VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 2 EXEMPTIONS, DEVIATIONS, WAIVERS, AND AUTHORIZATIONS

Section 1 Exemptions, Deviations, Waivers, and Authorizations

3-26 GENERAL EXEMPTION GUIDANCE. The granting of an exemption is generally viewed as an alternative method of complying with a regulatory requirement. Exemptions are transmitted under Title 14 of the Code of Federal Regulations (14 CFR) part 11. A grant of exemption and each specific condition and limitation is a regulatory requirement. A petition for exemption may be submitted to the Federal Aviation Administration (FAA) by any interested person. In accordance with part 11, § 11.83, persons who desire to use an exemption outside the United States must specifically request this condition when petitioning for the exemption. Such a petition must include the reason(s) why a person desires to use the exemption outside of the United States. If no reason is provided in the petition, the FAA will limit the exemption for use within the United States. Before the FAA extends an exemption for use outside the United States, it must verify that the exemption would be in compliance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices (ISARP). If it would not be in compliance, but the FAA still believes it would be in the public interest to allow the petitioner to do so, the FAA will file a difference with ICAO. However, a foreign country still may not allow a person to operate in that country without meeting the ICAO Standard.

> NOTE: Some exemptions have been granted to an organization of certificate holders (such as Airlines for America (A4A)), instead of to an individual certificate holder. A certificate holder requesting use of an exemption that has been granted to an organization is not required to submit a separate petition. The appropriate principal inspector (PI) may review the request to verify if the certificate holder meets the criteria stated in the exemption granted to the organization. If the certificate holder meets the criteria and has the necessary policies and procedures to comply with the conditions and limitations stated in the exemption, the PI may approve use of the exemption by amending operations specification (OpSpec)/management specification (MSpec)/training specification (TSpec)/letter of authorization (LOA) A005, Exemptions and Deviations.

3-27 PETITIONS FOR RULEMAKING OR EXEMPTIONS. Section 11.63 prescribes the procedures for filing a petition for rulemaking and for requesting an exemption from an existing rule. Section 11.81 specifies the information that must be included in the petition or request for exemption.

A. Who May Apply. Any interested person may petition the Administrator to issue, amend, or repeal a rule. Any person may also request a temporary or permanent exemption from any rule issued by the FAA.

B. Rules for Which Exemptions are Inappropriate. Normally, the FAA does not issue exemptions from rules in which deviation authority is specifically provided. For example, 14 CFR part 91, § 91.903 provides that a Certificate of Waiver authorizing the operation of an

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aircraft in deviation of part 91 subpart B may be issued if the Administrator finds that the proposed operation can be safely conducted under the terms of the waiver.

C. Supporting Information. The FAA issues exemptions only upon a finding that such action will be in the public interest. In providing the required supporting information, the petitioner should give particular attention to the reason why granting the request will be in the public interest.

3-28 CONTENT OF PETITION. Each petition for an exemption should contain the following:

- The rule requirement from which exemption is sought;
- The nature and extent of the requested regulatory relief;
- A description of each person or aircraft to be covered by the exemption;
- Any information, views, or arguments to support the action sought;
- The reasons why a grant of exemption would be in the public interest; and
- The action to be taken by the petitioner to provide a level of safety equivalent to that provided by the rule from which exemption is sought or the reason why a grant of exemption would not adversely affect public safety.

3-29 PREPARATION AND MAILING OF PETITION. Each petition should be submitted to the FAA at least 120 days before the proposed effective date of the requested exemption. Part 11 specifies the address for the proper FAA action office based on the subject of the petition. Serious consideration should be given to items listed in § 11.81 by the prospective petitioner before the petition is written. Frivolous or ill prepared petitions are rejected and both the petitioner's and the FAA's resources are unproductively used in the rejection process. Petitions are frequently rejected because the petitioner failed to identify and explain the reasons why a grant of exemption would be in the public interest. The petitioner's interest is not necessarily considered to be in the public interest. A petitioner's statement that a grant of exemption would be in the public interest because it would reduce the petitioner's operating costs is not acceptable and is a reason for FAA rejection of the petition. Each petition for exemption should be well conceived and in writing.

3-30 PROCESSING THE PETITION. During processing, it is imperative that FAA personnel with knowledge of the petition do not discuss the FAA's decision until the decision document has been signed. A summary of each petition for exemption is normally published in the Federal Register (FR), and the public may submit comments to the FAA-assigned public docket. After the close of the public comment period, the FAA action office considers all comments received and decides whether to accept or deny the petition. The decision document is then prepared, coordinated, signed, and mailed to the petitioner.

3-31 DISTRIBUTION AND AVAILABILITY OF EXEMPTIONS. Each document is placed in the archives of the FAA's computer system located at the Aviation Data Systems Branch (AFS-620), may be accessed through the Automated Exemption System (AES), and is uploaded to the Federal Docket Management System (FDMS). Access to this system may be obtained by contacting the program manager at each regional headquarters (HQ) and is available via http://aes.faa.gov. A grant of exemption normally contains conditions and limitations

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applicable to the grantee and is valid for 2 years. Some grants of exemption, however, may be valid for only a few months (for example, delayed compliance with an aircraft modification due to the non-availability of parts).

3-32 AMENDMENT OF OPSPECS. The OpSpecs for an operator that is granted an exemption are amended to show that the certificate holder is authorized to use the exemption in conducting operations (see OpSpec A005).

3-33 AMENDMENT OF MSPECS. The MSpec for a fractional ownership program manager granted an exemption are amended to show that the program manager is authorized to use the exemption in conducting flights (see MSpec A005).

3-34 PETITION FOR RECONSIDERATION. A petitioner who is denied an exemption may petition the FAA Administrator for reconsideration within 60 days after being notified of the denial of exemption. The petitioner's request for reconsideration of its petition must be based on the existence of one or more of the following:

- A finding of a material fact that is erroneous;
- A necessary legal conclusion that is without governing precedent or is a departure from or contrary to law, FAA rules, or precedent; and
- An additional fact relevant to the decision that was not presented in the initial petition for exemption. (The petition for reconsideration must state the reason the additional fact was not presented in the initial petition.)

3-35 PROCESSING A PETITION FOR RECONSIDERATION. A summary of a petition for reconsideration of a grant or denial of exemption may be published in the FR. If accomplished, a reasonable period for public comment is announced in the summary. In either event (with or without publication in the FR) the FAA action office prepares and coordinates the decision document. If a grant or partial grant of exemption is issued, the document is signed by the FAA official who has been delegated such authority and responsibility in part 11. If a denial of petition for reconsideration is prepared and coordinated, the FAA Administrator signs the decision document. Copies of the grant, partial grant, or denial of petition for reconsideration are mailed to the petitioner and placed in archives and the FDMS as previously discussed. If the petitioner disagrees with the FAA Administrator's decision, the petitioner may institute legal action within the Federal Appeals Court system.

3-36 DEVIATIONS, WAIVERS, AND AUTHORIZATIONS. Certain 14 CFR sections allow the Administrator to issue a Certificate of Waiver, a Certificate of Authorization, OpSpecs, or MSpecs, which authorize a deviation. These actions permit a person or an organization to either deviate from a specific regulation or comply with special alternative provisions, conditions, or limitations. This regulatory flexibility is available to the Administrator when the specific regulatory section stipulates that it is available. There are three options available, which are referred to as follows:

A. Deviation. When a regulatory section contains phrases such as "unless otherwise authorized by the Administrator," "the Administrator may," "if the Administrator finds," "the Administrator may authorize," "the Administrator allows a deviation," "notwithstanding the

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Administrator may issue operations specifications," or other similar wording, the regulatory flexibility is referred to as a deviation.

