

VOLUME 3 GENERAL TECHNICAL ADMINISTRATION**CHAPTER 29 PROVING AND VALIDATION TESTS****Section 7 Request for Deviation of Proving Test Hours**

3-2416 GENERAL. Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.1041, part 121, § 121.163, and part 135, § 135.145 contain authority for the Federal Aviation Administration (FAA) to reduce the proving flight hours specified in the basic regulation. Improvements in technology, training methods, communications, and established safe operating practices can enable an applicant to demonstrate compliance with applicable regulatory requirements in less time than the hours specified. Advanced simulation, Line-Oriented Flight Training (LOFT) scenarios, loading and maintenance exercises, and operational research and statistical analysis are some of the means applicants may use to demonstrate competence. As part of the plan, the applicant may request a deviation from the applicable regulatory requirements. The request must explain how the applicant intends to demonstrate regulatory compliance with a reduced hour program. If the applicant's plan contains a request for reduction, it must include at least the following additional information:

A. Total Hours of Operation. The plan must include the total number of hours that the applicant proposes to fly in the reduced program.

B. Flight Experience Resume. The plan must include a flight experience resume for each flight crewmember that the applicant intends to use during the proving flight. This resume must include:

- Certificates,
- Total flight time,
- Any previous experience in the aircraft being tested,
- Years of experience with the applicant,
- Any other experience in parts 91 subpart K (91K), 121, and/or 135 operations (as applicable), and
- Other transport experience, such as military.

C. Justification Statement. The statement must contain, but is not limited to:

- Applicant experience with part 91K, 121, or part 135 operations,
- Applicant experience with aircraft of the same class (part 121) or type (part 91K or 135), and
- Applicant experience with the airports and areas of en route operation into which the aircraft will operate.

D. Other information. The plan must include any other information requested by either the principal inspectors or the certification project manager (CPM), if applicable, or any information that the applicant believes will be useful in justifying the reduction. Other information could include nighttime routes to be flown or special airports to be observed.

3-2417 EVALUATING THE APPLICANT'S REQUEST.

A. Evaluation Considerations. The following are topics that the test team should consider when evaluating the request:

- 1) If the aircraft has not been used previously in air transportation by a U.S. certificate holder, to what extent has the aircraft been operated by foreign operators?
- 2) For newly certificated aircraft, how familiar is the test team with the aircraft?
- 3) For aircraft that are new to the applicant but that have been proven previously in part 121 or part 135 operations, to what extent is the overall operation affected by the new aircraft (changing from part 135 to part 121, domestic to flag)?
- 4) To what extent is the new aircraft substantially different from aircraft previously flown by the applicant (such as changing from turboprop to turbojet, unpressurized to pressurized, or narrow body to wide body)?
- 5) To what extent is the applicant's route structure affected by the request (for example, inauguration of international routes and use of special areas of operation)?
- 6) What is the experience level of personnel involved in the operation (for example, flight and cabin crewmembers' previous experience in the operation of this type of aircraft)?
- 7) How does the applicant propose to conduct the proving flights (for example, a few long-range versus several short-range flights)?
- 8) What level of management experience exists in the company with this type or similar type or make of aircraft?

B. Flight Hour Reduction Guide. The applicant may make a request for reduction in proving flight hours when the proving test plan is submitted. The FAA proving test team may approve these reductions at the field level. Test teams should use Table 3-108 as a guide to determine whether a reduced flight hour program is suitable.

Table 3-108, Flight Hour Reduction Guide

SITUATION	PERCENT REDUCTION
New aircraft not previously proven by another part 121, part 135, or part 91K operator	0%
New operator having no management experience with aircraft category and class	10%
Existing part 135 or 91K operator having no management experience in part 121 operations and vice versa	15%
Existing operator having no management experience with aircraft category and class	20%
New operator having management experience with aircraft category and class	20%
Existing operator having management experience with same category and class	25%

NOTE: For reduction requests in excess of 25 percent, see Table 3-109 below.

3-2418 COORDINATION REQUIREMENTS AND APPROVAL AUTHORITY FOR PROVING FLIGHT HOUR DEVIATIONS. Any deviations granted in response to an applicant's request for a reduction in the required proving flight hours should be coordinated and approved according to Table 3-109:

Table 3-109, Coordination Requirements and Approval Authority for Proving Flight Deviations

PERCENT REDUCTION	COORDINATION REQUIRED	APPROVAL AUTHORITY
Up to 25%	None	CMO or FSDO
More than 25%	RFSD	RFSD
More than 50%	AFS-200/800	AFS-200/800

A. Letter of Approval or Denial of Deviation. If the FAA approves a request for a deviation to the required number of proving flight hours, inform the applicant by letter that the deviation is approved. The letter approving the deviation must also indicate acceptance of the applicant's proving flight plan. If the FAA denies the request, inform the applicant of the decision by a letter that explains the reasons for denial.

B. Conditions of Approval. When the FAA approves a deviation, the test team must ensure that the applicant understands that the deviation specifies the *minimum* number of proving flight hours that must be planned, and that additional proving flights may be required if the applicant fails to demonstrate the ability to comply with all applicable regulations. The applicant should also be advised that potential delays due to problems such as maintenance, additional crewmember training requirements, and weather may extend the proving flight schedule, which could affect the date the applicant intends to start revenue operations.

RESERVED. Paragraphs 3-2419 through 3-2435.