to be conducted in flight. The FAA believes that this is appropriate because of the proven effectiveness of flight simulator training. Flight training devices will also be allowed to fulfill the training requirements for these same reasons.

Proposed paragraph (g) would be added to establish initial and transition flight training for check airmen (simulator). The proposed requirements would include training and practice in the required normal, abnormal, and emergency procedures and training in the operation of flight simulators or flight training devices. Under the proposed paragraph, the training could be conducted in flight training devices or flight simulators as appropriate. The proposed requirements are necessary to establish flight training requirements specifically for check airmen (simulator) who are qualified to conduct flight checks or instruction only in a flight simulator or in a flight training device.

Section 135.340 Initial and Transition Training and Checking Requirements: Flight Instructors (Aircraft) and Flight Instructors (Simulator)

The proposed requirements for this section would be identical to the provisions in proposed § 135.339 except that the terms and references would apply to flight instructors, the required observation check would be an

observation check of instructor functions, and paragraph (c)(7) would be added to include the current requirement for training in teaching methods and procedures except for the holders of a flight instructor certificate.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society outweigh the potential costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this proposed rule is not "a significant regulatory action" as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures. This proposed rule would not have a significant impact on a substantial number of small entities and would have no impact on international trade. These analyses, available in the docket, are summarized below.

Benefits and Costs

The requirements of this proposed rule will not impose any additional cost on air carriers or other training entities currently providing simulator training. These additional requirements are generally incorporated into current industry practice.

In the past, the FAA has issued exemptions to air carriers and to training entities (FlightSafety, Simuflite, etc.), which permit them to use simulators to conduct training and checking for air carrier pilots. However, the FAA imposed certain conditions and limitations in these exemptions. The Agency required that the check airmen and instructors of these entities hold the same airman certificates and ratings and complete the same proficiency checks as required to serve as PIC in air carrier operations. In addition, check airmen and instructors that conduct Line-Oriented Flight Training and Line Operational Evaluation in simulators are required to be line qualified or line familiar and to participate in a line observation program. This line observation program is identical to that which is being proposed and, therefore, this program would not impose any additional burden on the aviation industry.

In addition, current FAA policy, as part of Flight Standards Work Program Functions, requires aviation safety inspectors to observe, at least once annually, half of the check airmen and instructors while they perform their duties. A portion of the current observation practice and policy would be incorporated into the Code of Federal Regulations by this proposed rulemaking. Since the above policy and practice exceed the proposed requirements, this rulemaking should not impose any additional burden on the airline industry.

The proposed rule would afford cost savings to air carriers by allowing them to hire experienced pilots who are not able to hold a current medical certificate to check or instruct in flight simulators and flight training devices if they satisfy the above requirements. These pilots, many of whom are retired, would probably offer their services at lower cost to the airlines than the full-time pilots that currently are performing these functions. Air carriers also would be able to reduce disruption to their operations by contracting with part-time pilots to provide training and checking services, thereby eliminating the need to pull line pilots from their routine duties. The proposed rule should also reduce costs to the industry in that the proposal would allow all initial and transition flight training for check airmen and instructors to be conducted in the simulators or training devices as opposed to the current in-flight requirement. Accordingly, the FAA finds this proposed rule to be cost-beneficial because it does not impose any additional cost on the aviation industry and allows for less costly training of future pilots.

The FAA solicits comments from the public on the possible extent of these cost savings.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule is expected to have a "significant (positive or negative) economic impact on a substantial number of small entities." Based on the standards and thresholds specified in implementing the FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that the proposed rule would not have a significant impact on a substantial number of small entities.

International Trade Impact Assessment

This proposed rule is expected to have neither an adverse impact on the trade opportunities for U.S. firms doing business abroad nor on foreign firms doing business in the United States. The cost savings that would be realized from the proposed rule are not likely to be significant enough to affect the competitive position of domestic concerns vis-a-vis foreign concerns.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA is not aware of any differences that this proposal would present if adopted. Any differences that may be presented in comments to this proposal, however, will be taken into consideration.

