

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.86

National Policy

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8/9/09

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8/9/10

SUBJ: Reexamination of Airmen Tested by Designated Mechanic Examiner Bryan Tobias

1. Purpose of This Notice. This notice provides guidance to Federal Aviation Administration (FAA) aviation safety inspectors (ASI) on program policies and procedures for reexamining individuals holding mechanic certificates with airframe and/or powerplant ratings, who were tested by Designated Mechanic Examiner (DME) Bryan Tobias of San Antonio, Texas. The reexamination will ensure that these individuals meet the standards of Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart D, to hold their certificates and/or ratings.

Note: This guidance is considered to be supplemental to FAA Orders and Federal Regulations.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) ASIs. 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 may find this information the FAA Web site at: <http://fsims.faa.gov>.

4. Authority. Title 49 of the United States Code (49 U.S.C.) § 44709 is the authority for the reexamination of a airframe and powerplant (A&P) mechanic. The law in part states, "The Administrator of the Federal Aviation Administration may . . . reexamine an airman holding a certificate issued under section 44703 of this title."

5. Purpose of the Reexamination. In the course of FAA surveillance and an investigation, interviews were conducted with numerous A&P mechanics who received temporary certificates from Bryan Tobias, and compelling evidence was obtained giving the FAA sufficient reason to doubt the adequacy of the tests these airmen received. The FAA has a reasonable basis to question whether certificate holders tested by Bryan Tobias possess the qualifications to hold their certificates. The FAA believes reexamination of airman competency of these persons is necessary to ensure safety.

6. Airmen That Will be Reexamined.

a. Tested by Bryan Tobias. All airmen that were tested by Bryan Tobias will be reexamined unless they have previously been successfully reexamined.

b. Assigned Outside the United States. Relief for U.S. military and civilian personnel who are assigned outside the United States in support of U.S. Armed Forces operations will be applied to airman requiring reexamination. The criteria for this relief will be the same as is offered in Special Federal Aviation Regulation (SFAR) 100 and includes the opportunity to complete reexamination within 6 calendar-months after returning to the United States.

7. Reexamination Process.

a. Test Procedure. The reexamination will cover the rating(s) that the airman received from Bryan Tobias. Certificates received outside Bryan Tobias are not subject to this reexamination. Airmen holding both ratings will be reexamined for competency of both ratings at the same time. The reexamination will consist of two tests: one knowledge test, and one oral test. The knowledge test will be computer-based and administered using the FAA Airman Knowledge Testing Program. The oral test will be given after successful completion of the knowledge test. An airman may voluntarily surrender one rating for cancellation and show competence for another; however, an airman may not request reexamination of both ratings at different times.

b. Knowledge Test. The knowledge test will consist of questions randomly selected from a pool of questions taken from the question banks used for the evaluation of applicants for a mechanic certificate. The content of a knowledge test will vary depending on the rating(s) being reexamined. The knowledge test will be composed in accordance with paragraph 12.

c. Oral Test. The oral test will consist of 5 questions randomly selected using the Technical Personnel Examiner (TPE) Oral Question Generator at <https://av-info.faa.gov/dsgreg/> for each test (General, Airframe, and Powerplant), as appropriate for the rating(s) being tested (i.e., 10 questions for a single airframe or powerplant rating, 15 questions for both ratings). The results of the oral test will be recorded on a test planning sheet in accordance with the current edition of chapter 6 of FAA Order 8900.2, General Aviation Airman Designee Handbook.

d. Scoring the Test. Each test is scored independently. A score of 70 percent correct answers or greater will be considered satisfactory. A score of less than 70 percent will be considered unsatisfactory. Unsatisfactory performance on any test will result in the preliminary determination that the airman does not possess the standards required of part 65, subpart D for the certificate/rating held. Chapter 5 of FAA Order 2150.3, Compliance and Enforcement Program, contains guidance concerning procedures that must be followed if the airman fails to establish qualifications to hold his or her certificate. The airman has the right to schedule a retest within a reasonable timeframe. The FAA has determined that 45 days from the date that the first test was taken is a reasonable timeframe. Airmen should be provided a minimum of 30 days to prepare, if desired, and be given scheduling priority to ensure the retest is accomplished within 45 days.