B. Waiver. When the regulatory section contains phrases such as "the Administrator may issue a certificate of waiver," "in accordance with the terms of a certificate of waiver issued by the Administrator," or other similar wording, the regulatory flexibility is referred to as a waiver.

C. Authorization. When the regulatory section contains words such as "in violation of the terms of an authorization issued under this section," "unless a certificate of authorization," or other similar wording, the regulatory flexibility is referred to as an authorization.

NOTE: If the specific regulatory section does not stipulate that a deviation, waiver, or authorization may be granted or issued, compliance with the regulation is mandatory. In these cases, the only method of obtaining relief from the regulation is through the exemption process.

3-37 WAIVERS AND AUTHORIZATIONS. When a regulatory section stipulates that a waiver or authorization is permitted, any person may apply for a Certificate of Waiver or a Certificate of Authorization. FAA Form 7711-2, Application for Certificate of Waiver or Authorization, must be prepared and signed by the applicant and delivered or mailed to the appropriate FAA regional or district office for processing (see Figure 3-2, Application for Certificate of Waiver or Authorization, for an example of FAA Form 7711-2).

A. The Assigned Inspector. The application must be processed in a timely manner. The assigned inspector must review the application, obtain appropriate additional information from the applicant, if necessary, and determine whether the applicant has provided adequate justification for a waiver or authorization. The inspector must also determine whether the applicant will provide an equivalent level of public safety during the conduct of any operation under a Certificate of Waiver or Authorization. If the application is denied, the reasons for denial must be specified in a letter to the applicant. If the waiver or authorization is granted, the inspector must prepare FAA Form 7711-1, Certificate of Waiver or Authorization, (see Figure 3-3, Certificate of Waiver or Authorization) for review by the authorizing FAA manager or the manager's designated representative. The completed Certificate of Waiver or Authorization, dated and signed by the responsible FAA manager, will be mailed or delivered to the applicant. A copy of the application for a Certificate of Waiver or Authorization, both front and back, and a copy of the completed Certificate of Waiver or Authorization must be retained in the files of the issuing office.

B. Certificate of Waiver or Authorization. A Certificate of Waiver or Authorization must not be issued for any operation conducted under 14 CFR part 121, 125, 129, or 135. Requests for a deviation from these parts must be requested and processed in accordance with the following paragraphs. Request for deviation or waiver from 14 CFR part 142 must be processed in accordance with Volume 3, Chapter 54, Section 4.

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Figure 3-2. Application for Certificate of Waiver or Authorization

No certificate may be issued unless a completed application form has been received (14 C.F.R. 91. 101. and 105).

US Department of Transportation
Federal Aviation Administration

APPLICATION FOR CERTIFICATE OF WAIVER OR AUTHORIZATION

From Approved: O.M.B. No.2120-0027 08/31/2008

APPLICANTS - DO NOT USE THESE SPACES

Region	Date

Action
☐ Approved ☐ Disapproved – *"Explain under "Remarks"*

Signature of authorized FAA representative

INSTRUCTIONS

Submit this application in triplicate (3) to any FAA Flight Standards district office.

Applicants requesting a Certificate of Waiver or Authorization for an aviation event must complete all the applicable items on this form and attach a properly marked 7.5 series Topographic Quadrangle Map(s), published by the U.S. Geological Survey (scale 1:24,000), of the proposed operating area. The map(s) must include scale depictions of the flightlines, showlines, race courses, and the location of the air event control point, Police dispatch, ambulance, and fire fighting equipment. The applicant may also wish to submit photographs and scale diagrams as supplemental material to assist in the FAA's evaluation of a particular site. Application for a Certificate of Waiver or Authorization must be submitted 45 days prior to the requested date of the event.

Applicants requesting a Certificate of Waiver or Authorization for activities other than an aviation event will complete items 1 through 10 only and the certification, item 17, on the reverse.

1. Name of organization	2. Name of responsible person

3. Permanent mailing address	House number and street or route number	City	State and ZIP code	Telephone No.

4. State whether the applicant or any of its principal officers/owners has an application for waiver pending at any other office of the FAA.

5. State whether the applicant or any of its principal officers owners has ever had its application for waiver denied, or whether the FAA has ever withdrawn a waiver from the applicant or any of its principal officers/owners.

6. FAR section and number to be waived

7. Detailed description of proposed operation *(Attach supplement if needed)*

8. Area of operation *(Location, altitudes, etc.)*

9a. Beginning *(Date and hour)*	b. Ending *(Date and hour)*

10. Aircraft make and model (a)	Pilot's Name (b)	Certificate number and rating (c)	Home address (Street, City, State) (d)

FAA Form 7711 -2 (8-08) Supersedes Previous Edition

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Figure 3-2. Application for Certificate of Waiver or Authorization (Continued)

▶ ***ITEMS 11 THROUGH 16 TO BE FILLED OUT FOR AIR SHOW/AIR RACE WAIVER REQUESTS ONLY.***

11. The air event will be sponsored by:

12. Permanent mailing address	House number and street or route number	City	State and ZIP code	Telephone No.

13. Policing *(Describe provisions to be made for policing the event.)*

14. Emergency facilities *(Mark all that will be available at time and place of air event.)*

☐ Physician ☐ Fire truck ☐ Other - Specify _____

☐ Ambulance ☐ Crash wagon _____

15. Air Traffic control *(Describe method of controlling traffic, including provision for arrival and departure of scheduled aircraft.)*

16. Schedule of Events *(include arrival and departure of scheduled aircraft and other periods the airport maybe open.)*

Hour (a)	Date (b)	Event (c)

If sufficient space is not available, the entire schedule of events may be submitted on separate sheets, in the order and manner indicated above.

Please Read > The undersigned applicant accepts full responsibility for the strict observance of the terms of the Certificate of Waiver or Authorization, and understands that the authorization contained in such certificate will be strictly limited to the above described operation.

17. Certification - I CERTIFY that the foregoing statements are true.

Date	Signature of Applicant

Remarks

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Figure 3-3. Certificate of Waiver or Authorization

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO

ADDRESS

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE.—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance

SPECIAL PROVISIONS

Special Provisions Nos. _____ to _____, inclusive, are set forth on the reverse side hereof.

This certificate is effective from _____ to _____, inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

_____ (Region)

_____ (Signature)

_____ (Date)

_____ (Title)

FAA Form 7711-1 (7-74)

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3-38 DEVIATIONS. When a regulatory section stipulates that a deviation is permitted, any person or organization may apply for a deviation. Deviations may be granted and issued to operators conducting operations under part 121, 129, or 135, to program managers under 14 CFR part 91K, or to training centers under part 142. To apply for a deviation, an operator must submit a specific request to the FAA. The application must be made by a letter that identifies the specific regulatory sections from which a deviation is requested. The letter and attachments, if appropriate, must contain the specific reasons the deviation is requested, information to show that an equivalent level of safety will be maintained, and any other information that the FAA may require. The types of information that must be submitted with the request for a deviation are described in other sections of this order that relate to the specific subject matter. Unless otherwise specified by this order, deviations requested by operators conducting operations under parts 121, 129, and 135 must be authorized for use by OpSpecs. Program managers under part 91K should be authorized to use deviations through their MSpecs. Part 142 training centers must be authorized to use deviations by TSpecs. Approval, denial, and reconsideration procedures for processing deviation requests must be the same as the procedures for processing, issuing, or amending OpSpecs or MSpecs. District office recordkeeping requirements for each deviation are the same as OpSpec or MSpec recordkeeping requirements.

3-39 DEVIATIONS FOR MILITARY CONTRACT OPERATIONS.

