

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8900.133

National Policy

Effective Date:  
8/30/10

Cancellation Date:  
8/30/11

**SUBJ:** Safety Management Systems Update

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- 1. Purpose of This Notice.** This notice provides guidance for Federal Aviation Administration (FAA) Flight Standards Service (AFS) personnel on the status of, commitment to, and current direction of the AFS Safety Management System (SMS).
- 2. Audience.** The primary audience for this notice is FAA AFS personnel in the divisions and branches at headquarters, and personnel in the regions. This notice will affect offices that have direct responsibilities for developing policies and practices related to the oversight of the aviation industry.
- 3. Where You Can Find This Notice.** You can find this notice on the MyFAA Web site at [https://employees.faa.gov/tools\\_resources/orders\\_notices/](https://employees.faa.gov/tools_resources/orders_notices/). Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.av.s.faa.gov>. Operators and the public may find this information at: <http://fsims.faa.gov>.
- 4. Background.** The International Civil Aviation Organization (ICAO) Annex 6, Part 1 titled, International Commercial Air Transport—Aeroplanes, required that by January 1, 2009 “States shall require, as part of their safety programme, that an operator implement a safety management system acceptable to the State of the Operator.”

  - a. Specific SMS Requirements.** ICAO’s, Annex 6, Amendment 33, requires “...from November 18, 2010...that an operator implement [and maintain] a safety management system...[in accordance with the ICAO SMS] Framework contained in appendix 7.” This requirement adds SMS specifics to the January 2009 requirement in the form of four components and 12 elements. FAA SMS guidance material was revised to incorporate these changes. Interim information is located at: <http://www.faa.gov/about/initiatives/sms/>.
  - b. FAA Response to ICAO SMS Requirements.** The FAA filed a “difference” with ICAO detailing that it is not currently in full compliance with the ICAO requirement, but is considering SMS rulemaking. The FAA’s difference was neither a deviation nor an exemption, but a notification to ICAO member states of the inability to meet the January 1, 2009 deadline. In our statement of difference, we explained that our rulemaking process requires thorough analysis and stakeholder input and therefore requires more time to complete regulatory action.

(1) After considering a nation's difference, ICAO member states decide whether to honor a difference on the part of an international operator who enters and operates within their airspace. The AFS SMS Program Office is working with numerous foreign aviation agencies—both individually and as part of the Safety Management International Collaboration Group—to mitigate instances where carriers are denied entry or operation in a foreign state's airspace.

(2) The FAA was assured that, currently, Transport Canada and the European Aviation Safety Agency (EASA), or any of their member States, do not intend to restrict operations within their airspace due to noncompliance with ICAO SMS requirements. In paragraph 5b, this notice discusses denial of entry due to lack of a flight data analysis program, (i.e., FAA flight operational quality assurance (FOQA)).

**c. No Formal SMS Rule.** The FAA does not have a formal SMS rule; however, many aviation service providers are joining the FAA's SMS Pilot Project, or electing to voluntarily implement an SMS within their organization. With a growing number of aviation service providers in various levels of the pilot project, there have been questions regarding the approval or acceptance of SMS documentation and questions about operations within ICAO member states' airspace.

**Note:** AFS does not have an authorized procedure for approving or accepting a service provider's SMS; however, participants in the pilot project receive a letter of acknowledgement from the AFS director for their voluntary development of an SMS.

## 5. Guidance.

**a. Approving/Accepting Manuals.** Principal inspectors (PI) have raised concerns about approving or accepting manuals that have references to an aviation service provider's SMS. The FAA has no procedures to approve an aviation service provider's SMS. FAA oversight organizations (certificate management teams, Flight Standards District Offices, etc.) and the AFS SMS Program Office are not authorized to approve or accept SMS programs.

(1) There are two types of manuals PIs may have to review:

(a) **Internal Company SMS Manuals.** Do not formally accept or approve company SMS manuals; with regard to the FAA, they are for information only.

(b) **General Company Manuals** (General Operations Manual, General Maintenance Manual, etc.). References to the aviation service provider's internal SMS may be included within the policies, processes, and procedures detailed in company manuals. If an operator desires to include SMS material or content into its accepted or approved company manuals, the SMS Program Office recommends the following clarifying statement be placed in either the signature stamp, and/or approval/acceptance letters. The SMS Program Office requests the service provider put the statement on the front cover of the subject manual:

“[Approval/Acceptance] of this [manual/document/procedure] does not constitute approval or acceptance of any part, process, element or component of [the organization's] SMS.”

(2) Modify the above verbiage to account for approval or acceptance and the type of document under review. It may be necessary to edit previous approvals or acceptances to include this statement. The above language is a means of acknowledging the inclusion of an operator's SMS policy, processes, and procedures within the manual under review, while clarifying that approval/acceptance of the manual does not constitute approval/acceptance of the SMS components or elements.

**b. Denied Entry Into Foreign Airspace.** Another concern both FAA inspectors and service providers have is based upon reports of air carriers being denied entry into various international airports and/or airspace due to the lack of an approved SMS. Analysis of the incidents revealed that the concern was not due to lack of an SMS, but rather the lack of a flight data analysis program, or, as it is called in the United States, a FOQA program.

(1) A flight data analysis program has been an ICAO requirement since 2005. The FAA has maintained the FOQA program as a voluntary program and manages it with Advisory Circular (AC) 120-82, Flight Operational Quality Assurance Voluntary Safety Program.

(2) While this requirement for a flight data analysis program has not been enforced previously by ICAO member nations, we have recently been made aware of at least four instances where the lack of a flight data analysis program has resulted in denial of airspace entry.

(3) The issues primarily involved larger turbojet aircraft such as Gulfstreams, Falcons and Challengers, etc. and revolve around ICAO Annex 6, Part 1, International Commercial Air Transport—Aeroplanes, Amendment 33, which states:

“An operator of an aeroplane of a certificated take-off mass in excess of 20,000 kg (44,093 lb) should establish and maintain a flight data analysis program as part of its safety management system.” (This is a recommendation in Chapter 3, Item 3.3.6.)

“An operator of an aeroplane of a maximum certificated take-off mass in excess of 27,000 kg (59,525 lb) shall establish and maintain a flight data analysis program as part of its safety management system.” (This is a requirement in Chapter 3, Item 3.3.7.)

(4) The maximum certified takeoff weight is the qualifier for flight data analysis program requirements. Service providers should query any findings by a foreign agency inspector, with respect to the lack of flight data analysis equipment or program, to ascertain the specifics based upon their maximum certified takeoff weight.

**6. Disposition.** We will permanently incorporate the information in this notice in FSIMS before this notice expires. Direct questions concerning this notice to the AFS SMS Program Office Manager, Dr. Don Arendt, at 703-661-0516.

ORIGINAL SIGNED BY

John W. McGraw for

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Director, Flight Standards Service