

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.279

National Policy

Effective Date:
12/12/14

Cancellation Date:
12/12/15

SUBJ: Pilot Record Retention Responsibilities Related to the Airline Safety and Federal Aviation Administration Extension Act of 2010

1. Purpose of This Notice. This notice discusses the pilot record retention requirements of the Pilot Record Database (PRD) provision in the Airline Safety and Federal Aviation Administration (FAA) Extension Act of 2010 and the related requirements of the Pilot Records Improvement Act of 1996 (PRIA). The statute requires Title 14 of the Code of Federal Regulations (14 CFR) part 119 certificate holders (all air carrier and operating certificate holders conducting operations under 14 CFR parts 121, 125, and 135) to retain certain pilot training records and other records for entry into the PRD. Principal operations inspectors (POI) must review and evaluate their assigned part 119 certificate holder's records to ensure that the appropriate records are being retained.

2. Audience. The primary audience for this notice includes all POIs or assigned aviation safety inspectors (ASI) with oversight responsibilities for any part 119 certificate holder. The secondary audience includes the policy divisions in the Flight Standards Service (AFS), AFS Regional Offices (RO), Flight Standards District Offices (FSDO), and Certificate Management Offices (CMO).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the FAA Web site at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. On August 1, 2010, Public Law (PL) 111-216, the Airline Safety and Federal Aviation Administration (FAA) Extension Act of 2010 (the Act), 124 Stat. 2348 (2010), was signed into law.¹ The Act amends the PRIA by requiring the FAA to create the PRD that will contain pilot records. The PRD is required to contain pilot records dating from August 1, 2005, for FAA certification events, enforcement records, air carrier employment history and training data, and National Driver Register (NDR) data. Once developed, the PRD will eventually replace the system implemented by the PRIA (refer to Title 49 of the United States Code (49 U.S.C.) § 44703(h) through (j)). Until implementation of the PRD, the PRIA and the current edition of Advisory Circular (AC) 120-68, Pilot Records Improvement Act of 1996, remain in effect. Therefore, air carriers and other operators who employ pilots must continue to provide pilot

¹ Operators may review PL 111-216, § 203 at the Government Printing Office (GPO) Web site: <http://www.gpo.gov/fdsys/pkg/PLAW-111publ216/pdf/PLAW-111publ216.pdf>

records to an air carrier seeking information on an individual pilot in accordance with the PRIA. As established through the PRIA, air carriers are required to evaluate all available pilot records prior to making a hiring decision.

5. Discussion. The types of pilot records that must be reported by air carriers and other operators to the FAA for inclusion in the PRD, in accordance with the Act, include any records kept in accordance with 14 CFR part 120, §§ 120.111(a) and 120.219(a); part 121, § 121.683; part 125, § 125.401; and part 135, § 135.63(a)(4),² as well as any other records kept by an air carrier or other operator concerning “the training, qualifications, proficiency, or professional competence of the [pilots employed] including comments and evaluations made by a check airman.” Furthermore, the Act requires the reporting of records kept concerning “any disciplinary action taken with respect to [any individual employed as a pilot] that was not subsequently overturned” and records kept concerning “any release from employment or resignation, termination, or disqualification with respect to employment.” Once the PRD is developed, the Act requires air carriers and others to report records created after August 1, 2005.

a. Actions Taken. In 2011, the FAA chartered the PRD Aviation Rulemaking Committee (ARC) to address issues dealing with the proper implementation of the PRD. The ARC’s final report is on the FAA Web site at: http://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/PRD_ARC_final_recommendations%5B1%5D.pdf. The FAA has taken the following additional actions since the submission of the ARC’s final report:

- Convened an internal rulemaking team to address PRD.
- Developed a prototype PRD system.
- Conducted a successful proof-of-concept test of the prototype system.
- Developed an internal PRD rulemaking action plan.

b. Projected Future Actions. The FAA will complete the following:

- Publish a Notice of Proposed Rulemaking (NPRM) by the spring of 2016.
- Close the comment period of the NPRM by the summer of 2016.

6. Actions. This notice responds to the Department of Transportation (DOT) Office of the Inspector General (OIG) Report Number AV-2013-037, FAA and Industry Are Advancing the Airline Safety Act, but Challenges Remain to Achieve Its Full Measure, dated January 31, 2013.³ The following actions should be accomplished by the assigned POIs:

a. Information for Operators (InFO). POIs should provide InFO 11014, dated August 15, 2011, and InFO 14005, dated March 13, 2014, to all assigned parts 121, 125, and 135 operators through the appropriate person(s) listed in Operations Specification (OpSpec) A007, Other Designated Persons. These individuals are designated to receive Safety Alerts for Operators (SAFO) and InFOs. The POI should review the InFOs with his or her assigned part 119 certificate holder and request that they familiarize themselves with the contents of the

² The Act excludes records related to flight time, duty time, and rest time from the PRD reporting requirements.

³ The report may be viewed on the OIG Web site at: <https://www.oig.dot.gov/library-item/28846>.

InFOs as well as the applicable provisions of the Act. The InFOs are located on the FAA Web site at:

http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos/.

b. Spot Check. Spot check 50 percent of assigned parts 121 and 121/135 entities and 10 percent of parts 125 and 135 entities to verify that operators have taken actions to retain records in accordance with the PRIA and the PRD Act.