A. Title 49 of the United States Code (49 U.S.C.). Title 49 U.S.C. § 40118 (formerly § 1117 of the Federal Aviation Act of 1958 (FA Act)) provides for the air transportation of government financed passengers and property. Title 49 U.S.C. § 40118 also permits the use of a foreign operator pursuant to the Bilateral Agreement (BA) with the state of the foreign air carrier.

1) Normally, the transportation of government financed persons and property must be provided by air carrier certificate holders authorized to operate under part 121 or 135. However, 14 CFR part 119, § 119.55 permits the Administrator to authorize deviations from the applicable requirements of part 119, 121, or 135, when necessary, so that operators may perform certain unique civil aircraft operations under a military contract. These requests for deviation (application to amend OpSpecs), including the Department of Defense's (DOD) (or delegated command's) written certifications required by § 119.55(c)(1) and (2), must be submitted by the operator to its certificate holding district office (CHDO) for review and analysis. The CHDO will forward its recommendation for action on the deviation request to the manager of the Air Transportation Division (AFS-200) or the Aircraft Maintenance Division (AFS-300), as appropriate. If the manager of AFS-200 or AFS-300 concurs with the CHDO's recommendation to grant a deviation from applicable regulations, the applicable division staff will provide suggested language to the Technical Programs Branch (AFS-260) for the development of the OpSpecs to be issued to the operator by its CHDO.

2) A part 121 or 135 operator who has contract obligations to conduct civil aircraft operations under a large scale DOD contingency plan, such as activation of the Civil Reserve Air Fleet (CRAF), managed by Air Mobility Command (AMC), must arrange for AMC to submit an application for deviation (application to amend the OpSpecs) on its behalf. The operators' requests for deviation must be submitted to the following address with an information copy to their respective CHDOs:

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Department of Defense Commercial Airlift Division
HQ AMC/A3B
402 Scott Drive, Unit 3A1
Scott AFB, IL 62225-5302
Telephone: 618-229-4801
Fax: 618-256-5937
Email: AMC-A3B@scott.af.mil

3) If AMC elects to request such relief on behalf of its contract carriers, it will submit an application in accordance with § 119.55, on behalf of all affected operators, directly to the AFS-200 manager. If applicable, AFS-200 will provide a copy of the application to AFS-300 for appropriate action. If the manager of AFS-200 or AFS-300 concurs with AMC's recommendation for deviation(s) from applicable regulations on behalf of its contact carriers, the applicable division staff will provide suggested language to AFS-260 for the development of the OpSpec(s) to be issued to each operator by its CHDO.

NOTE: Article 3 of the Chicago Convention provides that it only applies to civil aircraft operations, and not to state aircraft operations. An aircraft that qualifies as a public aircraft when operating within the territory of the United States does not necessarily qualify as a state aircraft when operating outside the United States. Designation as a state aircraft requires action by the U.S. Department of State (DOS). Therefore, operations as a public aircraft for the U.S. military may only be conducted within the territory of the United States. For international operations, the DOD may, in its sole discretion, arrange with the DOS for certain operations to be designated as state aircraft operations. Such a designation requires the DOS to obtain diplomatic clearances from the various foreign countries where the operations will occur and issue special regulations for the conduct of those operations internationally. In most situations, the DOD will consider seeking a designation as a state aircraft for one of its contract operations to be neither practical nor desirable.

B. Amendment of OpSpecs. If the application for deviation is approved, AFS-260 will provide an OpSpec authorizing the deviation to the applicant's CHDO. The CHDO must issue the amended OpSpec to the operator. The amendment must contain an expiration date consistent with the duration of the specific military operation. The operator must be advised, however, that the Administrator may, at any time, terminate the grant of deviation authority covered by the amended OpSpec.

3-40 DEVIATION TO PERFORM AN EMERGENCY OPERATION.

A. Emergency Operations. Section 119.57 specifies requirements for obtaining deviation authority to perform an emergency operation. The term "emergency operation" means an immediate but temporary action to prevent or reduce the loss of life or property when an unanticipated threat to life or property occurs. Operations under a long-term contract to provide certain types of protection (such as rescue, firefighting, or security) to the public cannot be classified as an unanticipated, temporary action. An "emergency operation" under § 119.57 is not

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related to the pilot-in-command (PIC) responsibility and authority (emergency authority) provided in § 91.3.

B. Emergency Verbal Amendment of OpSpecs in Accordance with § 119.57(b)(2)(i). The nature of an emergency dictates whether a verbal amendment to a certificate holder's OpSpecs is justified. An amendment to the OpSpecs may include updating an existing OpSpec or issuing a time limited, temporary OpSpec to address the emergency. The manager of the CHDO (including certificate management offices (CMO) and Flight Standards District Offices (FSDO)) is responsible for making the determination as to whether or not a particular situation constitutes an emergency and whether or not an emergency is significant enough to warrant an emergency amendment to a certificate holder's OpSpecs. If warranted, the CHDO must obtain approval from AFS-200 to issue the emergency amendment.

1) Obtaining Approval from AFS-200 to Issue the Emergency Amendment. The CHDO manager will contact AFS-200 through the regional Flight Standards division (RFSD) manager to obtain authorization to issue the emergency amendment. If the RFSD is not available and time does not permit delay, the CHDO will contact AFS-200 directly. If the emergency occurs after normal business hours and AFS-200 is not accessible through normal channels, the CHDO will contact the Washington Operations Center Complex (WOCC) (AEO-100) directly by calling 202-267-3333, stating the nature of the emergency and asking to be put in contact with the AFS-200 division manager. If the AFS-200 division manager (or his or her delegate) determines the level of emergency warrants an emergency amendment to OpSpec, he or she will provide verbal authorization (under the Administrator's authority) to the CHDO to issue the amendment. The AFS-200 division manager will ensure that all necessary agency coordination occurs in conjunction with the emergency. In the highly unlikely event that the CHDO is unable to communicate with AFS-200 through the WOCC or by any other means, and a threat to life or loss of property is imminent, the CHDO may issue an emergency amendment to the certificate holder's OpSpec verbally, without obtaining prior approval from AFS-200, provided the authorization is justifiable, applicable only to a specific emergency operation, and for a very limited period of time. In such rare cases, the CHDO must make positive contact with AFS-200 as soon as possible after issuing the emergency verbal amendment.

2) If a Certificate Holder Contacts AFS-200 Directly. AFS-200 will coordinate with the CHDO as soon as practicable if a certificate holder contacts AFS-200 directly requesting an emergency verbal OpSpec amendment.

3) Issuing the Emergency Amendment in the Automated Operations Safety System (OPSS). The CHDO will follow up an emergency verbal OpSpec amendment by entering that amendment electronically into the Web-based Operations Safety System (WebOPSS). The certificate holder's PI will enter the emergency amendment into the appropriate OpSpec template (based on the nature of the emergency). The effective date of the amended OpSpec should match the date the emergency verbal amendment was issued. PIs will enter the title of the AFS-200 point of contact (POC) that authorized the emergency verbal amendment, along with the date the CHDO received the authorization, into the nonstandard/optional text field (Text 99). If the PI is unable to determine which OpSpec template to enter the information into, he or she will contact AFS-260 for further advice.

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4) Certificate Holder Notification to the FAA. In accordance with the requirements of § 119.57(b)(2)(ii), certificate holders must provide documentation describing the nature of the emergency to the CHDO within 24 hours after completing the operation.