Paperwork Reduction Act

The reporting and recordkeeping requirements associated with this rule are being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35 under DOT NO:*new*; OMB NO: *new*; TITLE: Training and Qualification Requirements for Check Airmen and Flight Instructors; NEED FOR INFORMATION: This information is needed to maintain the training records of check airmen and instructors; PROPOSED USE OF INFORMATION: This information will be used to verify that check airmen and instructors have met the requirements of the regulation; FREQUENCY: A short entry indicating that the check airman or instructor has completed the observation; BURDEN ESTIMATE: It is estimated that the total time burden will be approximately 1.3 hours per year for an estimated 6000 respondents. The entries will be either satisfactory or unsatisfactory or a check mark in the appropriate space. No additional forms will be required and the time for making the necessary entries will be negligible; RESPONDENTS: The FAA or designated examiners or other check airmen will conduct the observations and they are estimated to be appropriately 6000 individuals; FORM(s): No additional forms will be used. Entries will be made on the standard training records required by § 121.401(c) and § 135.323(c); AVERAGE BURDEN HOURS PER RESPONDENT: 15 seconds per individual every 2 years.

For further information contact: The Information Requirements Division, M-24, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4735 or Edward Clark or Wayne Brough, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395-7340.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Initial Regulatory Flexibility Determination

For further information contact: The Information Requirements Division, M-24, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4735 or Edward Clark or Wayne Brough, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395-7340.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Initial Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not significant under Executive Order 12866. In addition, it is certified that this proposal, if adopted, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects

14 CFR Part 121

Air carriers, Air transportation, Aviation safety, Common carriers, Safety, Transportation.

121 CFR Part 135

Air carriers, Air taxi, Air transportation, Aviation safety, Safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR parts 121 and 135 as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901, 44903-44904, 44912, and 46105.

2. Section 121.411 is revised to read as follows:

§ 121.411 Qualifications: Check airmen (airplane) and check airmen (simulator).

(a) For the purposes of this section and § 121.413:

(i) A check airman (airplane) is a person who is qualified, and permitted, to conduct flight checks or instruction in an airplane, in a flight simulator, or in a flight training device for a particular type airplane.

(2) A check airman (simulator) is a person who is qualified to conduct flight checks or instruction, but only in a flight simulator or in a flight training device for a particular type airplane.

(3) Check airmen (airplane) and check airmen (simulator) are those check airmen who perform the functions described in § 121.401(a)(4).

(b) No certificate holder may use a person nor may any person serve as a check airman (airplane) in a training program established under this subpart unless, with respect to the airplane type involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command, a flight engineer, or a flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(4) Has satisfactorily completed that applicable training requirements of § 121.413 including in-flight training and practice for initial and transition training;

(5) Holds at least a Class III medical certificate unless serving as a required crewmember, in which case holds a Class I or Class II medical certificate as appropriate;

(6) Has satisfied the recency of experience requirements of § 121.439; and

(7) Has been approved by the Administrator for the check airman duties involved.

(c) No certificate holder may use a person nor may any person serve as a

check airman (simulator) in a training program established under this subpart unless, with respect to the airplane type involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the airman certificates and ratings, except medical certificate, required to serve as a pilot in command, a flight engineer, or a flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 121.413; and

(5) Has been approved by the Administrator for the check airman (simulator) duties involved.

(d) Completion of the requirements in paragraphs (b) (2), (3), and (4) or (c) (2), (3), and (4) of this section, as applicable, shall be entered in the individual's training record maintained by the certificate holder.

(e) Check airmen who have reached their 60th birthday or who do not hold an appropriate medical certificate may function as check airmen, but may not serve as flight crewmembers in operations under this part.

(f) A check airman (simulator) must, within the 12-month period preceding the performance of any check airman duty, accomplish the following in a flight simulator—

(1) Fly at least two flight segments as a required crewmember for the type airplane involved; or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type airplane on which the check airman duties are to be performed;

(ii) Is conducted from a cockpit observer seat; and

(iii) Is representative of the certificate holder's operation (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section are considered to be completed in the month required if completed in the calendar month before or in the

calendar month after the month in which it is due.

3. Section 121.412 is added to read as follows:

§ 121.412 Qualifications: Flight instructors (airplane) and flight instructors (simulator).