e. Reexamination Documentation. FAA Form 8610-2, Airman Certificate and/or Rating Application, will be used to document the reexamination. Order 8900.2 provides instructions on

completion of the form. FAA Order 8900.1, volume 5, chapter 7, Conduct a Reexamination Test of a Mechanic or an Inspection Authorization Under Title 49 of the United States Code, provides instructions to document a reexamination.

8. Information for the Public. Interested parties may access the following Web site for information regarding the reexamination process: <http://www.faa.gov/mechanics/retesting/>.

9. Test Locations. Reexaminations will be performed at the Flight Standards District Office (FSDO), International Field Office (IFO), Regional Office (RO), or other acceptable location. The appropriate location will be determined by the responsible regional point of contact (POC).

10. Test Proctors. The knowledge test, as well as administrative processing, will be performed by an FAA employee or person designated by the Administrator in accordance with this notice and FAA Order 8900.1, volume 5, chapter 7, section 3. A single proctor may administer knowledge tests to more than one airman at a time. The oral test proctor must hold a mechanic certificate with A&P ratings. An Airworthiness ASI will administer the oral test on an individual basis.

11. Bryan Tobias Reexamination Program Team.

a. Focal Point. The Southwest Region Technical Support Branch-General Aviation, ASW-230 is the focal point for this program. ASW-230 will notify airmen who are subject to the reexamination process.

b. POC. Each region will have an identified POC to oversee the reexamination program and appoint a reexamination team proportionate with the population and geographic locations of the airmen to be reexamined within their region. This team will perform reexaminations, and process records associated with the reexaminations. Additionally, each regional team will furnish qualified and assigned proctors to conduct testing.

12. Computer-Based Test Procedures.

a. Contact AFS-630. Each participating team member must contact the Airman Testing Standards Branch, AFS-630, via e-mail at: 9-AMC-AFS630-709@faa.gov. The sender will need to provide the following information:

- Proctor POC: Name, date of birth (D.O.B.), last four digits of Social Security Number (SSN), office address and designator (i.e., ASO-15), phone, e-mail. Recommendation is one proctor per participating FSDO/IFO (as established by the regional POC), with the exception of offices anticipating high test volume. In any case, there should be no more than three designated proctors.
- Number of Testing Stations. Recommendation is one testing station per participating office, with the exception of offices anticipating high test volume.
- Internet Protocol (IP) Addresses of Computer(s). (To be used for A&P mechanic reexaminations.) To obtain this information, access the Web site

'www.whatismyip.com' from each computer to be used for the A&P mechanic reexaminations.

b. Airman Knowledge Test Delivery (AKTD) System. The knowledge portion of the reexamination tests will be made available via the FAA's AKTD System. This customized system utilizes a bootable CD to prepare the computer for the testing process; no software is actually installed on the computer. Therefore, detailed setup and preparation instructions will be e-mailed to the proctor POC. Upon receipt of the e-mail, the proctor POC must e-mail AFS-630 at: 9-AMC-AFS630-709@faa.gov. The message should include a phone number where he or she may be contacted to arrange for an AKTD connectivity test and a brief system demonstration/training session.

c. Knowledge Test Categories. Three categories of knowledge tests will be available for administration:

(1) The Random Test General (RTG) – Consists of questions in the General, A&P Categories. It contains 60 questions and 2 hours are allotted to take the exam. A passing score is 70 percent. Re-examination for A&P Ratings requires the RTG Exam;

(2) The Random Test Airframe (RTA) – Consists of questions in the General & Airframe Categories. It contains 50 questions and 1.5 hours are allotted to take the exam. A passing score is 70 percent. Re-examination for the Airframe Rating only, requires the RTA Exam; and

