



Transportation
Security
Administration

September 13, 2010

Docket No. TSA-2004-19147

THIS INTERPRETATION IS EFFECTIVE AS OF OCTOBER 1, 2010

Flight Providers and Alien Flight Student Candidates Subject to 49 CFR part 1552

RE: Interpretation of “Recurrent Training” and Changes to the Security Threat Assessment Process for Recurrent Training

The Transportation Security Administration (TSA) is issuing the following legal interpretation to clarify that certain activities are not considered recurrent training. TSA is also announcing changes to the security threat assessment (STA) process for recurrent training intended to reduce training time delays to the flight training provider community. The legal interpretation and changes to the STA process for recurrent training are effective immediately.

Background:

Section 543 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act 2009, (Public Law 110-329, September 30, 2008), which amends United States Code 6, section 469, requires the Secretary of the Department of Homeland Security to (1) establish a process to determine that an alien who takes recurrent training is properly identified and does not pose a threat to aviation or national security; and (2) impose reasonable fees to recoup the cost of vetting recurrent training applicants.

Training Events Not Considered Recurrent Training

TSA defines “recurrent training” as “periodic training required under 14 Code of Federal Regulations (CFR) part 61, 121, 125, 135, or Subpart K of part 91. Recurrent training does not include training that would enable a candidate who has a certificate for a particular aircraft to receive a certificate or type rating for another aircraft.” 49 CFR § 1552.1. TSA does not consider the following activities as recurrent training under this definition because they are not described as recurrent training in Federal Aviation Administration (FAA) regulations; they are not training, rather they are checks or tests; or

they do not affect the validity of the certificate(s) and/or the qualifications of a type rating. Therefore, the following activities do not require a Category 4 submission:

- **Instrument Proficiency Check**, (14 CFR § 61.57(d))
- **Heads Up Display (HUD) Training**, (FAA AFS-205, Flight Simulation Training Device (FSTD) Guidance Bulletin 03-02)
- **Enhanced Vision System (EVS) Qualification**, (FAA AFS-205, FSTD Guidance Bulletin 03-03)
- **Line Oriented Flight Training (LOFT)**, (FAA Advisory Circular, AC#120-51E)
- **Operator Specific Proficiency Checks**, (14 CFR § 121.441, 14 CFR § 135.301)
- **Landing Currency**, (14 CFR § 61.57)
- **Category I / II Qualification**, (14 CFR § 61.67)
- **Special Airport Qualifications**, (14 CFR § 121.445)
- **Examiner Training**, (14 CFR § 183.23)
- **Differences Training**, (FAA Handbook, Section 9 “Differences Training”, Chapter 19 of Volume 3 General Technical Administration)
- **Training Center Instructors** - Not a U.S. Citizen Assisting with a Training Event, meaning a training request does not have to be submitted by multiple instructors participating in the training of one candidate during one training event.

Changes to the Security Threat Assessment Process for Category 4

TSA is changing the STA process for Category 4 submissions to permit recurrent training candidates who have undergone a successful STA within the previous year to begin recurrent training without waiting for the results of the new STA once TSA accepts all documentation.

Each candidate must continue to undergo a new STA and to submit all required documentation and fees for an STA to TSA for each recurrent training event. The training provider is responsible for ensuring that all the following conditions are satisfied prior to providing recurrent training to a candidate.

1. Training providers and/or candidates will continue to submit Category 4 training request using established procedure including submission of all required biographic and training related information.
2. Training providers and/or candidates will continue to submit required payment via Pay.gov.
3. Once the training request has been received by the Alien Flight Student Program (AFSP) office, the candidate may begin recurrent training when:
 - a. The training request has been reviewed by AFSP program office and “Document Accepted” status has been granted.

- b. The training provider has verified that the candidate has an “Approved” training request including a valid STA within the last 365 days of commencing new recurrent training event.
4. TSA will conduct an STA of the candidate. If TSA subsequently receives information indicating that the candidate poses a threat to aviation or national security, TSA will require the flight training provider to cease training in accordance with 49 USC 44939 and 49 CFR Part 1552.

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