(a) For the purposes of this section and § 121.414:

(1) A flight instructor (airplane) is a person who is qualified to instruct in an airplane, in a flight simulator, or in a flight training device for a particular type airplane.

(2) A flight instructor (simulator) is a person who is qualified to instruct, but only in a flight simulator, in a flight training device, or both, for a particular type airplane.

(3) Flight instructors (airplane) and flight instructors (simulator) are those instructors who perform the functions described in § 121.401(a)(4).

(b) No certificate holder may use a person nor may any person serve as a flight instructor (airplane) in a training program established under this subpart unless, with respect to the airplane type involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command, a flight engineer, or flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 121.414, including in-flight training and practice for initial and transition training;

(5) Holds at least a Class III medical certificate unless serving as a required crewmember, in which case holds a Class I or Class II medical certificate as appropriate.

(6) Has satisfied the recency of experience requirements of § 121.439.

(c) No certificate holder may use a person, nor may any person serve as a flight instructor (simulator) in a training program established under this subpart, unless, with respect to the airplane type involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the airman certificates and ratings, except medical certificate,

required to serve as a pilot in command, a flight engineer, or a flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part; and

(4) Has satisfactorily completed the applicable training requirements of § 121.414.

(d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) of this section as applicable shall be entered in the individual's training record maintained by the certificate holder.

(e) Airmen who have reached their 60th birthday, or who do not hold an appropriate medical certificate, may not function as a flight instructor (airplane), nor may they serve as flight crewmembers in operations under this part.

(f) A flight instructor (simulator) must, within the 12-month period preceding the performance of any instructor duty in a flight simulator—

(1) Fly at least two flight segments as a required crewmember for the type of airplane involved (and must hold a Class I or Class II medical certificate as appropriate); or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type airplane on which flight instructor duties are to be performed;

(ii) Is conducted from a cockpit observer seat; and

(iii) Is representative of the air carrier's operation (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section is considered completed in the month required if completed in the calendar month before, or the calendar month after the month in which it is due.

4. Section 121.413 is revised to read as follows:

§ 121.413 Initial and transition training and checking requirements: Check airmen (airplane), check airmen (simulator).

(a) No certificate holder may use a person nor may any person serve as a check airman unless:

(1) That person has satisfactorily completed initial or transition check airman training.

(2) Within the preceding 24 calendar months that person satisfactorily conducts a proficiency or competency check under the observation of an FAA inspector or an aircrew designated examiner. The observation check may be accomplished in part or in full in an airplane, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before, or the calendar month after, the month in which it is due.

(c) The initial ground training for check airmen must include the following:

(1) Check airman duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The appropriate methods, procedures, and techniques for conducting the required checks.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The appropriate corrective action in the case of unsatisfactory checks.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(d) The transition ground training for check airmen must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the airplane to which the check airman is in transition.

(e) The initial and transition flight training for pilot check airmen (airplane), flight engineer check airmen (airplane), and flight navigator check airmen (airplane) must include the following:

(1) The safety measures for emergency situations that are likely to develop during a check.

(2) The potential results of improper, untimely, or non-execution of safety measures during a check.

(3) For pilot check airman (airplane)—
(i) Training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence to conduct the pilot flight checks required by this part; and

(ii) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during a check.

(4) For flight engineer check airmen (airplane) and flight navigator check airmen (airplane), training to ensure competence to perform assigned duties.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for check airmen (simulator) must include the following:

(1) Training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks required by this part. This training and practice must be accomplished in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators or flight training devices, or both, to ensure competence to conduct the flight checks required by this part.

5. Section 121.414 is added to read as follows:

§ 121.414 Initial and transition training and checking requirements: flight instructors (airplanes), flight instructors (simulator).

(a) No certificate holder may use a person nor may any person serve as a flight instructor unless—

(1) That person has satisfactorily completed initial or transition flight instructor training; and

(2) Within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an FAA inspector, an operator check airman, or an operator aircrew designated examiner. The observation check may be accomplished in part or in full in an airplane, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

(c) The initial ground training for flight instructors must include the following:

(1) Flight instructor duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The appropriate methods, procedures, and techniques for conducting flight instruction.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The corrective action in the case of unsatisfactory training progress.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(7) Except for holders of a flight instructor certificate—

(i) The fundamental principles of the teaching-learning process;

(ii) Teaching methods and procedures; and

(iii) The instructor-student relationship.