(3) The Random Test Powerplant (RTP) – Consists of questions in the General & Powerplant Categories. It contains 50 questions and 1.5 hours are allotted to take the exam. A passing score is 70 percent. Re-examination for the Powerplant Rating only, requires the RTP Exam.

d. FAA-CT-8080-4E. A copy of FAA-CT-8080-4E, Computer Testing Supplement for Aviation Mechanic General, Powerplant, and Airframe; and Parachute Rigger, must be available at each testing station. The supplement is available (in PDF format) for viewing, download, and/or printing at: http://www.faa.gov/training_testing/testing/airmen/test_guides/media/faa-ct-8080-4e.pdf.

e. Knowledge Test Information. Additional information regarding knowledge test administration may be obtained by contacting AFS-630 at (405) 954-4151.

f. Study Guides. Study guides for these exams are available at: <http://www.faa.gov/mechanics/retesting/>.

g. TPE Oral Question Generator. Each participating team member must contact the Designee Standardization Branch, AFS-640, to request access to the web-based TPE Oral Question Generator as follows:

- Access the designee registration website: <https://av-info.faa.gov/DsgReg/default.aspx>. Select "Create a User Profile" from the menu. Record the user ID and password and keep it safe.

- Send an e-mail directly to AFS-640, richard.j.fletcher@faa.gov and roger.d.webb@faa.gov, requesting access to the TPE Oral Question Generator.
- Once your request has been verified, you will be notified via e-mail that you have been given access to the system. The e-mail will contain additional instruction for gaining access.

h. Oral Test Information. Additional information regarding the oral test administration may be obtained by contacting AFS-640 at (405) 954-6485.

13. Airmen Notification. Airmen requiring reexamination will be notified via mail by the ASW-230 focal point. ASW-230 will print and mail two copies of the notification letter via U.S. Postal Service to each airman. One copy will be sent certified/return receipt requested (proof of service) or Registered mail for international addresses, and the other by regular mail to the airman's address of record obtained from the FAA's Civil Aviation Registry. The letter will advise the airman of the decision to reexamine and require the airman to contact the regional POC (referenced in their notification letter) within 15 business days of receipt of the letter to schedule a reexamination.

14. FAA Actions. Each regional team POC will receive a copy of all letters applicable to their region. Upon receipt of the notification letter from ASW-230, the regional team (most likely a team member in the office conducting the re-examination) must initiate an entry into the Program Tracking and Reporting Subsystem (PTRS), (see paragraph 20) for each airman.

15. Failure to Contact the FSDO/IFO.

a. Proof of Service. If the airman does not contact the region within 30 days of the date of the reexamination letter, the regional POC should contact the ASW-230 focal point to determine whether there is "proof of service" on the airmen. Once confirmation of "proof of service" has been established and the airman has failed to schedule a reexamination as required in the letter, the FSDO/IFO will refer the airman's files to the regional counsel office to initiate legal enforcement action, in accordance with Order 2150.3 and Order 8900.1, volume 7, chapter 7, Conduct Violation Investigation. Because letters of notification sent by regular mail are forwarded if an address change is on file with the U.S. Postal Service, lack of return of the general delivery letter provides a presumption that the letter was received.

b. Incorrect Contact Information. For airmen that ASW-230 is unable to contact (i.e., both letters are returned undeliverable), the ASW-230 focal point will notify FAA Internal Security of incorrect information in the FAA Civil Aviation Registry and request assistance.

16. Scheduling a Reexamination. The regional reexamination team, when contacted by the airman, will allow the airman to choose from available dates and times to schedule the reexamination. Reexaminations will begin on September 1, 2009, and must be completed by September 1, 2010. Reexaminations should be scheduled at least 30 days from the date the airman contacts the region to provide adequate time for the airmen to prepare. Earlier testing is acceptable if the airman requests it and the team can accommodate it. It is highly recommended

that whenever possible, the testing be scheduled during normal business hours, central time zone, in case assistance is needed from AFS-630 or AFS-640.

