



ACTION

MEMORANDUM FOR: Robert Rottman
Acting General Manager for General Aviation
Transportation Sector Network Management

FROM: Celio Young
Program Manager, Alien Flight Training Program
Transportation Sector Network Management

SUBJECT: Clarification on training requirements under 49 CFR Part
1552

Purpose

The purpose of this memo is to request approval for clarification of training requirements under 49 CFR Part 1552.

Background

On October 18, 2004, TSA responded to a request for confirmation regarding flight training under 49 CFR 1552. Specifically, the TSA's letter stated that "The regulation's requirements for flight training on aircraft with an MTOW of 12,500 pounds or less do not take effect until October 20, 2004. Flight students who are enrolled in such flight training prior to October 20, 2004, are not subject to the regulation.

Discussion and Status

Since then, some have interpreted this letter to mean that an individual who was enrolled in flight training prior to October 20, 2004 would never be subject to the regulation. This is a misinterpretation of the letter and the rule.

The purpose of the October 18, 2004, letter was to clarify that individuals who were actively enrolled, training, and near completion of their respective flight training prior to October 20, 2004, would not be subject to the regulation. The letter reflects a TSA decision that stopping a student's progress in an active flight training program would have been counterproductive and

produced a large burden on industry. As unambiguously stated in the preamble, Discussion of the IFR, Section III c. Category 3-Flight Training on Aircraft 12,500 pounds or less:

“The candidate is required to submit the same information as a candidate for flight training for an aircraft with an MTOW greater than 12,500 pounds, including the candidate’s fingerprints.” (69 FR 56331)

Applicants for flight training in the United States must comply with 49 CFR Part 1552 unless they are U.S. citizens or nationals or have been endorsed by DOD for flight training in the U.S. US citizens and nationals and DOD endorsees must provide documentation as required by the rule.

Recommendation

TSNM-GA has reviewed the issue and the request for further clarification. We recommend that TSA adopt the opinion stated in this memorandum.