3-3631 GENERAL. This section contains information, direction, and guidance for principal inspectors (PI)/Training Center Program Managers (TCPM) and other involved inspectors to use for accomplishing the amendment, surrender, suspension, revocation, and replacement of Air Carrier, Operating, or Air Agency Certificates.

NOTE: The term “operator” is used in this section to refer to the holder of an Air Carrier Certificate, Operating Certificate, or Air Agency Certificate.

3-3632 BACKGROUND.

A. Regulations. The basis for these various certificate actions is found in Title 49 of the United States Code (49 U.S.C.) § 44709 and in Title 14 of the Code of Federal Regulations (14 CFR) part 13, § 13.19; part 119, §§ 119.41 and 119.61(a); part 133, § 133.13; part 137, § 137.17; part 141, § 141.13; part 142, § 142.11; part 145, § 145.57; and part 147, § 147.7. These actions can proceed with a full agreement between the PI/TCPM and the operator, or they may be contested. The PI shall see Volume 14, Chapter 1, Section 1, Flight Standards Service Compliance Philosophy, and Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, before any action described in this section is taken.

B. Transfer. A certificate issued under § 119.39 is not transferable and, unless sooner surrendered, suspended, or revoked, shall remain in effect indefinitely in accordance with § 119.61. However, when a person (as defined by 14 CFR part 1, § 1.1, which includes an individual and many types of organizations) holds a certificate, the person who owns or controls the organization may sell or transfer the organization to another person. Incident to such sale or transfer of the organization, the certificate becomes the property of the new owner.

C. Certificate Actions. Inspectors should have an understanding of the distinctions between the various certificate actions that can occur. A certificate is a document that contains the name of the operator, a broad statement of the operator’s operating authority, and an effective date. An operator may not conduct operations without possession of a valid certificate.

D. Amendment of a Certificate. The amendment of a certificate is a change to the information on the face of the document, usually as the result of a name change or administrative change. Certificates rarely require an amendment because the details of operating authorizations are contained in the operations specifications (OpSpecs)/training specifications (TSpecs) or equivalent (i.e., authorizations).

E. Surrender of a Certificate. The surrender of a certificate occurs when an operator voluntarily gives up operating authority.
F. **Suspension of a Certificate.** The suspension of a certificate is the temporary, involuntary removal of an operator’s operating authority by the FAA using due process of law. Suspension usually results in the restoration, revocation, or surrender of the operator’s operating authority.

G. **Revocation of a Certificate.** The revocation of a certificate is the permanent, involuntary removal of an operator’s operating authority by the FAA using due process of law.

H. **Replacement of a Certificate.** The replacement of a certificate is the reissuance of a new certificate to an operator when the operator’s original certificate has either been lost or destroyed.

3-3633 **AMENDMENT OF A CERTIFICATE: OPERATOR-INITIATED AMENDMENT.**

A. **Name Change.** A change of the certificate holder’s legal name without a change of ownership requires a new certificate and updated OpSpecs under § 119.9, but may not require a new certificate number. To avoid administrative burdens and ensure consistency in historical records of an operator, PIs may permit a name change and change in ownership without issuing a new certificate number. However, PIs must ensure the certificate holder is not using the name change to circumvent initial certification requirements or conceal the past history of an operator. Air Carrier Certificates, Operating Certificates, and OpSpecs must accurately reflect the certificate holder’s name.

B. **Change in Ownership.** When only the ownership of the organization to which the certificate is issued changes, PIs do not need to arrange for issuance of a new certificate number. Changes in ownership that also involve changes in economic authority, operating authority, required operating personnel, or changes in the principal base of operations may require additional certification. Volume 3, Chapter 34, Section 2 contains FAA policy governing major changes to air carrier operating authority. For information related to changes of ownership of repair stations, see Volume 2, Chapter 11, Section 2; and refer to § 145.57.

C. **Notifications.**

1) Aviation Data Systems Branch (AFS-620) must receive notification from PIs at 9-AMC-AFS620-Certinfo@faa.gov when either of the following circumstances occurs:

   a) The name shown on the certificate changes, or

   b) The PI determines a new certificate number should be issued.