17. Failure to Test by September 1, 2010.

a. Retesting. Initial testing must be completed prior to September 1, 2010. An airman that has requested retesting using the procedures described in this notice must complete retesting within 45 days of initial failure.

b. Emergency Legal Enforcement Action. The FSDO/IFO will refer the files of airmen who have not completed initial testing by September 1, 2010, to the regional counsel office to initiate emergency legal enforcement action, in accordance with the current editions of FAA Order 2150.3, Compliance and Enforcement Program and FAA Order 8900.1, volume 7, chapter 7. Airmen may be exempted from the September 1, 2010 deadline as per paragraph 6b of this notice, or approved specific consideration of circumstance (sickness/hardship) by ASW-230.

18. Successful Completion of the Reexamination.

a. Airman's Certificate. After successfully completing the reexamination, the airman's certificate will be returned, if in the possession of the FAA, and the airman will be provided with an official letter of successful completion of reexamination, closing this matter.

b. FAA Form 8610-2. The FAA Inspector's Report on the back of Form 8610-2 will be used to document the reexamination. Specific instructions for completion of the Form 8610-2 can be found in FAA Order 8900.1, volume 5, chapter 7, section 3.

19. Reexamination Failure Actions.

a. Alternatives. If the airman's performance was unsatisfactory, there are two alternatives. An airman who offers to surrender his or her certificate for cancellation will be provided a statement to sign for recording voluntary surrender for cancellation. The airman may voluntarily surrender his or her certificate for cancellation; alternatively, the airman may put his or her certificate on deposit and request a retest as detailed in the current edition of Order 2150.3. If the airman declines both alternatives, an FAA inspector will inform the airman that legal enforcement action will be initiated to revoke the certificate.

b. Refusal to Surrender Certificate. An airman who does not surrender his or her certificate for cancellation and does not place the certificate on deposit will be provided with a statement of unsatisfactory performance and a statement that legal enforcement action will be initiated. See Order 2150.3 and Order 8900.1, volume 7, chapter 7 for details concerning legal enforcement action. Letters will be sent to the airman's address on record.

20. Required PTRS Entries.

a. PTRS Updates. It is imperative that the PTRS be updated in a timely manner. The ASW-230 focal point and other key program personnel will be using the information recorded in the PTRS to monitor and administer the reexamination program. All entries will include activity

code 3532 or 5532, National Use Code “DMETOBIAAS” (without quotes, no spaces), airman Cert number (or precert), airman name, and LOC/Departure Point (location of reexamination).

Note: PTRS records should be returned to the server after entries are made and must not be retained in a “checked out status” since this would prevent access by program personnel.

b. PTRS Entries. Inspectors conducting the reexamination will make the PTRS entries described below.

(1) Response from airman concerning scheduling of reexamination:

- Status = “P”.
- Call up date = Date reexam is scheduled for.

(2) Result of satisfactory reexamination:

- Pass/Fail = “P”.
- Tracking = date of test (mmddyy) no punctuation or spacing.

(3) Result of unsatisfactory reexamination:

- Passs/Fail = “F”.
- Miscellaneous = “SURRENDER”, “DEPOSIT”, or “ENFORCEMENT”.
- Tracking = date of failure (mmddyy) no punctuation or spacing.
- If certificate is put on deposit, Callup date = date retest is scheduled for.

21. Labor Distribution Reporting (LDR) Code. Use LDR code “12XXFA AIRMEN PT3532” or “12XXFA AIRMEN PT5532” when reporting time working on this project.

22. Disposition. We will not incorporate this information in FSIMS before this notice expires. Direct your questions or comments concerning this notice to Jackie Black, the ASW-230 focal point for this program. He may be reached at (817) 222-5249 or by e-mail at 9-AFS-TOBIAS-RETEST-ASW/ASW/FAA. Information is also available on the FAA Web site at: <http://www.faa.gov/mechanics/retesting/>.

ORIGINAL SIGNED by
John M. Allen
Director, Flight Standards Service