3-41 ADMISSION TO THE FLIGHT DECK—GENERAL. The general purpose of part 121, § 121.547 is to set forth who may be admitted to the flight deck of any aircraft used in part 121 operations. Section 121.547(a) and (b) apply to all part 121 operators and are admission to the flight deck requirements. Section 121.583 allows all-cargo operators to carry certain persons without complying with the passenger requirements in § 121.547(c). These persons must fit into at least one of the categories specified in § 121.583(a)(1) through (8) and are not authorized access to the flight deck. In addition, to carry these persons, a flight deck door must be installed on the all-cargo aircraft according to FAA legal interpretations dated July 17, 2001, and April 2, 2002. See paragraph 3-44 for more information. Due to the events of September 11, 2001, the prevalent decisionmaking philosophy regarding flight deck access is one of a restrictive nature. The FAA must be judicious when determining which persons qualify for flight deck access. Individuals seeking access to the flight deck must also meet certain physical, cognitive, and language capabilities (see paragraph 3-42).

A. Authorized Access. Under § 121.547, those who may access the flight deck include:

1) A crewmember.

2) An FAA aviation safety inspector (ASI) (in possession of FAA Form 110A, Aviation Safety Inspector's Credentials, issued to them in accordance with FAA Order 8000.38, Aviation Safety Inspector Credentials Program, as amended).

3) An authorized representative of the National Transportation Safety Board (NTSB).

4) A DOD Commercial Air Carrier Evaluator (must be issued a Survey and Analysis (S&A) Form 110B, DOD Commercial Air Carrier Evaluator's Credential).

5) Those individuals who are authorized by all of the following:

a) The PIC. The PIC must follow the approved company processes and procedures described in the manual required by § 121.133.

NOTE: Sections 91.3 and 121.547(a)(4) provide the PIC with final authority regarding the operation of the aircraft and, as such, may exclude any person from the flight deck in the interest of safety.

b) An appropriate management official of the part 119 certificate holder. The management official must follow the approved company processes and procedures described in the manual required by § 121.133.

c) The FAA Administrator. The Administrator may delegate this authority to AFS-200 or to the principal operations inspectors (POI) as specified in Table 3-0, Compliance Table: Admission to Flight Deck. The Administrator approves access to the flight deck by either:

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1. Issuing FAA Form 8430-6, Admission to Flight Deck (see paragraph 3-45).

2. Reviewing the air carrier(s)'s manuals (to determine that the air carrier(s)'s procedures are not contrary to § 121.547) and, for air carriers desiring to admit eligible employees of other part 119 certificate holders, issuing OpSpec A048, subject to its requirements (see Volume 3, Chapter 18, Section 3, OpSpec A048).

B. Assessing Non-Authorized Personnel. See Table 3-0 and paragraph 3-44 for additional guidance in assessing whether an individual is authorized access to the flight deck. Table 3-0 also contains guidance regarding § 121.547(c) (seat availability requirements in the passenger compartment).

C. Further Restrictions. Table 3-0 summarizes § 121.547 and the discussions concerning flight deck access issues discussed in paragraphs 3-41 through 3-47. Transportation Security Administration (TSA) Security Directives (SD) may further restrict access to the flight deck. Included in the table are examples of personnel who may be authorized for flight deck access. The table applies to both passenger and cargo operations but does not address personnel specifically authorized in § 121.583 because the section does not address flight deck access.

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Table 3-0. Compliance Table: Admission to Flight Deck

NOTE: TSA SDs may further restrict access to the flight deck.

Authorized Position(s)	Applicable Regulation	Authorization Circumstances (Who the Administrator is Allowing)	Seat in Back Required	Security Information ID, Form, or Other
Crewmember	§ 121.547(a)(1)	Crewmembers assigned duties on that flight (flightcrew member, check airman, cabin crewmember). *NOTE: This does not include deadheading or off-duty flightcrew personnel.*	NO	Certificate holder's verification process and procedures in accordance with the manuals required by § 121.133.
1) FAA ASI	§ 121.547(a)(2) & § 121.548 NOTE: Paragraph (a)(2) does not limit the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.	1) Safety-related duties as required by 14 CFR who is checking or observing flight operations.	NO § 121.547(c)(1)	1) ID—FAA Form 110A; ASI also provides FAA Form 8430-13 to air carrier personnel for en route inspections.
2) NTSB Investigator		2) Performing official duties.	NO § 121.547(c)(1)	2) NTSB ID Card (Form 1660.2) and NTSB Form 7000-5.
3) DOD Commercial Air Carrier Evaluator	§ 121.547(a)(2) & § 121.548a	3) Checking or observing flight operations.	NO § 121.547(c)(1)	3) S&A Form 110B NOTE: DOD personnel without a Form 110B must be issued a Form 8430-6 by AFS-200 and must have a seat available in the passenger compartment.
An employee of: The United States:	§ 121.547(a)(3)	Must have the permission of all 3: a) PIC. b) An appropriate management official of the part 121 certificate holder. c) The Administrator.	YES	a) PIC must follow company policies and procedures in accordance with § 121.133. b) Management official must follow company policies and procedures in accordance with the manual required by § 121.133. c) The Administrator may delegate this authority to AFS-200 or to the POI.

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Authorized Position(s)	Applicable Regulation	Authorization Circumstances (Who the Administrator is Allowing)	Seat in Back Required	Security Information ID, Form, or Other
Federal Air Marshall (FAM)	49 CFR § 1544.237	When operationally airborne and threat requirements dictate the need for access to the flight deck.	YES	ID issued by Department of Homeland Security (DHS).
US Air Traffic Controller (ATC)	§ 121.547(a)(3)(ii)(A)	When authorized by the Administrator to observe ATC procedures.	NO § 121.547(c)(2)	Evaluation staff, FAA Forms 7010-2 and 7000-1. FAA Form 3120-28 in accordance with Air Traffic Procedures.
An employee of a part 121 certificate holder whose duties are such that admission to the flight deck is necessary or advantageous for safe operations; or	§ 121.547(a)(3)(ii)(B)	Individuals employed by the certificate holder conducting the flight and eligible under this section include: a) Non-operating pilots. b) Other personnel authorized by 14 CFR to observe flight operations. c) Persons whose duty is directly related to the conduct or planning of flight operations or in-flight monitoring of aircraft equipment or operating procedures, if their presence on the flight deck is necessary to perform their duties and have been authorized in writing by a responsible supervisor listed in the operator's manual as having that authority (e.g., certificated dispatchers, flight followers, simulator instructors, on-duty mechanics, and, for all-cargo operations, animal handler(s), hazardous material handler(s), those responsible for cargo security, cargo handler(s) necessary for the loading and unloading, or testing/evaluating, of cargo/cargo containers or loading equipment).	NO § 121.547(c)(3) or § 121.547(c)(5)	Certificate holder's verification process and procedures in accordance with the manual required by § 121.133. NOTE: Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under § 121.547(a)(4).

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Authorized Position(s)	Applicable Regulation	Authorization Circumstances (Who the Administrator is Allowing)	Seat in Back Required	Security Information ID, Form, or Other
		d) Individuals employed by another part 121 certificate holder whose duties with that part 121 certificate holder require an Airman Certificate and who is authorized by the part 121 certificate holder operating the aircraft to make specific trips over a route.	NO § 121.547(c)(4)	Certificate holder's verification process and procedures in accordance with the manual required by § 121.133 and OpSpec A048 (see Volume 3, Chapter 18, Section 3).
3) An employee of an aeronautical enterprise certificated by the Administrator and whose duties are such that admission to the flight deck is necessary or advantageous for safe operations.	§ 121.547(a)(3)(ii)(C)	A technical representative of the manufacturer of the aircraft or its components whose duties are directly related to the in-flight monitoring of aircraft equipment or operating procedures, if his presence on the flight deck is necessary to perform his duties, and he has been authorized in writing by the Administrator and by a responsible supervisor of the operations department of the part 119 certificate holder, listed in the Operations Manual as having that authority. The phrase "necessary or advantageous for safe operation" must be strictly and narrowly interpreted. Examples that meet the intent of the rule might include:	NO § 121.547(c)(6)	Certificate holder's verification process and procedures in accordance with the manual required by § 121.133 or FAA Form 8430-6 issued by POI. NOTE: This does not include clerical, administrative, or management employees who are not directly involved with the safe operation of the aircraft.
	§ 121.547(a)(3)(ii)(C)	a) Repair station (part 145) individuals whose duties are directly related to the in-flight monitoring of aircraft equipment.	NO § 121.547(c)(6)	a) Certificate holder's verification process and procedures in accordance with the manual required by § 121.133 or FAA Form 8430-6 issued by the POI.