2) OpSpecs, manuals, and FAA records will need to be amended where necessary to show any new information.

3) PIs should be aware that Department of Transportation (DOT) regulations, at 14 CFR part 215, require the certificate holder to submit information about changes in ownership and other changes to DOT.
D. Changes in Ownership that are the Result of a Merger or Acquisition.

1) For air carriers operating under 14 CFR part 121, changes in ownership that are the result of a merger or acquisition of operational assets are governed by policy contained in Volume 3, Chapter 34, Section 1.

2) For air carriers operating under 14 CFR part 135:
   a) Changes in ownership that are the result of a merger or acquisition of a company will require the same considerations if the conditions in Volume 3, Chapter 34, Section 1, subparagraph 3-3591A1) exist.
   b) Absent the conditions listed in Volume 3, Chapter 34, Section 1, subparagraph 3-3591A1), and when neither major personnel changes nor changes in the capability or characteristics of an operation occur, the PI is not required to issue a new certificate number. However, the PI may elect to require a new certificate number if the PI determines safety in air commerce or the public interest require the amendment, pursuant to § 44709.

E. Verification of U.S. Citizenship. When a change of ownership occurs, the PI must ensure the certificate holder meets the requirements of § 119.33(a)(1) and (b)(1).

F. Partial Change of Certificate Number. There may be rare cases where AFS-620 elects not to change the entire certificate number. Instead, AFS-620 may leave the designator element intact, but change the numeric and alpha suffix code (e.g., a change from certificate number TWRA118A to TWRA119B). With partial certificate number changes, PIs must still update the Operating Certificate or the Air Carrier Certificate, and the appropriate certificate holder documents, to reflect the correct numeric and alpha suffix code. (See Volume 2, Chapter 1, Section 3 for more information on certificate number construction.)

G. Prepare the New Certificate. When the PI is ready to prepare the new certificate, contact AFS-620 via the email listed in subparagraph 3-3633C1) and AFS-620 will issue any new certificate number and update the database.

H. DOT Notification. Any operator required to have economic authority from the DOT must notify the DOT when there is a change in name or ownership. An air taxi operator must submit an amended Office of the Secretary of Transportation (OST) Form 4507, Air Taxi Operator Registration and Amendments Under Part 298 of the Regulations of the Department of Transportation, and file a new OST Form 6410, U.S. Air Carriers—Certificate of Insurance. These documents will be filed no later than 30 days after the change. The PI is not required to wait for DOT approval and may simultaneously issue a name change to the Operating Certificate and OpSpecs upon notification and verification of the DOT filing. (See Volume 2, Chapter 2, Section 2 for additional information relating to DOT economic authority.)

3-3634 REPLACEMENT OF A LOST OR DESTROYED CERTIFICATE. A lost or destroyed certificate may be replaced by the certificate-holding district office (CHDO) using the same information that was on the original certificate. The replacement certificate should have the word “Duplicate” annotated on the front of the certificate. A copy of the duplicate certificate should be retained in the CHDO’s files. In the case of a destroyed certificate, the operator must
send any remains of the certificate to the PI with a written request that the certificate be replaced and a sworn statement (i.e., Affidavit of Loss) describing why the replacement is being requested. The operator, agent for service, or a court-appointed individual authorized to act for the operator must sign the request and statement.

3-3635 SURRENDER OF A CERTIFICATE. The FAA’s regulations provide for the voluntary surrender of FAA-issued certificates for cancellation. Refer to, for example, 14 CFR part 61, § 61.27(a); part 63, § 63.15(c); part 65, § 65.15; § 119.61(a)(1); and § 145.55(a) and (b).

A. Voluntary Surrender. A PI/TCPM may request, but may not compel, operators to voluntarily surrender certificates. An operator may voluntarily surrender a certificate unless it is the subject of an enforcement investigation or enforcement action, as described in subparagraph 3-3635D). Refer to the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program, Chapter 5, paragraph 14(b), Surrender of FAA Certificate for Cancellation. To do so, the operator should send the certificate to the PI/TCPM with a written request that the certificate be canceled and a statement of why the certificate is being surrendered. The request must be signed by the operator, agent for service, or a court-appointed individual authorized to act for the operator.