(d) The transition ground training for flight instructors must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the airplane to which the flight instructor is in transition.

(e) The initial and transition flight training for flight instructors (airplane), flight engineer instructors (airplane), and flight navigator instructors (airplane) must include the following:

(1) The safety measures for emergency situations that are likely to develop during instruction.

(2) The potential results of improper, untimely, or non-execution of safety measures during instruction.

(3) For pilot flight instructor (airplane)—

(i) In-flight training and practice in conducting flight instruction from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence as an instructor; and

(ii) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during instruction.

(4) For flight engineer instructors (airplane) and flight navigator instructors (airplane), in-flight training to ensure competence to perform assigned duties.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for flight instructors (simulator) must include the following:

(1) Training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this part. This training and practice must be accomplished in full or in part in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators or flight training devices, or both, to ensure competence to conduct the flight instruction required by this part.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

6. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44113, 44701, 44702, 44705, 44709, 44711–44713, 44715–44717, and 44722.

7. Section 135.337 is revised to read as follows:

§ 135.337 Qualifications: Check airmen (aircraft) and check airmen (simulator).

(a) For the purposes of this section and § 135.339:

(1) A check airman (aircraft) is a person who is qualified to conduct flight checks in an aircraft, in a flight simulator, or in a flight training device for a particular type aircraft.

(2) A check airman (simulator) is a person who is qualified to conduct flight checks, but only in a flight simulator, in a flight training device, or both, for a particular type aircraft.

(3) Check airmen (aircraft) and check airmen (simulator) are those check airmen who perform the functions described in §§ 135.321(a) and 135.323(a)(4) and (c).

(b) No certificate holder may use a person, nor may any person serve as a check airman (aircraft) in a training program established under this subpart unless, with respect to the aircraft type involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 135.339;

(5) Holds at least a Class III medical certificate unless serving as a required crewmember, in which case holds a Class I or Class II medical certificate as appropriate.

(6) Has satisfied the recency of experience requirements of § 135.247; and

(7) Has been approved by the Administrator for the check airman duties involved.

(c) No certificate holder may use a person, nor may any person serve as a check airman (simulator) in a training program established under this subpart unless, with respect to the aircraft type involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the applicable airman certificates and ratings, except medical certificate, required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 135.339; and

(5) Has been approved by the Administrator for the check airman (simulator) duties involved.

(d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) of this section, as applicable, shall be entered in the individual's training record maintained by the certificate holder.

(e) Check airmen who do not hold an appropriate medical certificate may function as check airmen (simulator), but may not serve as flight crewmembers in operations under this part.

(f) A check airman (simulator) must, within the 12-month period preceding the performance of any check airman duty in a flight simulator, accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved; or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type, class, or category aircraft on which the check airman duties are to be performed;

(ii) Is conducted from a cockpit observer seat or from the seat closest to the flightcrew; and

(iii) Is representative of the certificate holder's operations (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section are considered to be completed in the month required if completed in the calendar month before or the calendar month after the month in which they are due.

8. Section 135.338 is added to read as follows:

§ 135.338 Qualifications: Flight instructors (aircraft) and flight instructors (simulator).

(a) For the purposes of this section and § 135.340:

(1) A flight instructor (aircraft) is a person who is qualified to instruct in an aircraft, in a flight simulator, or in a flight training device for a particular type, class, or category aircraft.

(2) A flight instructor (simulator) is a person who is qualified to instruct in a flight simulator, in a flight training device, or in both, for a particular type, class, or category aircraft.

(3) Flight instructors (aircraft) and flight instructors (simulator) are those instructors who perform the functions described in §§ 135.321(a) and 135.323(a)(4) and (c).