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Authorized Position(s)	Applicable Regulation	Authorization Circumstances (Who the Administrator is Allowing)	Seat in Back Required	Security Information ID, Form, or Other
	§ 121.547(a)(3)(ii)(C)	b) Part 142 training center instructors as required by § 142.53.	YES	b) Certificate holder's verification process and procedures in accordance with the manuals required by § 121.133 or FAA Form 8430-6 issued by the POI.
	§ 121.547(a)(3)(ii)(C)	c) The holder of a production certificate (part 21) or type certificate—test pilots, flight test engineers, technical representatives when assigned responsibilities for monitoring equipment or evaluating procedures.	NO § 121.547(c)(6)	c) Certificate holder's verification process and procedures in accordance with the manual required by § 121.133 or FAA Form 8430-6 issued by the POI.
Secret Service Agent	§ 121.550	Assigned the duty of protecting a person aboard an aircraft.	YES	U.S. Secret Service.
Any person who has the permission of the PIC, and an appropriate management official of the part 121 certificate holder and the Administrator.	§ 121.547(a)(4)	Any person who, in the judgment of the Administrator, has an operational need for a particular flight. This provision will be strictly and narrowly interpreted.	YES	AFS-200 issues FAA Form 8430-6 unless otherwise delegated to the POI.

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3-42 ADMISSION TO THE FLIGHT DECK—PHYSICAL, COGNITIVE, AND LANGUAGE CAPABILITIES.

A. General Guidance. POIs and AFS-200 personnel must use the policies and guidance information listed below to determine the physical, cognitive, and language capabilities of any person requesting authorization to occupy an observer's seat on the flight deck before issuing FAA Form 8430-6. In addition, POIs should encourage their assigned certificate holders to incorporate these policies and guidance information into their manuals for use by their personnel. Any FAA personnel occupying any observer's seat on the flight deck will comply with the minimum physical, cognitive, and language capabilities in subparagraph 3-42B.

B. Minimum Physical, Cognitive, and Language Capabilities. Any person who occupies any observer's seat on the flight deck must:

1) Possess sufficient physical mobility, strength, and dexterity in both arms, hands, legs, and feet to reach upward, sideways, and downward to the location of any emergency exits, exit-slide operating mechanisms, emergency exit devices (descent reel, tape, or rope), and observer's seat operating mechanisms.

2) Be able to, without assistance, physically grasp, push, pull, turn, or otherwise expeditiously manipulate any emergency exit, exit-slide operating mechanisms, emergency exit devices (descent reel, tape, or rope), and observer's seat operating mechanisms.

3) Be able to, without assistance, physically push, shove, pull, or otherwise expeditiously open or provide access to any emergency exit.

4) Be able to physically reach all emergency exits expeditiously without the assistance of any person and appliance, such as crutches, a wheelchair, or a cane.

5) Be able to physically don and use the observer's seat oxygen mask, life preserver, smoke goggles, and appropriate Protective Breathing Equipment (PBE) without assistance from any crewmember.

NOTE: The intended user of the equipment listed in subparagraph 3-42B5) must personally assure that a good fit and seal can be achieved using the equipment that is provided by the aircraft operator. An individual's facial hair (e.g., beard or mustache) may affect the efficiency and performance of a mask. The lack of a seal between the mask and skin will result in a reduced amount of oxygen in the mask and the entry of smoke or toxic fumes that could result in an individual's reduced capability, awareness, and performance, potentially causing a distraction to the flightcrew during an emergency. Individuals with facial hair that will affect the efficiency and performance of a mask should not occupy a seat on the flight deck. If an air carrier's policy results in a bearded ASI being denied access to the flight deck jump seat, the ASI will comply with that policy. Subject to a review by FAA management, an Enforcement Investigative Report (EIR) based solely on a bearded ASI being denied access to the flight deck jump seat must not be initiated.

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6) Be able to physically operate the seatbelt and shoulder harness mechanisms and assemblies located at the observer's seat without assistance from any crewmember.

7) Possess sufficient visual capacity to perform the specified physical capabilities with regard to emergency exits, operating mechanisms, and emergency equipment without the assistance of visual aids beyond contact lenses or eyeglasses.

8) Possess sufficient aural capacity to hear and understand instructions by crewmembers without assistance beyond a hearing aid.

9) Possess the ability to impart adequately information orally to crewmembers.

10) Possess the ability to read and understand instructions related to emergency evacuation procedures and equipment provided by the appropriate certificate holder in text or graphic form.

11) Possess the ability to hear and understand oral crewmember commands or instructions.

3-43 ADMISSION TO THE FLIGHT DECK—FOREIGN PILOT AUTHORIZATION. Certificated airmen who are employed by foreign air carriers, and U.S. citizens who pilot aircraft for foreign air carriers, whether or not they are under contract with U.S. air carriers, may not have access to the flight deck unless they:

- Are specifically authorized by the certificate holder's management;
- Are issued FAA Form 8430-6 by AFS-200 (unless AFS-200 delegates the authority to the POI); and
- Are given permission by the PIC.

3-44 ADMISSION TO FLIGHT DECK ALL CARGO CARRYING OPERATIONS.

A. General Guidance.

1) Special Federal Aviation Regulation (SFAR) 92-5 required certain transport all cargo airplanes to modify the flight deck door to delay or deter unauthorized entry to the flight deck compartment. These doors were referred to as Phase I doors. This rule authorized variances from existing design standards for the doors and allowed for approval for return to service of modified airplanes without prior approved data. This rule expired on October 1, 2003.

2) Section 121.313(j)(2) mandates that all cargo airplanes that had a flight deck door installed on or after January 15, 2002, must meet the requirements of 14 CFR part 25, § 25.795 by October 1, 2003, or the operator must implement a security program approved by the TSA for the operation of all airplanes in that operator's fleet.

3) Section 25.795 specifies the necessary structural strength and integrity of flight deck doors. Flight deck doors meeting this regulation standard are referred to as Phase II doors. For purposes of this policy, any door not meeting § 25.795 requirements, or airplanes with no door installed, are considered non-Phase II doors.

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4) A certificate holder that operates only airplanes with Phase II doors is not required to have a specifically approved security program under § 121.313(j)(2). For those airplanes affected by § 121.313(j)(2), without an approved security program, however, if the Phase II door's primary and secondary locking system should become inoperative, no persons can be carried, other than flightcrew and those personnel outlined in subparagraphs 3-44A5)a) and b).

5) All certificate holders who operate any airplane with a non-Phase II door may continue to carry those personnel specified in subparagraphs 3-44A5)a) and b). These persons should be listed in the manual required by § 121.133:

a) Those persons necessary for the safety of flight: animal handler(s), hazardous material (hazmat) handler(s), and those responsible for cargo security (valuable, confidential, fragile, and perishable). These persons must have their employer-issued photo ID.

b) Cargo handler(s) necessary for the loading and unloading, or testing/evaluating, of cargo/cargo containers or loading equipment. These individuals must have their employer-issued photo ID.