B. Lost or Destroyed Certificates. This procedure also applies to certificates that have been lost or destroyed. Where the certificate has been lost or destroyed, the PI will obtain an Affidavit of Loss as described in paragraph 3-3634. The PI/TCPM will enter a brief statement of the circumstances surrounding the voluntary surrender of the certificate in the “Comments” section of the operator’s enhanced Vital Information Database (eVID). A certificate that has been surrendered should be retained at the CHDO along with a copy of the operator’s OpSpecs/TSpecs or equivalent (i.e., authorizations) and retained in accordance with FAA Order 1350.14, Records Management.

C. Reinstatement of Voluntarily Surrendered Certificate. A voluntarily surrendered certificate may not be reinstated. If the operator subsequently decides to reinstate operations, the operator must apply and qualify for a new certificate.

D. Surrendering an Operating Certificate in Lieu of an Enforcement Action. The PI/TCPM should be alert for indications that a certificate holder is attempting to avoid a certificate action through the voluntary surrender of a certificate, including whether the certificate holder is the subject of an enforcement investigation or enforcement action. Consequently, before determining whether to accept a certificate holder’s voluntary surrender of a certificate, the PI/TCPM must review actions in the Enforcement Information System (EIS) and other databases showing investigative or enforcement activity. If the EIS or any other database reveals that the certificate holder is the subject of an enforcement investigation or enforcement action, the PI/TCPM must refuse the certificate holder’s attempt to voluntarily surrender the certificate. If there is an ongoing investigation, it will continue, and enforcement action will be recommended if appropriate. Refer to Order 2150.3, chapter 5, paragraph 14, and appendix A for more information.

3-3636 ADVERSE ACTIONS. In accordance with § 13.19(b), the FAA may find it necessary to amend,suspend, or revoke all or part of a certificate without the operator’s concurrence. In
general, the PI should initiate an adverse action of this nature after an unsuccessful attempt has been made to negotiate with the operator concerning the voluntary amendment or surrender of the certificate. When an adverse action is appropriate, the Regional Flight Standards Division Manager (RFSDM) and the Assistant Chief Counsel for Enforcement (AGC-300) will confer and decide whether an order should be issued for the amendment, suspension, or revocation of the operator’s certificate. The PI must prepare the enforcement package in accordance with Volume 14 and Order 2150.3. The order to amend, suspend, or revoke a certificate should be a mutual decision between the PI, the RFSDM, and the Office of the Chief Counsel (AGC).

A. Emergency Actions. Where an emergency exists, the order that amends, suspends, or revokes the certificate may be made effective immediately.

B. Appeals. The operator may appeal an order amending, suspending, or revoking its certificate to the National Transportation Safety Board (NTSB). Should the operator elect to appeal a certificate action to the NTSB, the effective date of the order is stayed until the NTSB acts on the appeal, unless it is an emergency order.

3-3637 Suspension of a Certificate. To suspend a certificate, AGC will issue the operator an order of suspension. Information concerning the disposition of a suspended certificate can be found in Order 2150.3. Operators must forward suspended certificates to the address contained in the order suspending the certificate. When a certificate has been suspended, the operator’s eVID file should be amended to reflect the suspended status.

3-3638 Revocation of a Certificate. To revoke a certificate, AGC will issue the operator an order of revocation. Operators must forward revoked certificates to the address contained in the order revoking the certificate. Additionally, the operator’s eVID file should be amended to show that the certificate has been revoked and should contain a statement of the reasons for the action in the “Comments” section. Should revocation be appropriate, see paragraph 3-3636.

3-3639 Transportation Security Administration (TSA) Notification. Any time an operator’s certificate is amended, suspended, surrendered, or revoked, the CHDO will notify their TSA principal security inspector (PSI) at Charters-AirCargo-S@tsa.dhs.gov. Indicate the operator’s name, certificate number, type of change in the certificate, and the effective date of the change. It is important to make this notification in order for the PSI to secure all security-sensitive documents from the operator.

RESERVED. Paragraphs 3-3640 through 3-3655.