(b) No certificate holder may use a person, nor may any person serve as a flight instructor (aircraft) in a training program established under this subpart unless, with respect to the type, class, or category aircraft involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 135.340;

(5) Holds at least a Class III medical certificate; and

(6) Has satisfied the recency of experience requirements of § 135.247.

(c) No certificate holder may use a person, nor may any person serve as a flight instructor (simulator) in a training program established under this subpart unless, with respect to the type, class, or category aircraft involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the airman certificates and ratings, except medical certificate, required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command in operations under this part; and

(4) Has satisfactorily completed the applicable training requirements of § 135.340.

(d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) of this section as applicable shall be entered in the individual's training record maintained by the certificate holder.

(e) An airman who does not hold a medical certificate may function as a flight instructor in an aircraft if functioning as a non-required crewmember, but may not serve as a flight crewmember in operations under this part.

(f) A flight instructor (simulator) must, within the 12-month period preceding the performance of any flight instructor duty in a simulator, accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved; or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type, class, or category aircraft on which flight instructor duties are to be performed;

(ii) Is conducted from a cockpit observer seat or the seat closest to the flightcrew; and

(iii) Is representative of the certificate holder's operations (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section are considered completed in the month required if completed in the calendar month before or in the calendar month after the month in which they are due.

9. Section 135.339 is revised to read as follows:

§ 135.339 Initial and transition training and checking: Check airmen (aircraft), check airmen (simulator).

(a) No certificate holder may use a person nor may any person serve as a check airman unless—

(1) That person has satisfactorily completed initial or transition check airman training; and

(2) Within the previous 24 calendar months, that person satisfactorily conducts a proficiency or competency check under the observation of an FAA inspector or an aircrew designated examiner. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

(c) The initial ground training for check airmen must include the following:

(1) Check airman duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The applicable methods, procedures, and techniques for conducting the required checks.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The corrective action in the case of unsatisfactory checks.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft.

(d) The transition ground training for check airmen must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the check airman is in transition.

(e) The initial and transition flight training for check airmen (aircraft) must include the following—

(1) The safety measures for emergency situations that are likely to develop during a check;

(2) The potential results of improper, untimely, or non-execution of safety measures during a check;

(3) Training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence to conduct the pilot flight checks required by this part; and

(4) The safety measures to be taken from either pilot seat for emergency

situations that are likely to develop during checking.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for check airmen (simulator) must include the following:

(1) Training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks required by this part. This training and practice must be accomplished in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators, flight training devices, or both, to ensure competence to conduct the flight checks required by this part.

10. Section 135.340 is added to read as follows:

§ 135.340 Initial and transition training and checking: Flight instructors (aircraft), flight instructors (simulator).

(a) No certificate holder may use a person nor may any person serve as a flight instructor unless—

(1) That person has satisfactorily completed initial or transition flight instructor training; and

(2) Within the previous 24 calendar months, that person satisfactorily conducts instruction under the observation of an FAA inspector, an operator check airman, or an operator aircrew designated examiner. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

(c) The initial ground training for flight instructors must include the following:

(1) Flight instructor duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The applicable methods, procedures, and techniques for conducting flight instruction.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The corrective action in the case of unsatisfactory training progress.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft.

(7) Except for holders of a flight instructor certificate—

(i) The fundamental principles of the teaching-learning process;

(ii) Teaching methods and procedures; and

(iii) The instructor-student relationship.

(d) The transition ground training for flight instructors must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the type, class, or category aircraft to which the flight instructor is in transition.

(e) The initial and transition flight training for flight instructors (aircraft) must include the following—

(1) The safety measures for emergency situations that are likely to develop during instruction;

(2) The potential results of improper or untimely safety measures during instruction;

(3) Training and practice from the left and right pilot seats in the required normal, abnormal, and emergency maneuvers to ensure competence to conduct the flight instruction required by this part; and

(4) The safety measures to be taken from either the left or right pilot seat for emergency situations that are likely to develop during instruction.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for a flight instructor (simulator) must include the following:

(1) Training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this part. These maneuvers and procedures must be accomplished in full or in part in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators, flight training devices, or both, to ensure competence to conduct the flight instruction required by this part.

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Thomas C. Accardi,

Director, Flight Standards Service.

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