6) Verification. The persons identified in subparagraph 3-44A are subject to the certificate holder's flight deck access verification procedures. In summary, persons aboard an all-cargo carrying aircraft will qualify under § 121.547 (access to the flight deck) or § 121.583 (access to other than flight deck).

3-45 USE OF FAA FORM 8430-6.

A. Personnel Authorized. Individuals authorized issuance of an FAA Form 8430-6. (See Table 3-0.)

1) FAA Personnel. Requests for admission to an air carrier flight deck by FAA (non-Flight Standards Service (AFS) personnel) or FAA associated personnel under the provisions of § 121.547(a)(4) should be submitted through the CHDO and Regional Office (RO) to AFS-200 for approval.

2) Other-than-FAA Personnel. Section 121.547(a)(3)(ii)(a) governs requests by individuals other than FAA personnel (or FAA-associated personnel) for admission to the flight deck and should be submitted to the operator concerned. The operator, in turn, must forward the request to the appropriate CHDO. The CHDO, upon receipt of a request, should examine it to determine if such authorization is warranted. When issuing Form 8430-6, the POI or their designated representatives must determine that all required information is complete and that the request is appropriately justified.

3) DOD Personnel. Section 121.547(a)(2) and (c)(1) allow DOD commercial air carrier evaluators who have an S&A Form 110B access to the flight deck without a seat available in the passenger compartment. All other DOD personnel must be issued a Form 8430-6 through AFS-200 and must have a seat available in the passenger compartment.

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B. Restrictions. Authorization for admission to the flight deck and the issuance of Form 8430-6 must be restricted to key officials of airlines and FAA personnel or FAA associated personnel. Any deviations from this guidance will require approval by AFS-200 before issuance. Except for those categories of persons described above, Form 8430-6 is not to be issued unless the request is received from the carrier or operator and includes a justification for that person's presence on the flight deck. Form 8430-6 must be limited to a specific flight or series of flights or a period of time not to exceed 6 months, unless otherwise authorized by AFS-200. Coordination directly with AFS-200 is authorized with concurrent notification (email, etc.) to the RO.

C. Technical Representatives. Section 121.547(c)(6) contains special provisions for authorizing flight deck access without a seat in the cabin for certain technical representatives of the manufacturer of the aircraft or its components, whose presence on the flight deck is necessary to perform the duties of monitoring the aircraft equipment or operating procedures. In this case, written authorization from the operator is required and the CHDO must issue a Form 8430-6, which must be used for granting approval in lieu of a LOA. The validity period will not exceed 6 months from the date of issuance.

NOTE: If the technical representative is granted access in accordance with the manuals required by § 121.133, then Form 8430-6 is not required.

D. Disposition of FAA Form 8430-6. The original is forwarded to the applicant, and the second copy is retained at the CHDO.

E. Removal of Authorization. Upon evidence of abuse of FAA Form 8430-6, the issuing authority may cancel the authorization. It must be canceled by certified mail if the holder ceases to be employed in the capacity in which its issuance was predicated and the holder fails to return the form voluntarily.

F. Transmittal Letter. When the completed Form 8430-6 is processed and returned to the air carrier or individual concerned, it should be made clear to all holders, including FAA personnel, that this authorization may not be issued for the purpose of free transportation. The issuing authority (i.e., CHDO) must forward a transmittal letter with each issuance (Figure 3-4, Sample Letter of Authorization (Cabin Seat Required), or Figure 3-5, Sample Letter of Authorization (Cabin Seat Not Required), as appropriate). The validity period should not exceed 6 months from the date of issuance. (See Table 3-0.)

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Figure 3-4. Sample Letter of Authorization (Cabin Seat Required)

Flight Standards District Office
Parkway Building
1300 South Meridian, Suite 601
Oklahoma City, OK 73108

[date]

Mr. Eric Townsend
Director of Operations
ABC Airlines, Inc.
417 Oakton Boulevard
Enid, OK 78154

Dear Mr. Townsend:

Enclosed is Federal Aviation Administration (FAA) Form 8430-6, Admission to Flight Deck, which will permit your representative access to [ABC Airlines]'s flight decks during the performance of official duties. In order to assist in the proper use of this form, we provide the following guidelines:

The standard boarding pass must be issued and a seat in the passenger cabin must be available, since the form, as indicated by its title, only permits the holder access to the flight deck.

FAA Form 8430-6 is issued in accordance with the provisions of Title 49 of the United States Code (49 U.S.C.) and is honored subject to the discretion of the individual air carrier, as well as the approval of the pilot in command. The holder of this form must secure an endorsement from the air carrier prior to use.

Additionally, in the interest of flight deck security, the holder should make prior arrangements to board the aircraft with the flightcrew.

Title 14 of the Code of Federal Regulations (14 CFR) part 121, § 121.542(b) states that no flightcrew member (including jump seat occupants) may engage in any activity during a critical phase of flight that could distract from or interfere in any way with the proper conduct of those duties. Nonessential conversations on the flight deck and nonessential communications involving the cabin and flightcrews are not permitted during a critical phase of flight. Critical phases of flight include all ground operations involving taxi, takeoff, and landing and all other flight operations conducted below 10,000 feet, except cruise flight.

Upon expiration, we request that this flight deck authorization be returned to this office for disposition.

Sincerely,

George E. Johns
Principal Operations Inspector

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Figure 3-5. Sample Letter of Authorization (Cabin Seat Not Required)

Flight Standards District Office
Parkway Building
1300 South Meridian, Suite 601
Oklahoma City, OK 73108

[date]

Mr. James W. Pratt
Pratt & Whitney Aircraft Division
United Technologies Corporation

Washington, D.C. 22020

Dear Mr. Pratt:

This refers to the request from Mr. M. B. Oakes, Assistant to Vice President of Flight Operations, Trans World Airlines, Inc. (TWA), dated January 27, 1994, concerning authorization for your admission to the flight deck of TWA flights without a seat in the cabin.

As a technical representative for the Pratt & Whitney Aircraft Division (P&W), you may use this letter as written authority for your admission to the flight deck of TWA flights in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 121, § 121.547(c)(6) for the purpose of observing and monitoring the operation of P&W engines on TWA aircraft.

For security reasons, please make arrangements prior to each flight for admission to the flight deck and board the aircraft with the flightcrew.

Section 121.542(b) states that no flightcrew member (including jump seat occupants) may engage in any activity during a critical phase of flight that could distract from or interfere in any way with the proper conduct of those duties. Nonessential conversations on the flight deck and nonessential communications involving the cabin and flightcrews are not permitted during a critical phase of flight. Critical phases of flight include all ground operations involving taxi, takeoff, and landing, and all other flight operations conducted below 10,000 feet, except cruise flight.

This authorization is valid through [date—not to exceed 6 months from date of issuance] unless sooner canceled by either the air carrier or by this office.

Sincerely,

George E. Johns
Principal Operations Inspector

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3-46 VERIFICATION OF PERSONNEL FOR ACCESS TO THE FLIGHT DECK.

A. Identity Verification Procedures for Other Part 121 Certificate Holders. OpSpec A048 is available for those part 121 operators that seek authorization for access to the flight deck jump seat in accordance with § 121.547(a)(3) for individuals not employed by the certificate holder granting access. Required FAA authorization for employees of part 121 certificate holders to access the flight deck (jump seat) of other part 121 certificate holders will be granted in accordance with § 121.547(a) through the approval of these procedures as incorporated in the certificate holder's manual that is required by § 121.133 and the issuance of OpSpec A048.

NOTE: The TSA may impose additional restrictions through issuance of security programs and/or SDs. It is imperative that the certificate holder is in possession of any pertinent TSA approvals or authorizations for any associated TSA requirements.