7. Recording Requirements. POIs or delegated inspectors should record the surveillance data required by subparagraph 6b using the specific surveillance business process. This is applicable to the Air Transportation Oversight System (ATOS), the Safety Assurance System (SAS), and the Program Tracking and Reporting Subsystem (PTRS). After completing the data collection and recording it in the appropriate automation, send an email to the Regulatory Support Division, Aviation Data Systems Branch (AFS-620), advising that the recorded operator's "N8900279" surveillance data is available for review in the specific database. In the email to AFS-620, identify where the data may be found: (1) ATOS, include Dynamic Observation Report (DOR) ID number; (2) SAS, include DOR ID number (found in the "reports" feature); or (3) PTRS, include record number. The POI or delegated inspector should use the following procedures for the appropriate surveillance system:

a. ATOS. Part 121 offices that have not transitioned to SAS must use an ATOS "Other DOR" for data recording. The inspector must:

(1) Open a "Create Other DOR" from the ATOS home page.

(2) Fill in the appropriate blocks and insert "N8900279" (without quotes) in the "Local/Regional/National Use" block.

(3) Insert free text answers in the comments text block to the Pilot Records Retention Questions (see subparagraph 7d).

(a) Below is an example of what you might enter in the free text field:

- Operator's manual system includes procedures to retain pilot records in accordance with the PRIA.
- Checked 50% of records for 121, no discrepancies.

Note: Limit answers to fewer than 1000 characters including spaces and punctuation.

(b) A finding of noncompliance requires comments in the "Reporting Inspector Action Taken" text block and may require followup action.

(4) Select the "Save Final" button.

(5) Send email to AFS-620, and include DOR ID number.

b. SAS. Part 121 and 135 offices that have transitioned to SAS must use the SAS DOR for data recording. The inspector must:

- (1) Select “Dynamic Observation Report (DOR)” from the flyout menu.
- (2) Select his or her operator from the “CH/A Name/Designator” text field drop-down menu.
- (3) Insert “N8900279 Surveillance” (without quotes) in the “DOR Name” text field.
- (4) Place a checkmark in the “No Applicable Questions” check field.
- (5) Select “2.0” from the MLF drop-down.
- (6) Insert free text answers to the Pilot Records Retention Questions in the “Insert Comments” field (see subparagraph 7d).
 - (a) Below is an example of what you might enter in the free text field:
 - Operator’s manual system includes procedures to retain pilot records in accordance with the PRIA.
 - Checked (50% of records for 121 OR 10% of records for 135), no discrepancies.
 - (b) A finding of noncompliance may require followup action.
- (7) Select the “Complete DOR” button.
- (8) When “Common Data Fields” window opens, complete the required fields, “Start date,” “End Date,” and “Location,” as well as inputting “N8900279” (without quotes) in “Local/Regional/National” text field. Then click on “Save.”
- (9) Skip the “Perform DCT” and “Check DCT” tabs.
- (10) Select the “Submit DCT” tab. Place a checkmark in the check field next to the “DCT Due Date” (this activates the “Submit for Data Quality Review” button). Select the “Submit for Data Quality Review” button.
- (11) Send email to AFS-620, and include DOR ID number.

c. PTRS. Part 125 and 135 offices that use PTRS will record their data in accordance with the National Program Guidelines (NPG) requirements. The inspector must:

- (1) Open a PTRS record in the Enhanced Flight Standards Automation System (eFSAS) using PTRS activity code 1620 and complete all required and any optional fields, and insert answers to the Pilot Records Retention Questions (see subparagraph 7d).

(a) Below is an example of what you might enter in the free text field:

- Operator's manual system includes procedures to retain pilot records in accordance with the PRIA.
- Checked 10% of records, no discrepancies.

(b) A finding of noncompliance may require followup action.

(2) Enter "N8900279" in the "National Use" field (without quotes).

(3) Close the PTRS record.

(4) Send email to AFS-620, and include PTRS record number.

d. Pilot Record Retention Questions. These are to be answered and recorded in ATOS, SAS, or PTRS as appropriate:

(1) Do procedures in the operator's manual system specify that the operator must retain records for flightcrew members in accordance with the Pilot Records Improvement Act (PRIA)?

Note: Operator retains records for flightcrew members from August 1, 2005, in accordance with the PRD provision in 49 U.S.C § 44703(h)(16)(i)(4)(B)(ii)(II).

(2) In accordance with the requirements of the Pilot Records Improvement Act (PRIA), did the operator retain records for flightcrew members?

Note: Operator retained records for flightcrew members from August 1, 2005, in accordance with the PRD provision in 49 U.S.C § 44703(h)(16)(i)(4)(B)(ii)(II).

e. References. Supplemental information to support inspector preparation for data collection (current editions):

(1) Regulatory Requirements:

- Section 121.683, Crewmember and dispatcher record.
- Section 120.111(a), Administrative and other matters.
- Section 120.219(a), Handling of test results, record retention, and confidentiality.
- Section 125.401, Crewmember record.
- Section 135.63, Recordkeeping requirements.
- Title 49 U.S.C § 44703.

(2) FAA Policy/Guidance:

- FAA Order 8000.88, PRIA Guidance for FAA Inspectors.
- AC 120-68, Pilot Records Improvement Act of 1996.

8. Disposition. We will incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct data and questions concerning the information in this notice to Brad Palmer in AFS-620 at (202) 267-7739 or bradley.palmer@faa.gov.

A handwritten signature in black ink, appearing to read "John Barbagallo". The signature is stylized with a large initial "J" and "B".

John Barbagallo
Acting Deputy Director, Flight Standards Service