B. Certificate Holder Procedures. Certificate holder procedures for accessing the flight deck jump seat must include verification of identity, employment status, and jump seat eligibility at gate check-in. Four verification methods are described in subparagraph 3-46F. Each method contains unique procedures. All methods must include the following items:

1) The individual requesting access must have an employee photo ID card issued by their employer.

2) The company official granting access will complete the company authorization procedures contained in their manual required by § 121.133 to include the verification method.

3) Verification must include the requester's name, employee number, and flight deck (jump seat) access eligibility.

C. Verification Programs. Two verification programs are available for use under OpSpec A048. They are:

1) Cockpit Access Security System (CASS). A direct access database system developed by A4A, in coordination with ARINC, the FAA, the TSA, part 121 certificated air carriers, and labor unions.

a) The CASS is a network of databases hosted by participating part 121 air carriers that contains employment and security information for individuals authorized by the FAA to occupy an aircraft's flight deck jump seat during normal operations. The information and process used for the CASS is intended to verify a person's identity, eligibility for access to the jump seat, and their employment status at the time of check in. This program will enhance flight deck security and permit verified individuals to occupy the jump seat for transportation.

b) Under the CASS, each air carrier is responsible for coordination with the TSA and development of software that will interface with the ARINC network and the systems of other participating airlines, and it must provide the required information. The operational procedures for the air carrier's system should be included in their manual required by § 121.133.

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These procedures should be validated before issuance of OpSpec A048 using the associated job aid. The job aid includes steps for the certificate holder to demonstrate their system and procedures to the POI and evidence of a required audit of employee records, before the issuance of OpSpec A048.

2) Flight Deck Access Restriction (FDAR) Program. A direct access database or other system that is not part of the CASS, but serves the same purpose in confirming a requester's identity, employment status, and jump seat eligibility. Similar to the CASS, each air carrier must develop procedures that are incorporated in their manual required by § 121.133. The FDAR may employ methods similar to CASS through a direct access computerized database system, or through more the conventional methods of telephone, email, and fax verification. The TSA may restrict the use of the FDAR through an air carrier's TSA-approved security program.

D. Computer Database System (CASS or FDAR). Procedures for the certificate holder's employees assigned verification tasks to interface with the host system and positively confirm identity, employment status, and flight deck jump seat eligibility of the person requesting access. See Volume 3, Chapter 18, Section 3, OpSpec A048, for guidance on issuing OpSpec A048.

1) The software must interface with other participating part 121 certificated air carrier(s) and it must provide the required information. The procedures and software should be validated before issuance of OpSpec A048 using the associated job aid located in the OPSS. The job aid includes a requirement for the certificate holder to demonstrate their system and procedures to the POI and evidence of a required audit of employee records, before the issuance of OpSpec A048.

2) Regardless of which method(s) is approved for use under OpSpec A048, the certificate holder must develop procedures and incorporate them in the manual required by § 121.133.

3) If electronic database access is used, the software must interface with other participating part 121 certificated air carrier(s) and it must provide the required information. The procedures and software should be validated before issuance of A048 using the associated job aid. The job aid includes a requirement for the certificate holder to demonstrate their system and procedures to the POI and evidence of a required audit of employee records, before the issuance of OpSpec A048.

4) Regardless of which method(s) is approved for use under A048, the certificate holder must develop procedures and incorporate them in the manual required by § 121.133. These procedures must address one or both of the following verification methods, unless otherwise restricted by TSA.

E. Verification Requirements. Regardless of which system(s) the certificate holder intends to use, the information outlined below must be provided through procedures contained in the certificate holder's manual required by § 121.133. This information must be made available to the certificate holder's personnel as described below:

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1) Computer Database System (CASS or FDAR). Procedures for the certificate holder's employees assigned verification tasks to interface with the host system and positively confirm identity, employment status, and flight deck eligibility of the person requesting jump seat access. A job aid located in WebOPSS is provided for analysis of the certificate holder's procedures before the issuance of OpSpec A048.

2) Conventional Systems (Email, Fax, and/or Telephone).

a) The holder of OpSpec A048 must list each part 121 certificate holder with which jump seat agreements are in place and contact numbers and/or email addresses that will be used to verify a requester's information at time of check-in, in their manual required by § 121.133.

b) The issuing authority for the air carrier will confirm eligibility by contacting one of the following that has access to the required data:

1. Dispatch/system operational control;

2. Human resources;

3. Crew scheduling; or

4. Other database verification sources approved by the Administrator.

c) The issuing authority must include a verification number or name of person who verified employment and eligibility of the requester to access the flight deck on the authorization form. Fax or email is acceptable as an alternate method of verification, provided the message contains the required information. All systems, whether computer database or conventional, must operate using methods and procedures approved through the issuance of OpSpec A048. At a minimum, the procedures and provisions must provide for:

1. Establishing currency and accuracy of employee records through an initial audit before the issuance of A048.

2. Performing annual audits of employee records to ensure accountability for all issued identification cards and currency and accuracy of employee records contained in the database.

NOTE: The Director of Operations (DO) is responsible to ensure accurate and timely completion of all required record audits.

3. Real-time availability to the issuing authority for use in verification of required data at check-in.

4. Including full name, employee number, flight deck (jump seat) access eligibility for the person making the request.

5. Loss of employee identification.

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6. Reissuance of all company photo ID badges if 5 percent or greater are lost or not accounted for.

NOTE: If not requesting access to the flight deck in accordance with § 121.547, company procedures for cabin access applies.

F. Identity and Eligibility Verification Methods. The following guidance is to be addressed in operators' procedures in verifying an individual's identity and jump seat eligibility. Methods are arranged by type of operation.

1) Method 1: Passenger Carrying Operations—Employees of the Part 121 Certificated Air Carrier, Wholly Owned Domestic Subsidiaries, or Domestic Code Share Partners. Certificate holder procedures for accessing the flight deck (jump seat) must include verification of identity, employment status, and jump seat eligibility at gate check-in using the procedures outlined in subparagraph 3-46D.

2) Method 2: All Operations—Eligible Employees of Other Part 121 Certificated Air Carriers. Certificate holder procedures for accessing the flight deck (jump seat) must include verification of identity, employment status, and jump seat eligibility at gate check-in using the procedures outlined in subparagraph 3-46D and as follows:

a) Additional items for non-company flightcrew members accessing the flight deck:

1. Current medical certificate if the requester serves as a flightcrew member for his or her employer.

2. Appropriate airman certificate.

b) Flight deck access by non-company employees must also be authorized by the issuance of OpSpec A048.

3) Method 3: All Cargo Carrying Operations—Employees of the Part 121 Certificated Air Carrier, Wholly Owned Domestic Subsidiaries, or Domestic Code Share Partners. Certificate holder procedures for accessing the flight deck (jump seat) must include verification of identity, employment status, and jump seat eligibility at gate check-in using the procedures outlined in subparagraph 3-46F2).

NOTE: Section 121.583(a) lists numerous passenger carrying requirements that all-cargo operators may not need to comply with to carry the persons listed in § 121.583(a)(1)–(8). For an all-cargo operation, an air carrier need not comply with the passenger carrying requirements in § 121.547(c), but no person or entity, including the air carrier, is excused from the flight deck admission requirements in § 121.547(a) and 121.547(b) when seeking access to the flight deck. Airplanes must have a flight deck door installed that separates the flight deck from the cabin or cargo area to carry individuals under § 121.583.

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4) Method 4: All Cargo Carrying Operations—Non Crewmembers of the Part 121 Certificated Air Carrier.

a) Certificate holder procedures for accessing the flight deck (jump seat) must include verification of identity, employment status, and jump seat eligibility at gate check-in using the procedures outlined in subparagraph 3-46F2).

b) All persons being transported in the aircraft must be screened and have their accessible property searched before entering the aircraft:

1. Pat down or hand-held metal detector for an individual.

2. Physical inspection of property.

3-47 PROCEDURES FOR OPENING, CLOSING, AND LOCKING FLIGHT DECK DOORS.

A. Background.

1) On January 15, 2002, § 25.772, was amended to require an emergency means to enable a flight attendant (F/A) to enter the flight deck should the flightcrew become incapacitated. This change applies to airplanes that are newly certificated under part 25 and was not retroactive to existing airplanes. The operational requirements found in § 121.313 were also amended on January 15, 2002, to require each operator to establish methods that enable an F/A to enter the flight deck in the event that a flightcrew member becomes incapacitated. As with § 25.772(c), these methods are intended for use under emergency conditions and not for routine access to the flight deck. As such, aircraft electronic keypads or electronic pushbuttons installed in the cabin must be used only in emergency situations. (The only time the crew may use the emergency flight deck access procedure during normal operations is when the aircraft is on the ground, the flight deck door is closed and locked, and the flight deck is unoccupied.) Additionally, § 121.313(g) states, in part, "…no person other than a person who is assigned to perform duty on the flight deck may have a key to the flight deck door." Therefore, any keys in the possession of cabin crewmembers that are used for opening bins or containers in the cabin cannot be capable of unlocking the flight deck door.

2) Unless an air carrier has FAA-approved procedures under § 121.587(b), the flight deck door must remain closed during flight time. In order to operate the flight deck door during flight time and permit flight deck access by persons authorized in accordance with § 121.547, part 121 certificate holders must develop and use FAA-approved procedures regarding the opening, closing, and locking of the flight deck door. These FAA-approved procedures should be included in the operators' operations and F/A manuals. Additionally, § 121.313 requires any associated signal or identity confirmation system to be easily detectible and operable by each flightcrew member from his or her duty station. To meet security needs of accomplishing an audio and visual identification, one person on the flight deck is required to visually identify the person seeking access through the viewing port or viewing device.

B. Certificate Holders' Procedures. Certificate holders' procedures must include at least the following:

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1) Normal procedures for opening flightcrew compartment doors, to include:

a) Who is authorized to have access to the flight deck.

b) How a crewmember verifies the identity of a person requesting access to the flight deck. This process must include a positive means for flightcrew members to identify persons requesting entry to the flight deck and to detect suspicious behavior or a potential threat before unlocking the flight deck door. To meet security needs of accomplishing an audio and visual identification, one person on the flight deck is required to identify visually the person seeking access through the viewing port or viewing device.

c) How flight deck door keypad access codes are disseminated (e.g., flight deck door keypad access codes may be disseminated through the certificate holder's normal manual process).

d) F/A procedures to verify that there are no passengers in any forward lavatory, and that no passengers are standing in the area surrounding the flight deck door.

e) F/A procedures for blocking the passenger aisle when the flight deck door is opened.

f) Procedures to ensure two persons are always on the flight deck. For two-person flightcrews, this means when one flightcrew member leaves the flight deck, another individual that is qualified in accordance with § 121.547(a)(1–3), such as an F/A, must be present to lock the door and remain on the flight deck until the flightcrew member returns to his or her station.

2) Emergency electronic keypad or emergency pushbutton procedures, to include:

a) Events requiring the use of emergency procedures (i.e., pilot alerts).

b) Determining when the flightcrew is, or is suspected of being, incapacitated, or there is no response from the flight deck.

c) Keeping the flight deck door locked until an audio and visual verification of the person requesting entry is made.

d) How to determine whether a person requesting access is under duress.

e) How to determine when the flight deck door locking system may be taken out of the deny access position.

f) Flight deck crew procedures to follow when an electronic keypad or pushbutton is being used to gain unauthorized access to the flight deck.

g) When the flightcrew must take immediate action to deny access to the flight deck.

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3) Crewmember training programs should include these procedures, associated crewmember duties and responsibilities, crew coordination, and emergency situation training modules in appropriate curriculum segments.

C. POI Approval Process. To comply with § 121.587(b), POIs are to review and approve their assigned certificate holders' procedures in accordance with the current approval process found in this order and the guidance provided in this paragraph.

3-48 INTERNATIONAL AIR TRANSPORT ASSOCIATION OPERATIONAL SAFETY (IOSA) AUDITS—ACCESS TO FLIGHT DECK.

A. Background.

1) The FAA works with the ICAO and other civil aviation authorities (CAA) to improve safety oversight through the implementation of international standards. One of the key components in this effort is the International Air Transport Association (IATA) audit program. IATA has developed IOSA as an internationally recognized audit system to help carriers maintain a high level of safety and reliability. IOSA saves the air carriers resources by creating cost-efficient, harmonized, internal audit standards. IOSA focuses on the management and control systems of an air carrier. Auditors determine conformity with IOSA standards through the collection and analysis of evidence that indicates whether the operator has properly documented and implemented its processes and procedures.

2) The FAA has determined that IOSA may be used as one of the methods to meet the Department of Transportation's (DOT) and the FAA's Code Share Safety Program guidelines requirements, provided IOSA is part of the U.S. air carrier's FAA-accepted Code Share Audit Program. The FAA has worked closely with IATA on this initiative. Since the objectives of IOSA are consistent with those of the DOT/FAA Code-Share Safety Program, in terms of operations and safety, the FAA encourages air carriers to participate, as appropriate.

3) One very important activity associated with an IOSA audit is observing line operations from the flight deck. This particular activity significantly enhances the effectiveness of the audit by verifying firsthand that the crew properly implements the operator's procedures during line operations.

4) The IOSA program provides specific, high-level qualification standards for the auditors who will assess line operations. These auditors are familiar with flight deck operations, understand applicable regulatory requirements, air carrier procedures and protocols, and have extensive experience either as a pilot in air carrier flight operations or as a flight operations air carrier inspector for a regulatory authority. All IOSA auditors must meet rigid qualification requirements in accordance with the IOSA Standards Manual (ISM). The International Programs and Policy Division (AFS-50) maintains information on each auditor's IOSA qualifications.

B. Guidance. U.S. air carriers seeking initial or recurrent IOSA registration in accordance with their FAA-accepted Code-Share Audit Program must contact their POI regarding jump seat access for an IOSA auditor. Such requests for access to the flight deck are in accordance with § 121.547(a)(4).

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1) U.S. air carriers must forward all requests for IOSA auditors to observe line operations to the appropriate CHDO. The CHDO must receive the requests at least 45 days in advance of the planned observation. Air carriers should include the date(s) that jump seat access is requested for the line observation(s). Upon receiving the request, the CHDO will determine the following:

- The request is justified under the IOSA program,
- The audit organization is formally accredited by IOSA,
- The auditor is qualified to conduct line assessments during audits under the IOSA program, and
- The TSA approves the auditor to conduct line observations on U.S. operators.

2) POIs must contact AFS-50's code-share program manager at 202-385-8070 to determine if the request meets the above requirements.

C. Jump Seat Access. POIs will then forward the request for jump seat access and their recommendation for approval to AFS-200.

D. Approval/Disapproval. AFS-200 will review the request and verify the auditor's qualifications and TSA-approved security check and approve or disapprove the request in accordance with current FAA policy.

E. ASI Priority. FAA ASIs have statutory requirements to conduct inspections from the flight deck jump seat in the course of their official duties. Therefore, the FAA ASI has statutory priority in the performance of his or her duties, should the ASI and IOSA auditor plan to occupy the same flight deck jump seat for a particular flight.

RESERVED. Paragraphs 3-49 through 3-54.

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